

北京市法规规章汇编

(1949—2020)

REGULATIONS AND RULES OF BEIJING



北京市法规规章汇编

Regulations and Rules of Beijing

(1949—2020)

政治建设

Political Construction

北京市司法局编

Compiled by Beijing Municipal Bureau of Justice

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Regulations and Rules of Beijing

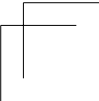
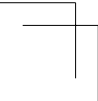
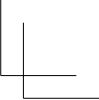
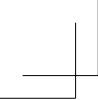
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《北京市法规规章汇编（1949—2020）》

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编辑说明

建国以来，北京市的立法工作取得了丰硕成果。市人大常委会、市人民政府根据全国人大及其常委会、国务院制定的法律和行政法规，结合本市经济社会发展实际，制定了大量的地方性法规和地方政府规章，并结合改革发展的新形势、新要求定期进行清理，逐步形成了符合法制统一原则、充分体现首都特色的法规规章体系。

本汇编收录 1949 年 10 月 1 日至 2020 年 12 月 31 日北京市制定的有关政治建设全部现行有效地方性法规和政府规章共计 52 件。

为方便读者查阅，本汇编采取了以下编纂体例：

1. 本汇编收录的是与政治建设相关的地方性法规和政府规章；
2. 在各个大类中，按照法规规章涉及的具体领域、制定或者实施部门等，将其分为 11 个小类；
3. 每一小类中的法规规章，均按照发布日期排列，发布日期相同的按照法规在前、规章在后的顺序排列。

本汇编所收法规、规章的英文译本与中文文本有歧义的，以中文文本为准。

北京市司法局

2021 年 2 月

Editor's Notes

Substantial achievements have been made in the legislation work of Beijing Municipality since the founding of the People's Republic of China. In accordance with the laws and administrative regulations formulated by the National People's Congress and its Standing Committee as well as the State Council, the Standing Committee of Beijing Municipal People's Congress and the Beijing Municipal People's Government have formulated a large amount of local regulations and government rules in light of the economic and social development in this Municipality, have sorted out these local regulations and government rules at regular intervals in light of new circumstances and requirements of reform and development, and have gradually established a framework of local regulations and government rules with characteristics of the capital according to the principle of unified legal system.

This collection gathers together 52 sets of currently effective local regulations and government rules of this Municipality on political construction which are formulated between October 1, 1949 and December 31, 2020.

For the convenience of the readers, this collection adopts the following compilation style:

1. Local regulations and government rules in this collection are divided into one category: Political Construction;
2. Local regulations and government rules in the category are then divided into 11 sub-categories according to specific fields or enacting or implementing authorities;
3. Local regulations and government rules in each sub-category are listed according to their dates of promulgation, and regulations are listed before rules with the same dates of promulgation.

Where any discrepancy arises between English translation and the original Chinese version, the Chinese version shall prevail.

Beijing Municipal Bureau of Justice
February 2021

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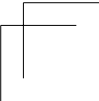
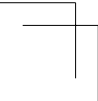
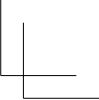
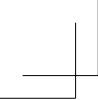
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一、政治建设

I. Political Construction

（一）选举、代表

北京市区、乡、民族乡、镇 人民代表大会代表选举实施细则

（1984年2月22日北京市第八届人民代表大会常务委员会第九次会议通过 根据1986年12月26日北京市第八届人民代表大会常务委员会第三十三次会议通过的《关于区县乡镇人民代表大会换届选举工作若干问题的决定》修正 根据1993年7月26日北京市第十届人民代表大会常务委员会第四次会议通过的《关于区县乡镇人民代表大会换届选举若干问题的决定》修正 1998年7月31日北京市第十一届人民代表大会常务委员会第四次会议修订 2003年9月5日北京市第十二届人民代表大会常务委员会第六次会议修正 2005年5月20日北京市第十二届人民代表大会常务委员会第二十次会议修正 根据2011年5月27日北京市第十三届人民代表大会常务委员会第二十五次会议通过的《关于修改〈北京市区、县、乡、民族乡、镇人民代表大会代表选举实施细则〉的决定》修正 根据2016年3月24日北京市第十四届人民代表大会常务委员会第二十六次会议通过的《关于修改〈北京市区、县、乡、民族乡、镇人民代表大会代表选举实施细则〉的决定》修正）

目 录

第一章 总 则

第二章 选举机构

i. Election, Representation

Municipal Rules for Implementing the Election of Deputies to the District, Township, Ethnic Township and Town People's Congresses

(Adopted at the Ninth Meeting of the Standing Committee of the Eighth People's Congress of Beijing Municipality on February 22, 1984; amended in accordance with the Decisions on Several Issues Concerning the Election of the People's Congresses at the Level of District, County Township or Town adopted at the 33rd Meeting of the Standing Committee of the Eighth People's Congress of Beijing Municipality on December 26, 1986; amended in accordance with the Decisions on Several Issues Concerning the Election of People's Congresses at the Level of District' County, Township or Town adopted at the Fourth Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on July 26, 1993; revised at the Fourth Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on July 31, 1998, amended at the Sixth Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on September 5, 2003; amended at the 20th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on May 20, 2005; amended in accordance with the Decisions on Revising the Implementing Rules of Beijing Municipality on Election of Deputies to the People's Congresses at the Level of District, County, Township, Nationality Township or Town adopted at the 25th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on May 27, 2011; and amended in accordance with the Decision of the BMPC Standing Committee on Revising the Municipal Regulation on the Organization of Township, Ethnic Township and Town People's Congresses adopted at the 26th session of the 14th BMPC Standing Committee on March 24, 2016)

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第六章 代表候选人的提出

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第八章 代表的补选

第九章 对破坏选举的制裁

第十章 附 则

第一章 总 则

第一条 根据《中华人民共和国全国人民代表大会和地方各级人民代表大会选举法》（以下简称《选举法》）和《全国人民代表大会常务委员会关于县级以下人民代表大会代表直接选举的若干规定》，结合本市具体情况，制定本实施细则。

第二条 选举区、乡、民族乡、镇人民代表大会代表，必须充分发扬社会主义民主，严格依法办事，以保障选民当家作主，行使选举权利。

第三条 区、乡、民族乡、镇人民代表大会代表，由选民直接选举产生，每届任期五年。

第四条 年满十八周岁的公民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权。

依照法律被剥夺政治权利的人没有选举权和被选举权。

第五条 每一选民在一次选举中只有一个投票权。

第六条 区、乡、民族乡、镇人民代表大会代表应当具有广泛的代表性，应当有适当数量的基层代表，特别是工人、农民和知识分子代表；应当有适当数量的妇女代表，并逐步提高妇女代表的比例；在归侨人数较多的地区，应当有适当名额的归侨代表。

第七条 少数民族的选举按照《选举法》有关规定办理。

第八条 驻京人民解放军按照《中国人民解放军选举全国人民代表大会和县级以上

| | |
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Chapter I General Provisions

Article 1 These Implementing Rules are formulated in accordance with the Electoral Law of the People's Republic of China on the National People's Congress and Local People's Congresses (hereinafter referred to as the Electoral Law) and the Several Provisions of the Standing Committee of the National People's Congress on Direct Election of Deputies to the People's Congresses at or below the County Level and in light of the actual circumstances of this Municipality.

Article 2 In the election of deputies to the people's congresses at the level of district, township, nationality township or town, the socialist democracy shall be brought into full play and laws shall be strictly abided by so as to ensure that the voters act as the masters and exercise their voting right.

Article 3 The deputies to the people's congresses at the level of district, township, nationality township or town shall be elected directly by the voters and each term of office of the deputies shall be five years.

Article 4 All citizens who have reached the age of 18 shall have the right to vote and stand for election, regardless of ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence.

Persons who have been deprived of political rights according to law shall not have the right to vote and stand for election.

Article 5 Each voter shall have the right to vote only once in an election.

Article 6 The deputies to the people's congresses at the level of district, township, nationality township or town shall be broadly representative and comprise an appropriate number of grass-roots deputies, especially workers, farmers, and intellectual deputies; there shall be an appropriate number of women deputies and the proportion thereof shall be raised gradually; and there shall be an appropriate number of deputies who are returned overseas Chinese in the area with a relatively large number of returned overseas Chinese.

Article 7 The elections among minority nationalities shall be carried out in accordance with the relevant provisions of the Electoral Law.

Article 8 The People's Liberation Army stationed in Beijing shall elect their deputies to the people's congresses at the level of district in their localities accordance with the Measures for Election of Deputies from the Chinese People's Liberation Army to the

地方各级人民代表大会代表的办法》选举所在区人民代表大会的代表。

第九条 选举经费列入财政预算，由国库开支，保证选举工作的需要。

第二章 选举机构

第十条 市人民代表大会常务委员会指导本市区、乡、民族乡、镇人民代表大会代表的选举工作。经市人民代表大会常务委员会决定，在代表选举期间设立市选举工作办公室，办理指导选举工作的有关事宜。

第十一条 区、乡、民族乡、镇选举本级人民代表大会代表时，设立选举委员会，主持本级人民代表大会代表的选举。选举委员会受区人民代表大会常务委员会的领导。

选举委员会的主任、副主任和委员由区人民代表大会常务委员会任命。选举委员会的主任、副主任和委员为代表候选人的，应当辞去选举委员会的职务。

第十二条 选举委员会的职责是：

- （一）划分选举本级人民代表大会代表的选区，分配各选区应选代表的名额；
- （二）进行选民登记，审查选民资格，公布选民名单，发选民证；受理对于选民名单不同意见的申诉，并作出决定；
- （三）确定投票选举日期；
- （四）了解核实并组织介绍代表候选人的情况，汇总公布代表候选人名单；根据较多数选民的意见，确定和公布正式代表候选人名单；
- （五）主持投票选举；
- （六）确定选举结果是否有效，公布当选代表名单，发给代表当选通知书；
- （七）法律规定的其他职责。

选举委员会应当及时公布选举信息。

第十三条 选举委员会设立办公室，办理选举的具体事务。

National People's Congress and Local People's Congresses at or above the County Level.

Article 9 The expenses for election shall be included in the fiscal budgets and borne by the National Treasury so as to meet the needs of election.

Chapter II Electoral Institutions

Article 10 The Standing Committee of the Municipal People's Congress shall carry out guidance to the election of deputies to the people's congresses at the level of district, township, nationality township or town in this Municipality. Upon decision by the Standing Committee of the Municipal People's Congress, the Municipal Election Office shall be set up during the period for election of deputies to deal with relevant matters in the guidance of election.

Article 11 When the deputies to the people's congresses at the corresponding levels are elected in districts, counties, townships, nationality townships and towns, the election committees shall be set up to preside over the election of deputies to the people's congresses at the corresponding levels. The election committees shall be under the leadership of the standing committees of the people's congresses at the level of district.

The chairmen, vice-chairmen and members of the election committees shall be appointed by the standing committees of the people's congresses at the level of district. Where the chairmen, vice-chairmen or members of the election committees are candidates for deputies, they shall resign from their positions in the election committees.

Article 12 The duties of election committees shall be as follows:

(1) to zone the electoral districts for election of the deputies to the people's congresses at the corresponding levels and allocate the number of deputies to be elected for each electoral district;

(2) to carry out the registration of voters, examine the qualifications of voters, make public the list of voters, issue voter registration cards, accept, appeals of objection to the list of voters and make decisions;

(3) to fix the date of polling and election;

(4) to get to know, verify and organize the briefing of candidates for deputies, collect, and make public the list of candidates for deputies; and determine and make public the list of official candidates for deputies based on the opinions of the majority of voters;

(5) to preside over the polling and election;

(6) to determine whether or not the results of election are valid, make public the list of the elected deputies and send the election notices to the deputies; and

(7) other duties stipulated by laws.

The election committees shall timely make public the information of election.

Article 13 The election committees shall set up offices to handle the specific affairs concerning election.

第十四条 区选举委员会按照区人民政府派出机关和乡、民族乡、镇的管辖范围，设立选举委员会分会。

划分为几个选区的较大单位，以及可以单独组织选举的行业或者系统，根据实际情况，也可以设立选举委员会分会。

选举委员会分会的职责由选举委员会确定。

选举委员会分会的主任、副主任和委员，由选举委员会任命。

第十五条 选区设立选区工作组，在选举委员会或者选举委员会分会的领导下，办理本选区的选举事务。

选区工作组的组长、副组长，由选举委员会任命；经选举委员会授权，也可以由选举委员会分会任命。

第十六条 选区工作组的职责是：

- （一）宣传有关选举的法律、法规和政策规定；
- （二）办理选民登记和选民名单核对；
- （三）组织选民推荐、协商代表候选人；
- （四）协助了解核实和组织介绍代表候选人的情况；
- （五）安排投票选举事务；
- （六）办理选举委员会或者选举委员会分会交办的其他事项。

第十七条 选区内的机关、团体、企业事业单位和其他组织，应当积极主动协助做好选举工作，并确定专人配合做好有关工作。

第十八条 选区可以按照便于召开会议和讨论协商问题的原则，划分若干选民小组，由本组选民推选正、副组长，主持选民小组会议。

第三章 代表名额的确定和分配

第十九条 区、乡、民族乡、镇人民代表大会代表的名额，依照《选举法》确定：

Article 14 The election committees at the district level shall, in accordance with the jurisdiction of dispatched agencies of the people's governments at the district level and that of townships, nationality townships or towns, set up branches of election committees.

The branches of election committees may also be set up, based on the actual circumstances, in larger units that can be divided into several electoral districts as well as the industries or systems that can organize the election separately.

The duties of branches of election committees shall be determined by the election committees.

The directors' deputy directors and members of the branches of election committees shall be appointed by the election committees.

Article 15 A working group shall be set up in an electoral district to handle the affairs concerning election in each electoral district under the leadership of the election committee or branch of the election committee.

The director and deputy director of the working group of the electoral district shall be appointed by the election committee, and may also be appointed by the branch of the election committee upon authorization of the election committee.

Article 16 The duties of the working groups shall be as follows:

- (1) to publicize the provisions of laws, regulations and policies concerning election;
- (2) to handle registration of voters and checkup of the list of voters;
- (3) to organize the voters to recommend or consult about candidates for deputies;
to offer assistance in getting to know, verifying and organizing the briefing of candidates for deputies;
- (4) to arrange the affairs concerning polling and election;
- (5) to handle other affairs assigned by the election committees or branches of the election committee; and
- (6) handle other matters assigned by the Election Commission or its branch.

Article 17 The organs, groups, enterprises, institutions and other organizations in the electoral districts shall actively and proactively offer assistance to election, and designate special personnel to render cooperation in the relevant work.

Article 18 In accordance with the principle of providing conveniences to convening meetings and conducting discussion and consultation, an electoral district may be divided into several voter groups, whose directors and deputy directors shall be elected by the group members to preside over the voter group meetings.

Chapter III Determination and Allocation of the Number of Deputies

Article 19 The number of deputies to the people's congresses at the level of district, township, nationality township or town shall be determined in accordance with the Electoral

（一）区的代表名额基数为一百二十名，每五千人可以增加一名代表；人口超过一百六十五万的，代表总名额不得超过四百五十名；

（二）乡、民族乡、镇的代表名额基数为四十名，每一千五百人可以增加一名代表；但是，代表总名额不得超过一百六十名；人口不足二千的乡、民族乡、镇的代表总名额可以少于四十名。

按照前款规定的代表名额基数与按人口数增加的代表数相加，即为区、乡、民族乡、镇人民代表大会的代表总名额。

聚居的少数民族多或者人口居住分散的区、乡、民族乡，经市人民代表大会常务委员会决定，代表名额可以另加百分之五。

第二十条 区的人民代表大会代表的具体名额，由市人民代表大会常务委员会依照《选举法》确定，报全国人民代表大会常务委员会备案。乡、民族乡、镇的人民代表大会代表的具体名额，由区人民代表大会常务委员会依照《选举法》确定，报市人民代表大会常务委员会备案。

第二十一条 区、乡、民族乡、镇人民代表大会的代表总名额经确定后，不再变动。如果由于行政区划变动或者重大工程建设等原因造成人口较大变动的，代表总名额依照《选举法》的规定重新确定。

第二十二条 区、乡、民族乡、镇人民代表大会代表名额，由本级选举委员会根据各选区的人口数，按照每一代表所代表的城乡人口数相同的原则，以及保证各地区、各民族、各方面都有适当数量的代表的要求进行分配。

第二十三条 区行政区域内，中央、市属企业事业单位职工人数在总人口中所占比例较大的，由中央、市属企业事业单位组成的单独选区或者联合选区选举产生的每一代表所代表的人口数，可以适当多于所在区每一代表所代表的人口数。

第二十四条 驻区人民解放军应选区人民代表大会代表的名额，由区人民代表大会常务委员会决定。

Law:

(1)the base number of deputies in each district is 120, one more deputy may be added for every 5,000 people, however, if the population of the district or exceeds 1,650,000, the total number of its deputies shall not exceed 450;and

(2)the base number of deputies in each township, nationality township or town is 40; one more deputy may be added for every 1,500 people; however, the total number of deputies shall not exceed 160; and if the population of a township, nationality township or town less than 2,000, the total number of its deputies may be less than forty.

The base number of deputies plus the number of deputies added according to the size of population as stipulated by the preceding paragraph shall be the total number of deputies to the people's congresses at the level of district, township, nationality township or town.

The number of deputies to the people's congress of, township or nationality township where many minority nationalities live in concentrated communities. Or people live in scattered groups may, upon decision by the Standing Committee of the Municipal People's Congress, be added by five percent of the total.

Article 20 The specific number of deputies to the people's congresses at the district level shall be determined by the Standing Committee of the Municipal people's Congress in accordance with the Electoral Law and reported to the Standing Committee of the National People's Congress for the record. The specific number of deputies to the people's congresses at the township, nationality township or town level shall be determined by the standing committees of the people's congresses at the district level in accordance with the Electoral Law and reported to the Standing Committee of the Municipal People's Congress for the record.

Article 21 The total number of deputies to the people's congresses of districts, townships, nationality townships and towns shall not be changed after being determined. If the population changes greatly due to changes in administrative divisions or major construction projects, the total number of deputies shall be determined again in accordance with the provisions of the Election Law.

Article 22 The number of deputies to the people's congresses at the level of district, township, nationality township or town shall be allocated by the election committees at the corresponding levels based on the population of each electoral district, according to the principle that the number of urban or rural population represented by each deputy is equal and the requirement that there are appropriate number of deputies from all regions, nationalities and circles.

Article 23 Within the administrative area of a district or, where the number of workers and staff members of central or municipal enterprises or institutions occupies a larger proportion of the total population, the population represented by a deputy elected in the independent or allied electoral district composed by the central or municipal enterprises or public institutions may be properly larger than the population represented by each deputy in the district where they locate.

第四章 选区划分

第二十五条 选区的划分，应当便于选民参加选举活动和选举的组织工作，便于选民了解代表，以及便于代表联系选民和接受选民的监督。

第二十六条 选区的大小，按照每一选区选一名至三名代表划分。

本行政区域内各选区每一代表所代表的人口数应当大体相等。

第二十七条 选区可以按居住状况划分，也可以按生产单位、事业单位、工作单位划分。

生产单位、事业单位、工作单位的选民人数能够划为一个选区的，可以划为单一选区；人数过多的，可以划为几个选区；人数不足以划一个选区的，可以与邻近的单位划为联合选区，也可以与附近居民、村民划为混合选区。

第二十八条 驻在乡、民族乡、镇行政区域内的区属单位的职工，应当参加乡、民族乡、镇人民代表大会代表的选举；中央、市属单位的职工，可以只参加区人民代表大会代表的选举，不参加乡、民族乡、镇人民代表大会代表的选举，如需要参加，由乡、民族乡、镇选举委员会同有关单位协商决定。

第五章 选民登记

第二十九条 选民按选区登记或者进行选民名单核对。

选区设立选民登记站，办理选民的登记和选民名单的核对工作。

每次选举前，上次选民登记后年满十八周岁的、被剥夺政治权利期满后恢复政治权利的选民到登记站进行登记；已经登记过的选民经核对确认后，列入本次选举的选民名单；选民登记后迁出原选区的，由新迁入的选区核对确认后列入新迁入选区选民名单；对死亡的和依照法律被剥夺政治权利的人，从选民名单上除名。

Article 24 The number of deputies to be elected to the people's congresses at the district level by the People's Liberation Army that are stationed in the districts shall be determined by the standing committees of the people's congresses at the district level.

Chapter IV Zoning of Electoral Districts

Article 25 The zoning of electoral districts shall facilitate the voters to take part in election, facilitate the organization of election, facilitate the voters to get to know the deputies, and facilitate the deputies to contact with the voters and accept supervision from the voters.

Article 26 The size of an electoral district shall be determined in accordance with the principle that one to three deputies are to be elected in one electoral district.

The amount of population represented by each deputy in all electoral districts in the same administrative area shall be generally the same.

Article 27 The zoning of electoral districts may be decided according to the voters; residence or on the basis of production units, public institutions and work units.

Where the voters of a production unit, institution or work unit can be included in one electoral district³ they may be zoned into one electoral district; where the voters are too many, they may be zoned into several electoral districts; where the voters are not enough to form an electoral district, they may be united with the adjacent units to form an allied electoral district, or be zoned into a mixed electoral district with the adjacent residents or villagers.

Article 28 The workers and staff members of district units that are stationed in the administrative areas of townships, nationality townships or towns shall take part in the election of deputies to the people's congresses at the township, nationality township or town level; the workers and staff members of central or municipal units may only take part in the election of deputies to the people's congresses at the district level instead of taking part in the election of deputies to the people's congresses at the township, nationality township or town level, if it is necessary for them to take part in, the election committees of the townships, nationality townships or towns shall consult with relevant units for settlement.

Chapter V Registration of Voters

Article 29 The registration of voters or checkup of the lists of voters shall be conducted on the basis of electoral districts.

The registration stations shall be set up in electoral districts to handle the registration of voters and checkup of the lists of voters.

Prior to each election, the voters who have reached the age of 18 since the last registration of voters or who have had their political rights restored after a period of deprivation of political rights has expired shall go to the registration stations for registration the registered voters shall be included in the list of voters for the coming election after

年满十八周岁选民年龄的计算，以所在地区的选举日为标准。

第三十条 在本市有正式户口的选民，按下列办法登记：

（一）居民、村民在户口所在地登记，户口所在地与现居住地不一致的，经确认选民资格，可以在现居住地登记；

（二）机关、团体、企业事业单位职工在本单位登记；

（三）离休、退休人员一般在户口所在地登记，如本人要求，也可以回原工作单位登记；

（四）在校学生在本校登记。

驻京人民武装警察部队参加所在区的选举，人员在本部队登记。

选民名单公布后至投票选举日前，正式户口迁入本市和恢复政治权利的人员，按上述规定补办登记手续。

选民已经迁出本市，但是没有转出户口的，可以发给选民资格证明，在现居住地参加选举。

机关、团体、企业事业单位应当主动与所在选区联系选民登记事宜，并及时将选民名单送到选区工作组。

第三十一条 户口在外省市现居住在本市的人员，一般应当在户口所在地参加选举，不能回户口所在地参加选举的，由本人提供户口所在地出具的选民资格证明，也可以在现居住地进行登记。

第三十二条 原籍在本市或者出国前在本市居住的旅居国外的中华人民共和国公民，选举期间在本市的，可以参加本市的选举。

第三十三条 不能行使选举权利的精神病患者和其他无行为能力的人，经选举委员会确认，不列入选民名单。

第三十四条 因危害国家安全或者其他严重刑事犯罪案被羁押，正在受侦查、起诉、审判的人，经人民检察院或者人民法院决定，在被羁押期间停止行使选举权利。

checkup and confirmation; where the voters who have moved out of the electoral districts where they are originally registered shall be included in the list of voters in the electoral districts to which they have newly moved after checkup and confirmation by the electoral districts to which they have newly moved; those who are deceased or have been deprived of political rights according to law shall be removed from the list of voters.

The age of any voter who has reached the age of 18 shall be calculated in accordance with the date of election of the local region.

Article 30 The voters who have registered permanent residences in this Municipality shall be registered in accordance with the following measures:

(1) the residents and villagers shall be registered in their registered permanent residences, where their registered permanent residences are not consistent with their current residences, they may be registered in their current residences upon confirmation of their qualifications as voters;

(2) the workers and staff members of organs, organizations, enterprises and institutions shall be registered in their units;

(3) the retirees shall be registered in their registered permanent residences in general; upon request of the principal, they may also be registered in their original work units; or

(4) the students shall be registered in their schools.

The people's armed police forces stationed in Beijing shall take part in the election of the districts or counties where they live, and they shall be registered in their armies.

Any person who moves his official registered permanent residence into this Municipality or has his political rights restored during the period between the publication of the list of voters and the date of election shall go through the registration formalities again in accordance with the above provisions.

Any voter who has moved out of this Municipality but his registered permanent residence has not been changed may be given a qualification certificate of voter to take part in election of his current residence.

Organs, organizations, enterprises and institutions shall initiatively contact with the local electoral districts to handle the affairs concerning registration of voters and send the list of voters to the working groups of the electoral districts timely.

Article 31 The determination of the number and election of the deputies to the township, ethnic township and town people's congresses shall be subject to provisions of the Election Law of the People's Republic of China for the National People's Congress and Local People's Congresses at All Levels and of the Municipal Rules for Implementing the Election of Deputies to the District, Township, Ethnic Township and Town People's Congresses.

Article 32 A citizen of the People's Republic of China residing abroad whose ancestral home is in this Municipality or who resided in this Municipality before going abroad may take part in election of this Municipality if he is in this Municipality during the election.

Article 33 The persons who suffer from mental illness and are incapable of exercising their voting rights and other persons without the capacity for act shall' upon determination of the election committees, not be included in the list of voters.

第三十五条 下列人员准予行使选举权利：

- （一）被判处有期徒刑缓刑、拘役或者管制而没有附加剥夺政治权利的；
- （二）正在取保候审或者被监视居住的；
- （三）正在受拘留处罚的；
- （四）被判处有期徒刑而没有附加剥夺政治权利的；
- （五）被羁押，正在受侦查、起诉、审判，人民检察院或者人民法院没有决定停止行使选举权利的。

（一）至（三）项所列人员，现有工作单位的，在工作单位进行选民登记，参加选举；没有工作单位的，在户口所在地进行选民登记，参加选举。被判处拘役或者正在受拘留处罚的人，经选举委员会和执行机关决定，可以在流动票箱投票，也可以委托有选举权的亲属或者其他选民代为投票。

（四）、（五）项所列人员，由监狱、看守所分别负责审查，并发给选民权利证明，一般由本人将选民权利证明和委托书寄交户口所在地选区有选举权的亲属或者其他选民，委托其到选区登记，代为投票。

第三十六条 选民登记和选民名单核对工作结束后，由选举委员会在投票选举日的二十日以前公布选民名单，公布投票选举日期和地点。

选民对于公布的选民名单有不同意见，可以在选民名单公布之日起五日内向选举委员会提出申诉。选举委员会对申诉意见，应当在三日内作出处理决定。申诉人如果对处理决定不服，可以在投票选举日的五日以前向区人民法院起诉，人民法院应当在投票选举日以前作出判决。人民法院的判决为最后决定。

第六章 代表候选人的提出

第三十七条 代表候选人按选区提名产生。凡本区或本乡、民族乡、镇的选民都可以被提名为本区或本乡、民族乡、镇人民代表大会代表候选人。

Article 34 A person who is detained subject to investigation, prosecution or trial because of endangering national security or other severe criminal offenses shall cease to exercise his voting right during the period of detention upon decision by the people's procuratorate or people's court.

Article 35 The following persons shall be permitted to exercise their voting rights;

(1) those who are sentenced to probation for fixed-term imprisonment, criminal detention or criminal surveillance without being deprived of political rights;

(2) those who are awaiting trial with restricted liberty of moving upon bail or under surveillance in their residences;

(3) those who are subject, to the penalty of detention;

(4) those who are sentenced to fixed-term imprisonment without being deprived of political rights; and

(5) those who are detained subject to investigation, prosecution or trial without being decided by the people's procuratorates or people's court to cease to exercise their voting right.

The persons listed in Item (1) to (3) who currently have work units shall be registered in their work units to take part in the election; where they have no work units, they shall be registered in their registered permanent residences to take part in the election. The persons who are sentenced to criminal detention or subject to the penalty of detention may vote in the mobile ballot boxes or entrust their relatives with voting right or other voters to vote on their behaviors upon decision by the election committees and execution organs.

With respect to people listed in Item (4) to (5), they shall have their eligibility checked and handed the certificate of voters' rights by the prison and detention house respectively. Generally speaking, they shall then mail their certificates of voters' rights as well as their letters of attorney to their relatives or other voters who have the right to vote and belong to the electoral district where they are registered as permanent residents to entrust the latter to register them as voters and vote on their behalf.

Article 36 Upon the completion of registration of voters and checkup of the list of voters, the election committees shall make public the list of voters and the date and place of polling and election twenty days prior to the date of polling and election.

Any voter who has an objection to the list of voters may appeal to the election committee within five days as of the date of publication of the list of voters. The election committee shall make a decision on the appeal within three days. If the appellant is not satisfied with the decision, he may bring a suit in the people's court at the district level at least five days prior to the date of polling and election, and the people's court shall make a judgment before the date of polling and election. The judgment of the people's court shall be final.

Chapter VI Nomination of Candidates for Deputies

Article 37 The candidates for deputies shall be nominated on the basis of electoral districts. Any voter in his own district, township, nationality township or town may be nominated as a candidate for deputies to the people's congress of his own district, township,

第三十八条 代表候选人按下列办法提名：

（一）各政党、各人民团体，可以联合或者单独推荐代表候选人，并由选举委员会介绍到选区。各政党、各人民团体联合或者单独推荐区人民代表大会代表候选人的名额总数，一般不超过应选代表总名额的百分之二十；推荐乡、民族乡、镇人民代表大会代表候选人的名额总数，一般不超过应选代表总名额的百分之十五。

（二）选民十人以上联名，可以推荐代表候选人。

各政党、各人民团体联合或者单独推荐的代表候选人的人数，每一选民参加联名推荐的代表候选人的人数，均不得超过本选区应选代表的名额。

推荐者应当向选举委员会介绍代表候选人的情况。接受推荐的代表候选人应当向选举委员会如实提供个人身份、简历等基本情况。提供的基本情况不实的，选举委员会应当向选民通报。

第三十九条 各选区对于合法提出的代表候选人都应当列入代表候选人名单，如实上报，不得隐瞒、调换或者增减，选举委员会汇总的代表候选人名单及代表候选人的基本情况，于投票选举日的十五日以前，按选区公布。

第四十条 选举委员会将代表候选人名单交各该选区的选民小组讨论、协商，确定正式代表候选人名单。如果所提代表候选人的人数超过本实施细则第四十二条规定的最高差额比例，由选举委员会交各该选区的选民小组讨论、协商，也可以先由选区工作组召集选民小组推选或者几个选民小组联合推选的选民代表进行民主协商后，再将协商意见交选民小组进行讨论、协商，根据较多数选民的意见，确定正式代表候选人名单；对正式代表候选人不能形成较为一致意见的，进行预选，根据预选时得票多少的顺序，确定正式代表候选人名单。正式代表候选人名单及代表候选人的基本情况应当在投票选举日的七日以前公布。

第四十一条 预选按选区进行，参加预选的选民人数不得少于该选区选民总数的三分之一；预选采用无记名投票的方式，可以召开选民大会或者以选民小组为单位进行投

nationality township or town.

Article 38 Deputies to the township, ethnic township and town people's congresses shall be nominated in accordance with the following measures:

(1) political parties or people's organizations may either jointly or separately recommend candidates for deputies and then the candidates shall be briefed to the electoral districts by the election committees. The total number of candidates for deputies to the people's congresses at the district level who are jointly or separately recommended by various political parties or people's organizations shall not exceed twenty percent of the total number of deputies to be elected in general the total number of recommended candidates for deputies to the people's congresses at the township, nationality township or town level shall not exceed fifteen percent of the total number of deputies to be elected in general.

(2) a joint group of more than ten voters may recommend candidates for deputies.

The number of candidates for deputies that are recommended jointly or separately by various political parties or people's organizations and the number of candidates for deputies jointly recommended by each voter shall not exceed the number of deputies to be elected in their respective electoral districts.

The recommenders shall brief the candidates for deputies to the election committees, the candidates for deputies who accept the recommendation shall truthfully provide their basic information such as identifications and resumes to the election committees. Where the provided basic information is not truthful, the election committees shall make notifications to the voters.

Article 39 All candidates for deputies legally nominated by each electoral district, shall be included in the lists of candidates for deputies which shall be truthfully reported and shall not be concealed' changed, added or subtracted. The list of candidates for deputies and basic information of candidates for deputies summarized by the election committees shall be made public 15 days prior to the date of polling and election according to electoral districts.

Article 40 The election committees shall submit the list of candidates for deputies to the voter groups of the candidates' electoral district to determine the list of formal candidates for deputies through discussion and consultation. Whenever the number of nominated candidates for deputies exceeds the maximum percentage for competitive election as specified in Article 42 of these Implementing Rules' the election committees shall submit the list to the voter groups of the candidates' electoral district for discussion and consultation, or the working groups of electoral districts may also call the voter representatives recommended by one or jointly recommended by some electoral groups to carry out democratic consultation, and then submit the opinions of consultation to the voter groups for discussion and consultation and determine the list of formal candidates for deputies according to the opinions of the majority of voters; if a relative consensus cannot be reached on the formal candidates for deputies, a preliminary election shall be conducted and the list of formal candidates for deputies shall be determined by the order of the number of votes that the nominees have obtained in the preliminary election. The list of formal candidates for deputies and basic information of candidates for deputies shall be made public seven days prior to the date of polling and election.

Article 41 The preliminary election shall be conducted according to electoral districts; the number of voters taking part in the preliminary election shall not be less than one third of the total number of voters in the electoral districts; the preliminary election shall

票；预选由选举委员会主持，或者由选举委员会委托选区工作组主持；预选结果由选举委员会审查确认后向选民公告。

第四十二条 正式代表候选人的人数，应当多于应选代表名额三分之一至一倍。

第四十三条 代表候选人名单，按姓名笔画顺序排列。经预选确定的，按得票多少顺序排列；票数相等的，按姓名笔画顺序排列。

第四十四条 选举委员会应当向选民介绍代表候选人的情况。推荐代表候选人的政党、人民团体和选民可以在选民小组会议上介绍所推荐的代表候选人的情况。选举委员会根据选民的要求，应当在投票选举前组织代表候选人与选民见面，由代表候选人介绍本人的情况，回答选民的问题。

对代表候选人的介绍在投票选举日必须停止。

第四十五条 公民参加本市区、乡、民族乡、镇人民代表大会代表的选举，不得直接或者间接接受境外机构、组织、个人提供的与选举有关的任何形式的资助。

违反前款规定的，经选举委员会确定，不列入代表候选人名单，已经列入代表候选人名单的，从名单中除名；已经当选的，经区人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团确定，其当选无效。

第七章 选举程序

第四十六条 区、乡、民族乡、镇人民代表大会代表的选举，应当严格依照法定程序进行，并接受监督。任何组织或者个人都不得以任何方式干预选民自由行使选举权。

第四十七条 各选区应按选举委员会确定的投票选举日进行选举。

选民凭选民证在进行登记或者进行名单核对的选区参加选举。

第四十八条 选举委员会应当根据各选区选民分布情况，按照方便选民投票的原则设立一个或者几个投票站，进行选举。选民居住比较集中的，可以召开选举大会，进行

be conducted by secret ballot and the polling may be carried out by convening the voters' conferences or with each voter group as a unit; the election committees shall preside over the preliminary elections or entrust the working groups of the electoral districts to preside over the preliminary elections; and the results of preliminary elections shall be made public to the voters upon examination and confirmation by the election committees.

Article 42 The number of formal candidates for deputies shall be one third to one time more than those to be elected.

Article 43 The list of candidates for deputies shall be arranged in accordance with the stroke sequence of the candidates' names. Where the list is determined by preliminary election, it shall be arranged in accordance with the order of the number of votes obtained; where the candidates have obtained equal votes, the list shall be arranged in accordance with the stroke sequence of the candidates' names.

Article 44 The election committees shall brief voters the candidates for deputies, the political parties, people's organizations and voters that have nominated the candidates for deputies may brief voters on those candidates for deputies at voter group meetings. The election committees shall, according to the requirements of voters, arrange the candidates for deputies to meet with voters before the polling and election, and the candidates for deputies shall brief their personal information and answer the questions put forward by voters.

The briefings of the candidates for deputies must stop on the date of polling and election.

Article 45 In the event that a citizen participates in the election of Deputies to the district, township, ethnic township or town people's congress, he/she shall not directly or indirectly accept any form of funding relating to the election from overseas bodies, organizations or individuals.

In violation of the said provision, the citizen shall not be put on the list of candidates upon confirmation of the Electoral Council; in the case that he/she has been listed as a candidate, he/she shall be removed from the list; in the case that he/she has been elected a deputy, his/her election shall be annulled upon confirmation of the standing committee of the district people's congress or of the presidium of the township, ethnic township or town people's congress.

Chapter VII Election Procedure

Article 46 The election of deputies to the people's congresses at the level of district, township, nationality township or town shall be carried out in strict accordance with the statutory procedures and subject to supervision. No organization or individual may interfere any constituency with freely exercising his right to vote.

Article 47 All electoral districts shall carry out the election on the date of polling and election determined by the election committees.

The voters shall take part in the election with their voter registration cards in the electoral districts where they are registered or they are verified against the list of voters.

Article 48 The election committees shall, according to the distribution of voters in each electoral district and the principle of providing conveniences to the polling of voters, set

选举；因患有疾病等原因行动不便或者居住分散并且交通不便的选民，可以在流动票箱投票。

投票选举由选举委员会委派人员主持。

第四十九条 投票选举时，应当有由选民推选的监票人对发票、投票、计票的工作过程进行监督，并且有若干名熟悉投票程序的工作人员，向选民说明投票应注意的事项，办理组织投票选举的具体事务，维持投票秩序。

投票站、选举大会的每个票箱和设立的每个流动票箱应当有两名以上监票人。

代表候选人及其近亲属不得担任本选区投票选举的监票人、计票人。

第五十条 区、乡、民族乡、镇人民代表大会代表的选举，实行无记名投票。

投票选举时，应当设有秘密写票处。选民写票，其他人不得围观和干预。选民如果是文盲或者因残疾不能书写选票的，可以委托其信任的人代写。

第五十一条 选民应当到投票站或者参加选举大会投票。在选举期间外出的选民，经选举委员会同意，可以书面委托本选区其他选民代为投票。每一选民接受的委托不得超过三人，并应当持委托人的委托书和选民证领取选票，按照委托人的意愿代为投票。

第五十二条 选民对于代表候选人可以投赞成票，可以投反对票，可以另选其他选民，也可以弃权。

第五十三条 投票前，由监票人当众检查票箱并加封条，然后开始投票。投票结束，当众封箱。开箱计票时，应当将投票人数和票数加以核对，并作出记录，由监票人签字。流动票箱应当与本选区其他票箱一起，在监票人监督下开箱计票。

第五十四条 每次选举所投的票数，等于或者少于投票人数的有效，多于投票人数的无效。

每一张选票所选的人数，等于或者少于规定应选代表人数的有效，多于规定应选代表人数的作废。

up one or more polling stations for the election. In the regions where voters live in relatively concentrated communities, the election conferences may be held for the election; the voters who have difficulty getting about due to diseases or other reasons, or who live in scattered groups and face inconveniences to the traffic may put their votes in the mobile ballot boxes.

The election committees shall appoint personnel to preside over the polling and election.

Article 49 During the polling and election, there shall be the scrutineers elected by the voters to supervise over the working procedures of distribution, polling and counting of votes, and several working staff familiar with the polling procedures to make explanations to the voters of the matters to which attention shall be paid during the polling, handle the specific affairs concerning the organization of polling and election and maintain the order of polling.

There shall be more than two scrutineers for each ballot box in the polling stations or at the election conferences and for each mobile ballot box.

The candidates for deputies and their close relatives shall not act as the scrutineers or vote-counters for the polling and election of their respective electoral districts.

Article 50 The election of deputies to the people's congresses at the level of district, township, nationality township or town, shall be conducted by secret ballot.

During the polling and election, there shall be a secret place for writing the votes. When a voter is writing a vote, others shall not surround him to watch or intervene. Where a voter is illiterate or unable to write due to physical disadvantages, he may entrust another person whom he trusts to write on his behalf.

Article 51 The voters shall cast votes at the polling stations or at the election conferences. Any voter who is absent from his electoral district during the period of election may, with the approval of the election committee and by written form, entrust another voter in the same electoral district with a proxy vote. A voter shall not stand proxy for more than three persons, and shall pick up the vote with the power of attorney and voter registration card of the trustor and cast the vote on behalf of the trustor according to the trustor's will.

Article 52 A voter may vote for or against a candidate for deputy, and may vote instead for any other voter or abstain.

Article 53 Before polling, the scrutineers shall examine and put seals on the ballot boxes in public, and then the polling may begin. Upon completion, the scrutineers shall seal the boxes in public. When the boxes are opened and voter counting starts, the number of voters shall be checked against the number of votes, and the records shall be made and signed by the scrutineers. The mobile ballot boxes shall be opened together with other ballot boxes of the same electoral district for vote-counting under the supervision of the scrutineers.

Article 54 An election shall be valid if the number of votes cast is equal to or larger than the number of people who voted, and it shall be null and void if the number of votes cast is greater than the number of people who voted.

A ballot shall be valid if fewer candidates are voted for than the number of deputies to be elected, and it shall be null and void if more candidates are voted for than the number of

第五十五条 选区全体选民的过半数参加投票，选举有效。代表候选人获得参加投票的选民过半数的选票时，始得当选。

获得过半数选票的代表候选人人数超过应选代表名额时，以得票多的当选。如遇票数相等不能确定当选人时，应当就票数相等的候选人再次投票，以得票多的当选。

获得过半数选票的当选代表的人数少于应选代表的名额时，不足的名额另行选举。另行选举时，根据在第一次投票时得票多少的顺序，按照本实施细则第四十二条规定的差额比例，确定候选人名单。如果只选一人，候选人应为二人。另行选举时，代表候选人以得票多的当选，但是得票数不得少于选票的三分之一。

第五十六条 各选区的选举结果由选举委员会依法确定是否有效，并分别在各选区予以公布。

第五十七条 代表资格审查委员会依法对当选代表是否符合宪法、法律规定的代表的基本条件，选举是否符合法律规定的程序，以及是否存在破坏选举和其他当选无效的违法行为进行审查，提出代表当选是否有效的意见，向区人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团报告。

区人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会主席团根据代表资格审查委员会提出的报告，确认代表的资格或者确定代表的当选无效，在每届人民代表大会第一次会议前公布代表名单。

第五十八条 区和乡、民族乡、镇人民代表大会代表均不得同时担任无隶属关系的其他行政区域的各级人民代表大会代表。

第八章 代表的补选

第五十九条 区、乡、民族乡、镇人民代表大会的代表在任期内，因故出缺，由原选区补选。

deputies to be elected.

Article 55 The election shall be valid if more than half of all the voters in an electoral district cast their votes. Candidate for deputies shall be elected if they have obtained more than half of the votes cast by the voters that take part in the election.

Where the number of candidates for deputies who have obtained more than half of the votes exceeds the number of deputies to be elected, the ones who have obtained more votes shall be elected. Where the number of votes for some candidates is tied, making it impossible to determine the ones to be elected, another balloting shall be conducted for these candidates to resolve the tie, and the ones who have obtained more votes shall be elected.

If the number of elected candidates for deputies who have obtained more than half of the votes is less than the number of deputies to be elected, another election shall be held to make up the difference. Where another election is held, the name list of candidates shall, by order of the number of votes they have obtained in the first balloting, be determined in accordance with the percentage for competitive election as specified in Article 42 of these Implementing Rules. If only one deputy is to be elected, the number of candidates shall be two. Where another election is held, the candidates for deputies who have obtained more votes shall be elected; however, the number of votes they have obtained shall not be less than one third of the votes cast.

Article 56 The election committees shall, in accordance with law, determine whether or not the results of election in each electoral district are valid or not, and shall make public the results in each electoral district respectively.

Article 57 The Credentials Committee shall, according to law, check whether the deputies-elect meet the basic conditions for deputies prescribed by the Constitution and legislation, whether the election complies with the procedures stipulated by law and whether there is any interference with the election or other illegal acts that may result in the invalidation of the election, and then issue opinions on whether the election is valid to the standing committee of the district people's congress or to the presidium of the township, ethnic township or town people's congress.

The standing committee of the district people's congress or the presidium of the township, ethnic township or town people's congress shall confirm the election or invalidation of the election of a deputy in accordance with the report submitted by the Credentials Committee, and furthermore, announce the list of all deputies prior to the first session of each people's congress.

Article 58 The deputies to the people's congresses at the level of district, township, nationality township or town shall not simultaneously act as the deputies to the people's congresses at various levels in other administrative areas without the relationship of administrative subordination.

Chapter VIII By-elections Held to Fill Vacancies

Article 59 If the post of a deputy to the people's congresses at the level of district, township, nationality township or town becomes vacant for some reasons during his term of

第六十条 补选区、乡、民族乡、镇人民代表大会代表，由区人民代表大会常务委员会决定，在区人民代表大会常务委员会领导下，设立补选机构，主持补选工作。

第六十一条 补选出缺的代表时，应当重新核对选区现有选民名单。在投票选举日的十五日以前由补选机构公布选民名单、投票选举日期和地点。

第六十二条 补选代表，代表候选人的人数可以多于应选代表的名额，也可以同应选代表的名额相等，代表候选人的具体人数由区人民代表大会常务委员会决定。

第六十三条 补选机构应当在投票选举日的五日以前，公布代表候选人名单及代表候选人的基本情况。经选民酝酿协商后，由补选机构根据较多数选民的意見确定正式代表候选人名单，并在投票选举日的三日以前公布。

第六十四条 补选代表，采用无记名投票方式进行。选区全体选民的过半数参加投票，补选有效。代表候选人获得参加投票的选民过半数的选票时，始得当选。

第六十五条 补选出缺的代表时，本章没有规定的，适用本实施细则的其他有关规定。

第九章 对破坏选举的制裁

第六十六条 为保障选民自由行使选举权和被选举权，对有下列行为之一，破坏选举，违反治安管理规定，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任：

- （一）以金钱或者其他财物贿赂选民，妨害选民自由行使选举权和被选举权的；
- （二）以暴力、威胁、欺骗或者其他非法手段妨害选民自由行使选举权和被选举权的；
- （三）伪造选举文件、虚报选举票数或者其他违法行为的；
- （四）对于控告、检举选举中违法行为的人，或者对于提出要求罢免代表的人进行压制、报复的。

国家工作人员有前款所列行为的，还应当依法给予行政处分。

office' the electoral district which elected him shall hold a by election to fill the vacancy.

Article 60 The by-election of any deputy to the people's congresses at the level of district, township, nationality township or town shall be decided by the standing committee of the people's congress at the district level and under the leadership of the standing committee of the people's congress at the district or level, the by-election institution shall be set up to preside over the by-election work.

Article 61 When a by election is conducted to fill the vacant post of a deputy, the list of current voters in the electoral district shall be rechecked. The by-election institution shall make public the list of voters and the date and place of polling and election 15 days prior to the date of polling and election.

Article 62 When a by election is conducted to fill the vacant post of a deputy, the number of candidates for deputies may be greater than the number of deputies to be elected, or equal to the number of deputies to be elected. The specific number of candidates for deputies shall be determined by the standing committees of the people's congresses at the district or level.

Article 63 The by election institution shall make public the list and basic information of the candidates for deputies five days prior to the date of polling and election. After the voters' deliberation and consultation, the by election institution shall determine the list of formal candidates for deputies according to the opinions of the majority of voters and make it public three days prior to the date of polling and election.

Article 64 The by election of deputies shall be conducted by secret ballot. The by-election shall be valid if more than half of all the voters in an electoral district cast their votes. A candidate for deputy shall be elected if he has obtained more than half of the votes cast by the voters that take part in the election.

Article 65 Where there are no relevant provisions in this Chapter on the by election of deputies to fill the vacant posts of deputies, other relevant provisions of these Implementing Rules shall prevail.

Chapter IX Sanctions Against Disruption of Elections

Article 66 In order to ensure that the voters freely exercise their right to vote and stand for election, administrative penalties for public security shall, in accordance with law, be imposed on a person who commits one of the following acts by disrupting an election or violating the provisions on administration of public security; if a crime is constituted' criminal liability shall be investigated for in accordance with law:

(1) bribing a voter with money or other things of value to interfere with him in the free exercise of his right to vote and stand for election;

(2) using violence, threat, deception or other illegal means to interfere with a voter in the free exercise of his right to vote and stand for election;

(3) forging electoral documents, falsifying the number of votes or committing other illegal acts; or

(4) suppressing or retaliating against anyone who incriminates or informs against the person committing illegal acts in an election or who demands the recall of a deputy.

Any state functionary who commits one of the acts specified in the preceding paragraph shall be given an administrative sanction in accordance with law.

以本条第一款所列违法行为当选的，其当选无效。

第六十七条 选举委员会发现有破坏选举的行为或者收到对破坏选举行为的举报，应当及时依法调查处理；需要追究法律责任的，及时移送有关机关予以处理。

第十章 附 则

第六十八条 本实施细则自公布之日起实施。

Where anyone is elected by committing any act specified in the preceding paragraph, the result of election in favor of him shall be null and void.

Article 67 Where the election committees discover any disruption of election or receive reports on such disruption, they shall timely investigate and deal with it in accordance with law; where legal liability shall be investigated for, they shall timely transfer it to relevant organ for disposal.

Chapter X Supplementary Provisions

Article 68 These implementing Rules shall be effective as of the date of promulgation.

北京市人民代表大会代表视察办法

(1996年9月6日北京市第十届人民代表大会常务委员会第三十次会议通过 2007年10月30日北京市第十二届人民代表大会常务委员会第三十九次会议修订)

第一条 为了保证北京市人民代表大会代表（以下简称代表）依法进行视察，增强视察实效，根据《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》和有关法律，结合本市实际，制定本办法。

第二条 代表在市人民代表大会闭会期间对本市各级国家机关和有关单位的工作进行视察，是依法执行代表职务的重要活动，是市人民代表大会及其常务委员会对国家机关工作进行监督的一项重要基础工作。

本市一切组织和个人都必须尊重代表的权利，支持代表依法进行视察。

第三条 市人民代表大会常务委员会（以下简称市人大常委会）在市人民代表大会召开之前，应当组织或者委托区、县人大常委会组织代表就市人民代表大会及其常务委员会决议、决定的贯彻落实情况，本市国民经济和社会发展规划、预算的执行情况，以及人民群众普遍关心的问题集中视察。

集中视察应当制定视察方案，确定视察内容时应当听取代表和有关方面的意见。视察方案经市人大常委会主任会议同意后实施。

第四条 市人大常委会工作机构可以根据市人大常委会的工作计划和要求组织代表进行专题视察。

市人大常委会可以根据需要委托区、县人大常委会组织代表进行专题视察。

驻京部队代表的专题视察，由市人大常委会有关工作机构和驻京部队有关部门共同组织。

Measures for Inspection by Deputies to the People's Congress of Beijing Municipality

(Adopted at the 30th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 6, 1996 and revised at the 39th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on October 30, 2007)

Article 1 These Measures are formulated in accordance with the Law of the People's Republic of China on Deputies to the National People's Congress and to Local People's Congresses at Various Levels and relevant laws, for the purposes of ensuring the deputies to the People's Congress of Beijing Municipality (hereinafter referred to as deputies) carry out inspections according to law and strengthening the actual effects of the inspections in light of the actual circumstances of this Municipality.

Article 2 The inspections of the work of the State organs at various levels and relevant units in this Municipality carried out by deputies when the municipal people's congress is not in session are important activities of exercising the functions and duties as deputies according to law and important basic work of the municipal people's congress and its standing committee to supervise the work of the State organs.

All organizations and individuals in this Municipality must respect the rights of deputies and support them in carrying out the inspections according to law.

Article 3 Prior to the session of the municipal people's congress, the standing committee of the municipal people's congress (hereinafter referred to as the Standing Committee) shall organize or entrust the standing committees of the district or county people's congresses to organize deputies to carry out centralized inspections of the implementation of the resolutions or decisions of the municipal people's congress and its Standing Committee, the implementation of the national economic and social development plan of this Municipality and the issues commonly concerned by the public.

Plans for inspections shall be made for the centralized inspections, and the opinions of deputies and relevant sides shall be listened to when the contents of the inspections are to be decided. The plans for inspections shall be implemented after being consented by the meeting of the chairmen of the Standing Committee.

Article 4 The working offices of the Standing Committee may organize deputies to carry out special inspections based on the working plan and requirements of the Standing Committee.

The Standing Committee may entrust the standing committees of the district or county people's congresses to organize deputies to carry out special inspections based on the needs.

The special inspections by deputies from armies stationed in Beijing shall be jointly

第五条 代表小组视察一般在代表原选举单位的行政区域内进行。代表小组组长就视察的内容和时间征求代表意见后，同所在区、市人大常委会研究安排。

第六条 根据代表的要求，经市和区、市人大常委会联系安排，代表可以持代表证就地进行视察。

市人大常委会可以建议代表就某一问题持代表证进行视察。

第七条 视察应当采取多种形式，兼顾不同类型单位，便于代表全面、真实地了解情况。

视察应当注重实效，俭朴节约。

第八条 代表应当积极参加视察。代表接到视察通知后因故不能参加时，应当请假。

代表参加视察，应当遵守法律、法规，学习和宣传与视察内容有关的法律、法规和国家的方针、政策，深入了解情况，听取人民群众以及有关方面的意见和要求。

第九条 代表视察时，可以向被视察单位提出建议、批评和意见，但不直接处理问题。

代表视察中发现需要由本市有关国家机关和组织研究处理的问题，可以按照《北京市人民代表大会代表建议、批评和意见办理条例》的规定，书面提出建议、批评和意见。

第十条 代表参加市人大常委会统一安排的视察，就可以就视察中发现的重大问题，向市人大常委会有关工作机构书面提出约见本级或者下级有关国家机关负责人。

市人大常委会有关工作机构接到代表提出的约见要求后，应当及时同有关国家机关联系，并作出安排。

被约见的有关国家机关负责人或者其委托的负责人员应当听取代表的建议、批评和意见，给予必要的说明和回答。

第十一条 本市各级国家机关和有关单位，在接受代表视察时，应当提供相关材料，其负责人应当向代表如实汇报情况，认真听取代表意见，回答代表提出的问题。

organized by relevant working offices of the Standing Committee and relevant departments of the armies stationed in Beijing.

Article 5 The inspections by the deputy groups shall be generally carried out in the administrative areas of the electoral units that elected them. After soliciting the opinions of deputies on the contents and time of the inspections, the heads of the deputy groups shall discuss and make arrangements with the standing committees of the local district or county people's congresses.

Article 6 Upon requests by deputies and with arrangements made by the standing committees of the municipal and the district or county people's congresses, deputies may conduct on-the-spot inspections in their respective localities on the strength of their deputy cards.

The Standing Committee may suggest deputies to conduct the inspections on certain issues on the strength of their deputy cards.

Article 7 The inspections shall be carried out through various ways and cover the units of different types so as to facilitate deputies to have a complete and true understanding of the conditions.

The actual effects of inspections shall be emphasized and the inspections shall be carried out in a thrifty and economical way.

Article 8 Deputies shall actively participate in inspections. When the deputies are unable to participate in the inspections after receiving the inspection notices for any reasons, they shall ask for leave.

When participating in inspections, the deputies shall abide by laws and regulations, learn and disseminate the laws, regulations and the guidelines and policies of the State related to the contents of inspections, have a deep understanding of the conditions, and listen to the opinions and requirements of the public and relevant sides.

Article 9 During inspections, the deputies may put forward proposals, criticisms and opinions to the units inspected, but shall not deal with the problems directly.

Where the deputies discover the problems need to be studied and handled by relevant State organs and organizations of this Municipality during inspections, they may put forward written proposals, criticisms and opinions in accordance with the provisions of the Regulation on Handling Proposals, Criticisms and Opinions of Deputies to the People's Congress of Beijing Municipality.

Article 10 When participating in the inspections arranged by the Standing Committee in a unified way, the deputies may put forward written suggestions on interviews with the responsible personnel of the relevant State organs at the same or lower levels to relevant working office of the Standing Committee concerning the major problems discovered in the inspections.

After receiving the suggestions on interviews put forward by deputies, the working offices of the Standing Committee concerned shall contact the relevant State organs in a timely manner and make arrangements for them.

The responsible personnel to be interviewed of the State organs concerned or the persons in charge entrusted by them shall listen to the proposals, criticisms and opinions of the deputies and make necessary explanations and answers.

Article 11 When accepting the inspections of deputies, the State organs at all levels

有关国家机关和组织接到代表书面提出的建议、批评和意见后，应当按照《北京市人民代表大会代表建议、批评和意见办理条例》的规定认真办理，并答复代表。

第十二条 视察结束后，市人大常委会有关工作机构应当及时汇总代表提出的意见和建议，交有关国家机关和组织研究处理。

第十三条 代表视察经费列入市级预算，专款专用。

第十四条 代表所在单位应当支持代表参加视察，对代表参加视察的时间必须给予保障。

代表参加视察，按正常出勤对待，享受所在单位的工资、奖金和其他待遇。

第十五条 拒绝或者阻碍代表依法进行视察以及对提出批评或者反映问题的代表进行威胁或者打击报复的，依照《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》的规定处理。

第十六条 本市各区、县人民代表大会代表以及乡、民族乡、镇人民代表大会代表的视察，可以参照本办法执行。

第十七条 本办法自公布之日起施行。

and relevant units in this Municipality shall provide relevant materials and their responsible personnel shall truthfully report the conditions to the deputies, carefully listen to the opinions of the deputies and answer the questions put forward by the deputies.

After receiving the written proposals, criticisms and opinions of deputies, the relevant State organs and organizations shall seriously handle them in accordance with the provisions of the Regulations on Handling Proposals, Criticisms and Opinions of Deputies to the People's Congress of Beijing Municipality and make replies to the deputies.

Article 12 After the inspections end, the relevant working office of the Standing Committee concerned shall timely sum up the opinions and proposals put forward by deputies and transfer them to the relevant State organs and organizations to study and handle.

Article 13 Funds for inspections of deputies shall be included in the financial budget at the municipal level and exclusively used for the set purpose.

Article 14 The units where deputies work shall support deputies to participate in inspections and must ensure the time needed for deputies to participate in inspections.

Deputies' participation in inspections shall be deemed as normal attendance and they shall enjoy the wages, bonus and other benefits of the units where they work.

Article 15 Whoever refuses or obstructs the deputies to carry out inspections according to law, or threatens or retaliates against the deputies who put forward criticisms or reflect problems shall be handled in accordance with the provisions of the Law of the People's Republic of China on Deputies to the National People's Congress and to Local People's Congresses at Various Levels.

Article 16 The inspections of deputies to the district or county people's congresses at various levels and to the people's congresses of townships, nationality townships or towns shall be carried out by referring to these Measures.

Article 17 These Measures shall be effective as of the date of promulgation.

北京市人民代表大会代表建议、批评和意见办理条例

(2014年1月22日北京市第十四届人民代表大会第二次会议通过)

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- 第六章 附 则

第一章 总 则

第一条 为了坚持和完善人民代表大会制度，保障代表依法行使提出建议、批评和意见的权利，规范市人民代表大会代表建议、批评和意见的提出、交办、办理和监督工作，根据《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》和有关法律，结合本市实际情况，制定本条例。

第二条 代表建议、批评和意见的提出、交办、办理和监督，适用本条例。

前款规定的代表建议、批评和意见，包括代表在市人民代表大会会议期间和闭会期间按照规定格式书面提出的建议、批评和意见，以及市人民代表大会主席团审议决定作为建议、批评和意见处理的代表或者代表团提出的议案。

第三条 代表是国家权力机关的组成人员，对本市各方面的工作提出建议、批评和意见，是代表依法享有的权利，是代表执行代表职务的重要方式之一。

Regulations on Handling Recommendations, Criticisms and Opinions of Deputies to the People's Congresses of Beijing Municipality

(Adopted at the 2nd Session of the 14th People's Congress of Beijing
Municipality on January 22, 2014)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of adhering to and improving the system of people's congresses, guaranteeing the rights of deputies to submit recommendations, criticisms and opinions according to law and regulating the work on submission, assignment, handling and supervision of recommendations, criticisms and opinions of deputies to the Municipal People's Congress in accordance with the Law of the People's Republic of China on Deputies to the National People's Congress and the Local People's Congresses at Various Levels and relevant laws, and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to submission, assignment, handling and supervision of recommendations, criticisms and opinions of deputies.

The recommendations, criticisms and opinions of deputies referred to in the preceding paragraph shall include the recommendations, criticisms and opinions submitted in written by the deputies in the prescribed form during the period when the Municipal People's Congress is in session or not in session, as well as the proposals submitted by the deputies or delegations which are decided upon deliberation by the Presidium of the Municipal People's Congress to be treated as recommendations, criticisms and opinions.

Article 3 Deputies are component members of the organs of State power, and submission of recommendations, criticisms and opinions on the work in all aspects of this Municipality is the right enjoyed by the deputies according to law, as well as an important way for deputies to perform their functions and duties.

代表提出建议、批评和意见是反映人民群众意愿，汇集人民群众智慧，保证人民通过人民代表大会参与管理国家事务、管理经济和文化事业、管理社会事务的重要途径。

代表建议、批评和意见，是有关机关和组织科学决策、依法行政、公正司法的民意来源和重要参考。办理代表建议、批评和意见，是有关机关和组织的法定职责和密切与人民群众联系的重要方式。

第四条 代表建议、批评和意见的提出和办理，应当统筹兼顾国家利益、社会公共利益和部分地区、部分人民群众的具体利益。

第五条 有关机关和组织应当加强对代表建议、批评和意见的整体研究和办理工作的统筹协调，建立办理工作制度，完善办理程序，提高办理工作的质量和效率。

有关机关和组织应当将代表建议、批评和意见办理工作与依法履行职责有机结合，认真采纳代表合理的建议和意见，使人民群众的意志和愿望有序进入决策和工作当中。

第六条 市人民代表大会常务委员会应当加强组织、协调工作，为代表提出建议、批评和意见提供服务保障，对办理工作履行监督职责。

第二章 代表建议、批评和意见的提出

第七条 代表应当与原选举单位和人民群众保持密切联系，了解有关机关和组织的工作情况，使提出的建议、批评和意见反映人民群众的意愿和客观实际情况。

第八条 代表建议、批评和意见，在市人民代表大会会议期间向大会提出，在市人民代表大会闭会期间向市人民代表大会常务委员会提出。

第九条 代表建议、批评和意见应当包括下列内容：

（一）标题；

（二）事由，即有关方面工作的情况和存在的问题；

Submission of recommendations, criticisms and opinions by deputies is an important way to express the will of the masses of people, assemble the wisdom of the masses of people, and ensure the masses of people participate in the management of national affairs, economic and cultural undertakings and social affairs through the people's congresses.

The recommendations, criticisms and opinions of deputies are the source of public opinions and important reference for relevant organs and organizations to make decisions scientifically, carry out administration according to law and engage in judicial activities impartially. Handling the recommendations, criticisms and opinions of deputies is the legal duty of relevant organs and organizations, and an important way to maintain close contacts with the masses of people.

Article 4 National interests, public interests and the specific interests of some regions and some people shall be taken into consideration in an overall way in submission and handling of recommendations, criticisms and opinions of deputies.

Article 5 Relevant organs and organizations shall strengthen overall arrangement and coordination of the holistic research and handling of recommendations, criticisms and opinions of deputies, establish the handling work system, improve the handling procedures, so as to enhance the quality and efficiency of the handling work.

Relevant organs and organizations shall combine the handling of recommendations, criticisms and opinions of deputies with the performance of their functions and duties according to law and conscientiously adopt the reasonable recommendations and opinions of deputies, so as to incorporate the will and wish of the masses of people into the decision-making and work in a orderly manner.

Article 6 The Standing Committee of the Municipal People's Congress shall strengthen the organization and coordination work, provide service guarantees to the deputies to submit recommendations, criticisms and opinions and perform the duty of supervision of the handling work.

Chapter II Submission of Recommendations, Criticisms and Opinions of Deputies

Article 7 Deputies shall keep close contacts with their home electoral units and the masses of people, get to know the work of relevant organs and organizations, so as to enable the recommendations, criticisms and opinions submitted to reflect the will of the masses of people and the objective reality.

Article 8 Recommendations, criticisms and opinions of deputies shall be submitted to the Municipal People's Congress during the period when the congress is in session, and to the Standing Committee of the Municipal People's Congress during the period when the congress is not in session.

Article 9 Recommendations, criticisms and opinions of deputies shall include the following contents:

- (1) titles;
- (2) causes, i.e. conditions and problems existing in the work of relevant aspects;

(三) 具体工作建议;

(四) 代表姓名、代表证号码和联系方式。

代表建议、批评和意见应当一事一议,内容明确具体,注重反映实际情况和问题。

第十条 代表建议、批评和意见可以一人提出,也可以联名提出。一人提出和联名提出具有同等效力。

第十一条 代表联名提出建议、批评和意见的,领衔代表应当向参加联名的代表介绍建议、批评和意见的内容;参加联名的代表应当确认建议、批评和意见的内容符合自己的意愿。

第十二条 代表提出建议、批评和意见,应当遵守相关法律规定,正确处理从事个人职业活动与执行代表职务的关系,不得牟取个人利益。

下列事项,不应当作为代表建议、批评和意见提出:

- (一) 涉及解决代表本人或者亲属个人问题的;
- (二) 属于法律或者政策咨询、学术探讨、产品推介的;
- (三) 代转他人信件的;
- (四) 涉及检举、控告或者申诉的;
- (五) 对尚未审理终结的具体司法案件提出具体裁判意见的;
- (六) 对正在进行的招标投标活动提出具体中标意见的;
- (七) 可能与个人利益存在关联或者干涉正常经济活动和市场主体公平竞争的。

第十三条 代表建议、批评和意见的受理、确认、登记,在市人民代表大会会议期间,由大会秘书处负责;在市人民代表大会闭会期间,由市人民代表大会常务委员会代表联络工作部门负责。

代表可以在交办前撤回本人提出的建议、批评和意见。

代表建议、批评和意见的内容属于本条例第十二条规定情形的,大会秘书处的工作机构或者市人民代表大会常务委员会代表联络工作部门可以建议代表撤回。

(3) specific suggestions on work; and

(4) names, numbers of deputy certificates and contact means of the deputies.

One piece of recommendation, criticism and opinion of deputies shall focus on one issue, the contents of which shall be clear and specific, and emphasize reflecting the actual circumstances and problems.

Article 10 Recommendations, criticisms and opinions of deputies may be submitted by one deputy, or jointly by a group of deputies, which are equal in effect.

Article 11 Where a group of deputies jointly submit the recommendations, criticisms and opinions, the leading deputy shall introduce the contents of the recommendations, criticisms and opinions to the other deputies joined in such group; and the deputies who joined in such group shall confirm that the contents of the recommendations, criticisms and opinions conform to their will.

Article 12 Where the deputies submit recommendations, criticisms and opinions, they shall abide by the provisions of relevant laws, correctly deal with the relationship between their personal occupational activities and their performance of functions and duties as deputies, and shall not seek personal interests.

The following matters shall not be submitted by the deputies as recommendations, criticisms and opinions:

(1) involving the settlement of personal issues of deputies themselves or their relatives;

(2) belonging to legal or policy consultation, academic discussion and product promotion;

(3) delivering the letters of others;

(4) involving accusations, claims or appeals;

(5) putting forward specific judgment opinions on specific judicial cases that have not concluded;

(6) putting forward specific opinions on bidding results during ongoing tendering and bidding activities; or

(7) having potential connection with personal interests or interference with normal economic activities and fair competition of market entities.

Article 13 The secretariat of the congress shall be responsible for the acceptance, confirmation and registration of recommendations, criticisms and opinions of deputies during the period when the Municipal People's Congress is in session; the department for deputy liaison of the Standing Committee of the Municipal People's Congress shall be responsible for the acceptance, confirmation and registration of recommendations, criticisms and opinions during the period when the Municipal People's Congress is not in session.

The deputies may withdraw the recommendations, criticisms and opinions submitted before the assignment.

Where the contents of recommendations, criticisms and opinions of deputies fall into any of the circumstances provided in Article 12 of these Regulations, the work entity of the secretariat of the congress or the department for deputy liaison of the Standing Committee of the Municipal People's Congress may advise the deputies to withdraw the recommendations, criticisms and opinions.

第三章 代表建议、批评和意见的交办

第十四条 代表在市人民代表大会会议期间提出的建议、批评和意见，由大会秘书处处于大会闭会之日，移交市人民代表大会常务委员会统一处理。

第十五条 市人民代表大会常务委员会应当对代表在市人民代表大会会议期间提出的建议、批评和意见进行整体研究、综合分析，确定办理责任，提出办理要求，分别交有关机关和组织研究办理。交办后，应当将交办情况告知代表。

属于本条例第十二条规定情形的，不予交办并告知代表。

第十六条 在市人民代表大会闭会期间提出的代表建议、批评和意见，由市人民代表大会常务委员会主任会议负责交有关机关和组织研究办理。

第四章 代表建议、批评和意见的办理

第十七条 有关机关和组织办理代表建议、批评和意见，应当建立集体统一负责和分工负责相结合的工作制度。

有关机关和组织根据代表建议、批评和意见的内容，可以责成下一级机关或者有关工作部门具体承办。需要两个以上承办单位共同研究办理的，应当确定牵头负责的单位 and 责任人，加强对办理工作的沟通协调。

第十八条 有关机关和组织及其承办单位应当对代表建议、批评和意见进行认真分析，根据所反映问题的类别和性质，依据法定职责、权限、工作程序和条件，确定办理的方式、途径和方法。

第十九条 有关机关和组织及其承办单位办理代表建议、批评和意见，应当加强同代表的联系，充分听取代表的意见，理解代表的具体意向，并就办理代表建议、批评和意见的情况与代表进行沟通。

有关机关和组织及其承办单位在制定政策、进行决策的过程中，可以邀请提出相关建议、批评和意见的代表参与，听取意见和建议。

Chapter III Assignment for Handling of Recommendations, Criticisms and Opinions of Deputies

Article 14 The recommendations, criticisms and opinions submitted by deputies during the period when the Municipal People's Congress is in session shall be assigned by the secretariat to the Standing Committee of the Municipal People's Congress for unified handling on the date of conclusion of the session.

Article 15 The Standing Committee of the Municipal People's Congress shall carry out holistic research and comprehensive analysis of recommendations, criticisms and opinions submitted by deputies during the period when the Municipal People's Congress is in session to determine the handling responsibility, put forward handling requirements, and assign them respectively to relevant organs and organizations for research and handling. After they are assigned, the deputies shall be notified of the handling.

The recommendations, criticisms and opinions falling into any of the circumstances provided in Article 12 of these Regulations shall not be assigned and the deputies shall be notified.

Article 16 The recommendations, criticisms and opinions submitted by the deputies during the period when the Municipal People's Congress is not in session shall be assigned to relevant organs and organizations for research and handling by the directors' meeting of the Standing Committee of the Municipal People's Congress.

Chapter IV Handling of Recommendations, Criticisms and Opinions of Deputies

Article 17 Relevant organs and organizations handling the recommendations, criticisms and opinions of deputies shall establish a work system combining the collective responsibility and individual responsibility.

Relevant organs and organizations may, in accordance with the contents of the recommendations, criticisms and opinions of deputies, order the organs at the next lower level or relevant working departments to specifically undertake the handling thereof. Where more than two undertaking units are required to carry out joint research and handling, the leading responsible unit and person shall be designated so as to strengthen communication and coordination involving the handling work.

Article 18 Relevant organs and organizations and the undertaking units thereof shall carry out conscientious analysis of recommendations, criticisms and opinions of deputies, and determine the handling ways, means and methods in accordance with the category and nature of the issues reflected and in line with their legal functions and duties, authorities, working procedures and conditions.

Article 19 Relevant organs and organizations and the undertaking units thereof handling recommendations, criticisms and opinions of deputies shall strengthen contacts with the deputies, fully listen to the opinions of the deputies, understand the specific intentions of the deputies, as well as communicate with the deputies in terms of the handling of the recommendations, criticisms and opinions of deputies.

Relevant organs and organizations and the undertaking units thereof work may invite the deputies submitting relevant recommendations, criticisms and opinions to participate

第二十条 代表建议、批评和意见的内容超出本市有关机关和组织权限的，可以由市人大常委会常务委员会协调本市选出的全国人民代表大会代表向全国人民代表大会及其常务委员会反映，也可以由有关机关、组织或者其承办单位向其上级机关和组织反映。

第二十一条 有关机关、组织或者其承办单位应当自代表建议、批评和意见交办之日起三个月内答复代表；涉及面广、处理难度大的，经交办机关同意，至迟不得超过六个月答复代表。

第二十二条 有关机关、组织或者其承办单位答复代表，应当针对代表建议、批评和意见的内容，态度诚恳，明确具体，实事求是。

有关机关、组织或者其承办单位的答复意见应当采用公文形式。

第二十三条 代表应当自收到答复意见后十五个工作日内，就建议、批评和意见的办理情况反馈书面意见。

代表因特殊原因难以及时反馈意见的，应当自行或者委托他人说明情况。

第二十四条 有关机关和组织应当将答复意见以及代表对办理情况的反馈意见，及时送市人大常委会常务委员会。

第二十五条 有关机关、组织或者其承办单位办理代表建议、批评和意见的过程中，不得泄露代表依法受到保护的个人信息。

有关机关、组织或者其承办单位的答复意见应当遵守国家有关保密的规定。

第二十六条 有关机关、组织或者其承办单位对于答复代表在一定时限内解决的问题，应当认真落实，并及时将工作进展情况书面告知代表；因情况变化导致不能落实的，应当以书面形式向代表说明原因，并告知市人大常委会常务委员会代表联络工作部门。

有关机关和组织应当建立代表建议、批评和意见办理工作信息库或者工作档案，跟踪检查答复意见的落实情况，督促承办单位按照答复代表的工作方案或者工作计划完成落实工作。

and listen to their suggestions and opinions during the process of policy-making or decision-making.

Article 20 Where the contents of recommendations, criticisms and opinions of deputies exceed the authority of relevant organs and organizations of this Municipality, the Standing Committee of the Municipal People's Congress may coordinate the deputies to the National People's Congress elected in this Municipality to reflect to the National People's Congress and the Standing Committee thereof, or relevant organs and organizations and the undertaking units thereof may reflect to the organs and organizations at the next higher level.

Article 21 Relevant organs, organizations or the undertaking units thereof shall respond to the deputies within three months as of the date of assignment of recommendations, criticisms and opinions of deputies; where the recommendations, criticisms and opinions involve wide aspects or where there is a difficulty in handling the same, a response shall, upon consent of the assigning organ, be given within six months from the date from such recommendations, criticisms and opinions are handed to them.

Article 22 Relevant organs, organizations or the undertaking units thereof shall respond to the deputies clearly and specifically in a sincere and practical manner, focusing on the contents of recommendations, criticisms and opinions of deputies and seeking the truth to the facts.

Responses made by relevant organs, organizations or the undertaking units thereof shall take the form of official documents.

Article 23 The deputies shall offer written feedback opinions on the handling of recommendations, criticisms and opinions within 15 working days upon receipt of the reply opinions.

The deputies unable to offer feedback opinions timely for special reasons shall explain the circumstances on their own initiative or entrust others to do so.

Article 24 Relevant organs and organizations shall timely submit their reply opinions and the feedback opinions of deputies on the handling to the Standing Committee of the Municipal People's Congress.

Article 25 Relevant organs, organizations or the undertaking units thereof shall not release deputies' personal information protected by law during the handling of recommendations, criticisms and opinions of deputies.

The reply opinions of relevant organs, organizations or the undertaking units thereof shall be in conformity with the provisions of the State concerning confidentiality.

Article 26 Relevant organs and organizations and the undertaking units thereof shall conscientiously put into practice the issues which they promise to resolve in a specific time limit in the reply to the deputies and notify the deputies in writing of the work progress timely; in case of failure to put into practice such issues due to changes of conditions, the reasons therefor shall be explained to the deputies in writing, and the matter shall be reported to the department for deputy liaison of the Standing Committee of the Municipal People's Congress.

Relevant organs and organizations shall establish an information base or work-in-process file for the handling work of recommendations, criticisms and opinions of deputies, to trace and examine the implementation of the reply opinions, as well as to urge the undertaking units to put into practice the work in accordance with the work program or

第五章 代表建议、批评和意见办理工作的监督

第二十七条 市人民代表大会常务委员会应当加强对代表建议、批评和意见办理工作的监督，督促有关机关和组织认真研究办理，做好答复意见落实工作。

市人民代表大会专门委员会、市人民代表大会常务委员会工作机构，应当针对代表建议、批评和意见集中反映的问题组织专题调研、视察或者专题座谈会，督促承办单位做好办理工作。

市人民代表大会专门委员会、市人民代表大会常务委员会工作机构，应当加强对代表建议、批评和意见答复意见落实情况的跟踪，督促承办单位按照答复代表的工作方案或者工作计划完成各项工作。

对办理代表建议、批评和意见敷衍塞责的，市人民代表大会常务委员会应当对有关机关和组织提出改进意见；需要重新办理的，应当要求有关机关和组织重新研究办理并在二个月内重新答复代表。

第二十八条 市人民代表大会常务委员会每年听取并审议市人民政府、市高级人民法院、市人民检察院以及市人民代表大会常务委员会代表联络工作部门关于代表建议、批评和意见办理情况的报告，并将报告印发下一次人民代表大会会议。

第二十九条 市人民代表大会常务委员会听取和审议本级人民政府、人民法院和人民检察院的专项工作报告，以及组织对有关法律、法规实施情况进行执法检查，可以根据代表建议、批评和意见集中反映的问题确定议题。

第三十条 市人民代表大会常务委员会向社会公布代表建议、批评和意见的提出和办理情况。

第三十一条 有关机关和组织应当对办理代表建议、批评和意见工作成效显著的承办单位和个人予以表彰和奖励。

有关机关和组织应当加强对代表建议、批评和意见办理工作的监督检查，对违反本条例第二十一条、第二十五条、第二十六条第一款规定的单位和个人，应当根据情节，

work plan as replied to the deputies.

Chapter V Supervision of Handling of Recommendations, Criticisms and Opinions of Deputies

Article 27 The Standing Committee of the Municipal People's Congress shall strengthen supervision of the work on handling of recommendations, criticisms and opinions of deputies, urge relevant organs and organizations to conscientiously carry out research and handling, as well as bring to success the work on implementation of the reply opinions.

The Special Committees of the Municipal People's Congress and the work entities of the Standing Committee of the Municipal People's Congress shall organize special research, inspections or symposiums focusing on the issues reflected in the recommendations, criticisms and opinions of deputies in a concentrated manner, and urge the undertaking units to bring to success the handling work.

The Special Committees of the Municipal People's Congress and the work entities of the Standing Committee of the Municipal People's Congress shall strengthen the follow-up of implementation of the reply opinions on recommendations, criticisms and opinions of deputies, as well as urge the undertaking units to complete all work in accordance with the work program or work plan as replied to the deputies.

In case of the handling of recommendations, criticisms and opinions of deputies in a perfunctory manner, the Standing Committee of the Municipal People's Congress shall put forward improvement opinions to relevant organs and organizations; in need of handling the recommendations, criticisms and opinions of deputies anew, relevant organs and organizations shall be required to carry out research and handling anew and respond to the deputies anew within two months.

Article 28 The Standing Committee of the Municipal People's Congress shall annually listen to and deliberate the reports of the Municipal People's Government, the Municipal High People's Court, the Municipal People's Procuratorate and the department for deputy liaison under the Standing Committee of the Municipal People's Congress on the handling of recommendations, criticisms and opinions of deputies, as well as print and distribute such reports at the next session of the people's congress.

Article 29 The Standing Committee of the Municipal People's Congress listening to and deliberating the special work reports of the people's government, the people's court and the people's procuratorate at the same level, and organizing the law-enforcement concerning the implementation of relevant laws and regulations may determine the topics for discussion in accordance with the issues reflected in the recommendations, criticisms and opinions of deputies in a concentrated manner.

Article 30 The Standing Committee of the Municipal People's Congress shall publish to the society the submission and handling of recommendations, criticisms and opinions of deputies.

Article 31 Relevant organs and organizations shall commend and reward the undertaking units and individuals that have made outstanding achievements in the work on handling recommendations, criticisms and opinions of deputies.

Relevant organs and organizations shall strengthen supervision and inspection of the handling of recommendations, criticisms and opinions of deputies, and, based on

进行通报批评或者给予处分。

第六章 附 则

第三十二条 本条例所称有关机关和组织，是指市人大常委会常务委员会、市人民政府、市中级人民法院、市人民检察院以及本市其他具有办理代表建议、批评和意见职责的机关和组织。

本条例所称承办单位，是指按照有关机关和组织的要求，具体承办代表建议、批评和意见的市人大常委会专门委员会、市人大常委会常务委员会工作机构、市人民政府有关部门、区县人民政府、市中级人民法院和市人民检察院工作机构以及其他机关和组织的有关部门或者工作机构。

第三十三条 区、县、乡、民族乡、镇人民代表大会代表建议、批评和意见的提出、交办、办理和监督，参照本条例的规定执行。

第三十四条 本条例自公布之日起施行。1995年9月22日北京市第十届人民代表大会常务委员会第二十次会议通过，2005年9月9日北京市第十二届人民代表大会常务委员会第二十二次会议修订的《北京市人民代表大会代表建议、批评和意见办理条例》，同时废止。

the circumstances, circulate a notice of criticism or give sanctions against the units or individuals in violation of the provisions of Article 21, Article 25 and Paragraph 1 of Article 26 of these Regulations.

Chapter VI Supplementary Provisions

Article 32 As used in these Regulations, “relevant organs and organizations” refers to the Standing Committee of the Municipal People’s Congress, the Municipal People’s Government, the Municipal Higher People’s Court, the Municipal People’s Procuratorate and other organs and organizations of this Municipality with the function and duty to handle the recommendations, criticisms and opinions of deputies.

As used in these Regulations, “undertaking units” refers to the Special Committee of the Municipal People’s Congress, the work entities of the Standing Committee of the Municipal People’s Congress, relevant departments of the Municipal People’s Government, the people’s governments at the district or county level, the work entities of the Municipal Higher People’s Court and the Municipal People’s Procuratorate, as well as relevant departments or work entities of other organs and organizations, which specifically undertakes the handling of recommendations, criticisms and opinions of deputies in accordance with the requirements of relevant organs and organizations.

Article 33 The submission, assignment, handling and supervision of the recommendations, criticisms and opinions of deputies to the people’s congresses at the district or county, and the township, national township or town level shall be carried out with reference to the provisions of these Regulations.

Article 34 These Regulations shall be effective as of the date of promulgation. The Regulations on Handling Recommendations, Criticisms and Opinions of Deputies to People’s Congress of Beijing Municipality adopted at the 20th Meeting of the Standing Committee of the 10th People’s Congress of Beijing Municipality on September 22, 1995 and revised at the 22nd Meeting of the Standing Committee of the 12th People’s Congress of Beijing Municipality on September 9, 2005 shall be repealed simultaneously.

北京市实施《中华人民共和国全国人民代表大会和 地方各级人民代表大会代表法》办法

(2014年1月22日北京市第十四届人民代表大会第二次会议通过)

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第一章 总 则

第一条 为了实施《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》，保证本市各级人民代表大会代表依法行使代表的职权，履行代表的义务，发挥代表作用，结合本市实际情况，制定本办法。

第二条 本市各级人民代表大会代表，是本市各级国家权力机关组成人员，代表人民的利益和意志，依照宪法和法律赋予本级人民代表大会的各项职权，参加行使国家权力。

代表受原选区选民或者原选举单位的监督。

第三条 代表享有下列权利：

Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on Deputies to the National People's Congress and Local People's Congresses at Various Levels

(Adopted at the 2nd Meeting of the 14th People's Congress of Beijing
Municipality on January 22, 2014)

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Chapter I General Provisions

Article 1 The Measures are formulated to implement the Law of the People's Republic of China on Deputies to the National People's Congress and Local People's Congresses at Various Levels and ensure that deputies to the people's congresses at various levels of this Municipality exercise their functions and powers, fulfill their duties and play their roles in accordance with the law and in their capacity as deputies in light of actual conditions of this Municipality.

Article 2 Deputies to the people's congresses at various levels of this Municipality are component members of the organs of State power at the corresponding levels. They shall represent the interests and will of the people and participate in the exercise of State power according to the functions and powers vested in the people's congresses at the corresponding levels by the Constitution and laws.

Deputies shall be subject to the supervision of the voters of the electoral districts or the electoral units that elected them.

Article 3 Deputies shall be entitled to the following rights:

（一）出席本级人民代表大会会议，参加审议各项议案、报告和其他议题，发表意见；

（二）依法联名提出议案、质询案、罢免案等；

（三）提出对各方面工作的建议、批评和意见；

（四）参加本级人民代表大会的各项选举；

（五）参加本级人民代表大会的各项表决；

（六）获得依法执行代表职务所需的信息和各项保障；

（七）法律规定的其他权利。

第四条 代表应当履行下列义务：

（一）模范地遵守宪法、法律和法规，保守国家秘密，在自己参加的生产、工作和社会活动中，协助宪法、法律和法规的实施；

（二）按时出席本级人民代表大会会议，认真审议各项议案、报告和其他议题，发表意见，做好会议期间的各项工作；

（三）积极参加统一组织的视察、专题调研、执法检查等履职活动；

（四）加强履职学习和调查研究，不断提高执行代表职务的能力；

（五）与原选区选民或者原选举单位和人民群众保持密切联系，听取和反映他们的意见和要求，努力为人民服务；

（六）自觉遵守社会公德，廉洁自律，公道正派，勤勉尽责；

（七）法律规定的其他义务。

第五条 代表依照《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》和本办法的规定，在本级人民代表大会会议期间的工作和在本级人民代表大会闭会期间的活动，都是执行代表职务。

代表不脱离各自的生产和工作。代表出席本级人民代表大会会议，参加闭会期间统一组织的履职活动，应当安排好本人的生产和工作，优先执行代表职务。

(1) to attend sessions of the people's congresses at the corresponding levels, to participate in deliberation on various bills or proposals, reports and other issues, and to put forward their opinions;

(2) to jointly advance bills or proposals, proposals for addressing questions, proposals of recall, etc. in accordance with the law;

(3) to put forward proposals, criticisms and opinions concerning various aspects of work;

(4) to participate in all elections held by the people's congresses at the corresponding levels;

(5) to participate in all votes held by the people's congresses at the corresponding levels;

(6) to obtain the information and various guarantees necessary for their performance of duties as deputies in accordance with the law; and

(7) other rights stipulated by laws.

Article 4 Deputies shall perform the following duties:

(1) to play an exemplary role in abiding by the Constitution, laws and regulations, to keep state secrets, and to assist in implementation of the Constitution, laws and regulations in the production, work and public activities which they take part in;

(2) to attend sessions of the people's congresses at the corresponding levels on time, to earnestly deliberate on various bills or proposals, reports and other issues, to put forward their opinions, and to do a good job in various work during the sessions;

(3) to actively take part in inspections, special survey, law enforcement inspections and other activities in relation to performance of their duties which are organized in a unified way;

(4) to strengthen their study, survey and research in relation to performance of their duties, and to continuously enhance their capacity of performing their duties as deputies;

(5) to maintain close contact with the voters of the electoral districts or the electoral units that elected them and the masses, to listen to and convey their opinions and demands, and to strive to serve the people;

(6) to consciously abide by social morality, to be clean, honest and self-disciplined, to behave in an impartial and upright way, and to be diligent and responsible; and

(7) other duties stipulated by laws.

Article 5 Work and activities carried out by deputies according to the provisions of the Law of the People's Republic of China on Deputies to the National People's Congress and Local People's Congresses at Various Levels and the Measures, when the people's congresses at the corresponding levels are in session and not in session, shall all constitute the performance of their duties as deputies.

Deputies shall not separate themselves from their own production and work. Deputies shall, when attending sessions of the people's congresses at the corresponding levels, and participating in the performance of their duties organized in a unified way when the people's congresses are not in session, make good arrangements for their production and work and

第六条 本市国家机关、社会团体和企业、事业单位应当为代表执行代表职务提供保障。

第二章 代表在本级人民代表大会会议期间的工作

第七条 代表应当按时出席本级人民代表大会会议。因健康等特殊原因不能出席会议的，市和区、县人民代表大会代表应当向代表团团长书面请假并得到批准，乡、民族乡、镇人民代表大会代表应当向人民代表大会主席或者副主席书面请假并得到批准。

在人民代表大会会议期间，因健康等特殊原因临时不能出席本级人民代表大会全体会议、代表团全体会议、小组会议的，市和区、县人民代表大会代表应当向代表团团长请假并得到批准，乡、民族乡、镇人民代表大会代表应当向人民代表大会主席或者副主席请假并得到批准。

第八条 市和区、县人民代表大会代表应当根据本级人民代表大会常务委员会的安排，做好出席代表大会会议前的下列准备工作：

- （一）围绕代表大会将要审议的议题进行视察；
- （二）讨论准备提请代表大会会议审议的主要文件；
- （三）讨论酝酿有关选举事项；
- （四）听取原选区选民或者原选举单位和人民群众的意见和要求；
- （五）准备向代表大会提出议案以及建议、批评和意见。

乡、民族乡、镇人民代表大会代表根据本级人民代表大会主席、副主席的安排，进行大会前的各项准备工作。

第九条 代表参加大会全体会议、代表团全体会议、小组会议，审议列入大会议程的各项议案和报告。

代表可以按照大会主席团通过的会议日程安排，参加专门性问题的讨论和在大会

give priority to the performance of their duties as deputies.

Article 6 State organs, social organizations, enterprises and institutions in this Municipality shall provide guarantee for deputies in performance of their duties as deputies.

Chapter II Work of Deputies during a Session of the People's Congresses at the Corresponding Levels

Article 7 Deputies shall attend sessions of the people's congresses at the corresponding levels on time. Where a deputy to a people's congress cannot attend a session due to health or any other special reason, he or she shall submit a written request for leave to the delegation head and get approval in the case of a deputy to the municipal, district or county people's congress, or shall submit a written request for leave to the chairman or vice-chairman of the people's congress and get approval in the case of a deputy to the people's congress of a township, nationality township or town.

Where a deputy to a people's congress, during a session of the people's congress, cannot attend plenary meetings of the session, or general meetings or group meetings of the delegation due to health or any other special reason, he or she shall submit a request for leave to the delegation head and get approval in the case of a deputy to the municipal, district or county people's congress, or shall submit a request for leave to the chairman or vice-chairman of the people's congress and get approval in the case of a deputy to the people's congress of a township, nationality township or town.

Article 8 Deputies to the municipal, district or county people's congresses shall, according to the arrangements of the standing committees of the people's congresses at the corresponding levels, make good preparations as follows for attending sessions of the people's congresses:

- (1) making inspections focusing on the topics to be deliberated at the sessions;
- (2) discussing major documents to be submitted for deliberation at the sessions;
- (3) discussing and considering electoral matters;
- (4) listening to the opinions and demands of the voters of the electoral districts or the electoral units that elected them and the masses; and
- (5) preparing bills, proposals, suggestions, criticisms and opinions to be submitted at the sessions.

Deputies to the people's congresses of townships, nationality townships or towns shall, according to the arrangements of the chairmen or vice-chairmen of the people's congresses at the corresponding levels, make various preparations for sessions of the people's congresses.

Article 9 A deputy shall attend plenary meetings of a session, and general meetings and group meetings of the delegation, and deliberate on all the bills, proposals and reports that have been placed on the agenda of the session.

A deputy may, according to the agenda approved by the presidium of a session, participate in discussion of specialized issues and speak at the session, and may, upon recommendation or invitation, and as a nonvoting participant, attend meetings of the

上发言；可以被推选或者受邀请列席主席团会议、专门委员会会议，发表意见。

代表应当围绕会议议题发表意见，遵守议事规则。

第十条 市和区、县人民代表大会代表十人以上联名或者一个代表团以全体代表的过半数通过，乡、民族乡、镇人民代表大会代表五人以上联名，可以向本级人民代表大会书面提出属于本级人民代表大会职权范围内的议案。

议案应当有案由、案据和方案。议案的内容主要包括：

- （一）制定、修改和解释地方性法规的事项；
- （二）保证宪法和法律在本行政区域内遵守和执行的事项；
- （三）本级人民代表大会讨论、决定本行政区域的重大事项；
- （四）对本级人民政府、人民法院、人民检察院实施监督方面的事项；
- （五）属于本级人民代表大会职权范围人民群众普遍关心的其他事项。

代表或者代表团提出的议案，经大会主席团审议决定，可以列入大会议程，可以根据议案集中反映的问题一并交主管机关研究办理，并由人民代表大会常务委员会进行审议，也可以作为代表建议、批评和意见处理。

列入会议议程的议案，在交付大会表决前，提出议案的代表或者代表团要求撤回的，经大会主席团同意，会议对该项议案的审议即行终止。

第十一条 代表在审议议案和报告时，就可以就审议内容的相关问题提出询问，被询问的本级有关国家机关应当派负责人或者有关负责人员回答询问。

根据代表要求或者工作需要，经市和区、县人民代表大会主席团安排，可以由本级人民代表大会常务委员会、人民政府、人民法院、人民检察院有关部门的负责人员，集中接受代表询问。

第十二条 市和区、县人民代表大会会议期间，代表十人以上联名或者一个代表团以全体代表的过半数通过，可以书面提出对本级人民政府及其所属各部门和人民法院、人民检察院的质询案。乡、民族乡、镇人民代表大会会议期间，代表十人以上联名，可以书面提出对本级人民政府的质询案。

presidium or meetings of the special committees and advance opinions.

A deputy shall put forward opinions on topics for discussion at a meeting and comply with the rules of procedure.

Article 10 A group of 10 or more deputies to or a delegation with approval by more than half of deputies of the delegation of the municipal, district or county people's congress, or a group of 5 or more deputies to the people's congress of a township, nationality township or town, may submit to the people's congress at the corresponding level bills or proposals within the scope of functions and powers of the people's congress.

Bills or proposals submitted shall consist of subjects, grounds and schemes. A bill or proposal shall include the following contents:

- (1) matters concerning the formulation, revision and interpretation of local laws and regulations;
- (2) matters ensuring the observance and implementation of the Constitution and laws within the corresponding administrative area;
- (3) major matters to be discussed and decided by the people's congress at the corresponding level within the corresponding administrative area;
- (4) matters concerning supervision over the people's government, people's court and people's procuratorate at the corresponding level; and
- (5) other matters of general concern to the masses within the scope of functions and powers of the people's congress at the corresponding level.

A bill or proposal submitted by deputies or a delegation may, upon deliberation and decision by the presidium, be placed on the agenda of a session, or be forwarded to the competent authority for investigation and handling in light of the issues reflected in the bill or proposal and deliberated by the standing committee of the people's congress, or be handled as a proposal, criticism or opinion of deputies.

Deliberations on a bill or proposal already placed on the agenda of a session shall be terminated upon approval by the presidium of a request made by the deputies or delegation that submitted the bill or proposal for its withdrawal before it is put to vote at the session.

Article 11 During deliberations on a bill or proposal, or a report, deputies may make inquiries in connection with the contents under deliberation, and the state organ at the corresponding level to which the inquiries are made shall send its head or a person in charge to answer the inquiries.

At the request of deputies or in light of the need of work, persons in charge of relevant departments of the standing committee of the people's congress, the people's government, the people's court and the people's procuratorate at the corresponding level may, according to the arrangements of the presidium of the municipal, district or county people's congress, collectively answer inquiries made by deputies.

Article 12 During a session of the municipal, district or county people's congress, a group of 10 or more deputies, or a delegation with approval by more than half of deputies of the delegation, may make a written inquiry to the people's government and its departments, the people's court and the people's procuratorate at the corresponding level. During a

质询案应当写明质询对象、质询的问题和内容。

质询案按照主席团的决定，由受质询机关的负责人在主席团会议、有关的专门委员会会议或者有关的代表团会议上口头答复，或者由受质询机关书面答复。在主席团会议或者有关的专门委员会会议上答复的，提出质询案的代表团团长或者代表有权列席会议，发表意见。

提出质询案的代表半数以上对答复不满意的，可以要求受质询机关再作答复。

第十三条 市和区、县人民代表大会会议期间，十分之一以上代表联名，可以提出对本级人民代表大会常务委员会组成人员、人民政府组成人员、人民法院院长、人民检察院检察长的罢免案。乡、民族乡、镇人民代表大会会议期间，五分之一以上代表联名，可以提出对人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长的罢免案。罢免案由主席团提请大会审议。

罢免案应当写明罢免的理由，并提供有关材料。

第十四条 市和区、县人民代表大会会议期间，主席团、十分之一以上的代表联名或者三个以上代表团，可以提议组织关于特定问题的调查委员会，由主席团提请代表大会全体会议决定。

提议应当写明调查的对象、内容和要求。

第三章 代表在本级人民代表大会闭会期间的活动

第十五条 市和区、县人民代表大会常务委员会，负责组织本级人民代表大会代表和受委托组织上一级人民代表大会代表开展闭会期间的活动。

乡、民族乡、镇人民代表大会主席、副主席，负责组织本级人民代表大会代表开展闭会期间的活动。

第十六条 代表在代表大会闭会期间的活动，以集体活动为主，以代表小组活动为基本形式。

session of the people's congress of a township, nationality township or town, 10 or more deputies may make a written inquiry to the people's government at the corresponding level.

In the inquiry, to whom the questions are addressed and the specific questions shall be clearly stated.

The inquiry shall, as decided by the presidium, be referred to the head of the organ addressed for an oral reply at a meeting of the presidium, a special committee, or the delegation concerned, or for a written reply. Where a reply is made at a meeting of the presidium or the special committee, the head of the delegation or deputies who submit the inquiry shall have the right to attend the meeting as nonvoting delegates and express their opinions.

In the event that half or more of the deputies who submit the inquiry are not satisfied with the reply, they may demand another reply from the organ addressed.

Article 13 When a municipal, district or county people's congress is in session, a group of at least one-tenth of the deputies may submit a proposal to remove from office a component member of the standing committee of the people's congress, a component member of the people's government, the president of the people's court or the chief procurator of the people's procuratorate at the corresponding level. When the people's congress of a township, nationality township or town is in session, a group of at least one-fifth of the deputies may submit a proposal to remove from office the chairman or vice-chairmen of the people's congress, or the head or deputy heads of the township or town. The proposal shall be referred by the presidium to the session for deliberation.

In a proposal for removal from office, reasons for the removal shall be clearly stated and supporting materials shall be presented.

Article 14 When the municipal, district or county people's congress is in session, the presidium, a group of at least one-tenth of the deputies, or 3 or more delegations may submit a proposal for organizing an investigation committee on specific issues, which shall be referred by the presidium to the plenary meeting of the people's congress for decision.

In such a proposal, the issues to be investigated, as well as the contents and requirements of investigation, shall be clearly stated.

Chapter III Activities of Deputies When the People's Congress at the Corresponding Level is not in Session

Article 15 The standing committee of the municipal, district or county people's congress shall be responsible for organizing deputies to the people's congress at the corresponding level, and shall, upon commission, organize deputies to the people's congress at the next higher level, to carry out activities when the people's congress at the corresponding level is not in session.

The chairman or vice-chairmen of the people's congress of a township, nationality township or town shall be responsible for organizing activities of deputies to the people's congress at the corresponding level when the people's congress at the corresponding level is not in session.

Article 16 When a people's congress is not in session, deputies shall give priority to collective activities and take group activities of deputies as the basic form.

代表在本级或者下级人民代表大会常务委员会协助下，可以按照行业、工作单位、居住区域，或者按照人民代表大会会议期间划分的小组，组成代表小组或者联组，开展代表活动。

代表可以参加一个代表小组。代表小组或者联组应当推选组长、副组长，制定闭会期间活动计划，每年活动不少于两次。

第十七条 市和区、县人民代表大会代表根据人民代表大会常务委员会及其工作机构的统一安排，参加有组织的视察、执法检查 and 调查研究，了解本级或者下级国家机关和有关单位的工作情况，听取人民群众的意见和要求。

代表可以持代表证就地进行视察。市和区、县人民代表大会常务委员会根据代表的要求，联系安排本级或者上级的代表持代表证就地进行视察。

对代表的视察、执法检查 and 调查研究，有关国家机关和单位的负责人应当如实汇报情况，回答代表提出的问题，提供有关材料。

代表在视察、执法检查 and 调查研究过程中可以向有关单位提出建议、批评和意见，但不直接处理问题。

第十八条 代表参加本级人民代表大会常务委员会组织的视察、调查研究活动形成的报告，由人民代表大会常务委员会工作机构转交有关机关、组织或者其工作部门研究处理。接受报告的有关机关、组织或者其工作部门应当将研究处理情况向代表反馈，也可以委托人民代表大会常务委员会工作机构向代表反馈。

第十九条 代表按照本办法第十七条第一款规定进行视察，可以提出约见本级或者下级有关国家机关负责人。被约见的有关国家机关负责人或者由他委托的负责人员应当听取代表的建议、批评和意见。

第四章 代表与原选区选民或者原选举单位和人民群众的联系

第二十条 代表应当与原选区选民或者原选举单位和人民群众保持密切联系，通过多种方式，听取和反映他们的意见和要求。

Deputies may, with assistance from the standing committee of the people's congress at the corresponding level or at the lower level, form themselves into deputy groups or joint groups for the purpose of carrying out deputy activities by their business trades, work units or residential areas or by the work groups they belong to when the people's congress is in session.

A deputy may join one deputy group. A deputy group or joint group shall elect a group leader and deputy group leaders, and work out a plan for carrying out activities when the people's congress is not in session. Each group shall carry out at least two activities every year.

Article 17 Deputies to the municipal, district or county people's congress may, under unified arrangements made by the standing committee of the people's congress or its working organs, participate in organized inspections, law enforcement examination, investigation and study on the work of state organs and relevant units at the corresponding level or at the lower level, and listen to the opinions and demands of the masses.

Deputies may conduct inspections on the spot on the strength of their deputy certificates. The standing committee of the municipal, district or county people's congress shall, upon request of deputies, arrange inspections by deputies at or above the corresponding level on the spot on the strength of their deputy certificates.

During inspections, law enforcement examination, investigation and study by deputies, heads of relevant state organs and units shall make truthful reports to deputies, answer their questions and provide relevant materials.

Deputies may, during their inspections, law enforcement examination, investigation and study, put forward proposals, criticisms or opinions to relevant units, but shall not deal with problems directly.

Article 18 Reports based on deputies' inspections, investigation or study organized by the standing committee of the people's congress at the corresponding level shall be forwarded by its working organ to relevant authorities, organizations or their departments for study and handling. Feedback on the study and handling shall be given to deputies by relevant authorities, organizations or their departments that accept the reports or by the working organ of the standing committee upon commission.

Article 19 Deputies may, when conducting inspections in accordance with the provisions of Paragraph 1, Article 17 of the Measures, propose an interview with heads of relevant state organs at the corresponding level or at the lower level. Heads of relevant state organs to be interviewed or persons in charge entrusted thereby shall listen to the suggestions, criticisms and opinions of deputies.

Chapter IV Contact between Deputies and Voters of the Electoral Districts or the Electoral Units that Elected Them and the Masses

Article 20 Deputies shall maintain close contact with the voters of the electoral districts or the electoral units that elected them and the masses, and listen to and convey their opinions and demands through various means.

第二十一条 市人民代表大会代表可以通过下列方式与原选举单位和人民群众保持密切联系：

- （一）列席原选举单位的人民代表大会会议；
- （二）应邀列席原选举单位的人民代表大会常务委员会会议；
- （三）按照原选举单位的人民代表大会常务委员会的安排，与原选举单位代表建立固定联系；
- （四）参加原选举单位的人民代表大会常务委员会统一组织的区、县人民代表大会代表联系选民的活动。

第二十二条 区、县、乡、民族乡、镇人民代表大会代表可以通过参加统一组织的选民接待日、座谈会、视察、专题调研等活动以及走访选民等方式，保持与原选区选民和人民群众的密切联系。

区、县、乡、民族乡、镇人民代表大会代表参加选民接待日活动每年应当不少于两次。

第二十三条 代表可以通过下列方式反映原选区选民或者原选举单位和人民群众的意见和要求：

- （一）在出席本级人民代表大会会议时，提出议案，对各项议题发表审议意见；
- （二）向本级人民代表大会及其常务委员会提出建议、批评和意见；
- （三）向上一级人民代表大会代表反映；
- （四）向本级人民政府及其所属各部门、人民法院和人民检察院反映。

第二十四条 市和区、县人民代表大会常务委员会应当建立本市各级人民代表大会代表之间的联系制度，并为代表密切与原选区选民或者原选举单位和人民群众的联系提供保障，畅通代表了解和反映人民群众的意见和要求的渠道。

区、县人民代表大会常务委员会，乡、民族乡、镇人民代表大会，应当设立代表信箱，为本级人民代表大会代表安排固定时间和固定场所接待选民。

本市各级人民政府及其所属各部门、各级人民法院和人民检察院应当确定机构或者人员负责代表工作，便于代表及时反映人民群众的意见和要求，了解执行代表职务所需

Article 21 A deputy to the Municipal People's Congress may maintain close contact with the electoral unit that elected him or her and the masses in the following ways:

- (1) to attend meetings of the people's congress of the electoral unit that elected him or her as a nonvoting participant;
- (2) to attend, upon invitation, meetings of the standing committee of the people's congress of the electoral unit that elected him or her as a nonvoting participant;
- (3) to establish regular contacts with deputies to the electoral unit that elected him or her according to the arrangements of the standing committee of its people's congress; and
- (4) to participate in the activities organized by the standing committee of the people's congress of the electoral unit that elected him or her for deputies to the district or county people's congresses to contact voters.

Article 22 Deputies to the people's congresses of districts, counties, townships, nationality townships or towns may maintain close contact with the voters of the electoral districts that elected them and the masses by participating in activities such as voter reception days, symposiums, inspections and special survey which are organized in a unified way, paying visits to the voters, etc.

Deputies to the people's congresses of districts, counties, townships, nationality townships or towns shall participate in voter reception day activities at least twice a year.

Article 23 A deputy may convey the opinions and demands of the voters of the electoral district or the electoral unit that elected him or her and the masses in the following ways:

- (1) to put forward proposals or bills and express deliberation opinions on various topics when attending meetings of the people's congress at the corresponding level;
- (2) to put forward suggestions, criticisms and opinions to the people's congress at the corresponding level and its standing committee;
- (3) to report to deputies to the people's congress at the next higher level; and
- (4) to report to the people's government and its departments, the people's court and the people's procuratorate at the corresponding level.

Article 24 The standing committees of the municipal, district and county people's congresses shall establish a contact system among deputies to the people's congresses at all levels of this Municipality, provide guarantee for deputies to maintain close contact with the voters of the electoral districts or the electoral units that elected them and the masses, and facilitate open channels for deputies to understand and convey the opinions and demands of the masses.

The standing committee of the people's congress of a district or county, and the people's congress of a township, nationality township or town, shall set up a deputy mailbox and arrange a fixed time and fixed place for deputies to the people's congress at the corresponding level to receive voters.

The people's governments and their departments, the people's courts and the people's procuratorates at all levels of this Municipality shall determine offices or personnel to be responsible for the work in connection with deputies, so that deputies may timely convey

要的信息。

第五章 代表执行职务的保障

第二十五条 代表在人民代表大会各种会议上的发言和表决，不受法律追究。

第二十六条 市和区、县人民代表大会代表，非经本级人民代表大会主席团许可，在本级人民代表大会闭会期间，非经本级人民代表大会常务委员会许可，不受逮捕或者刑事审判。如果因为现行犯被拘留，执行拘留的机关应当立即向该级人民代表大会主席团或者人民代表大会常务委员会报告。

对市和区、县人民代表大会代表，如果采取法律规定的其他限制人身自由的措施，应当经该级人民代表大会主席团或者人民代表大会常务委员会许可。

人民代表大会主席团或者常务委员会受理有关机关依照本条规定提请许可的申请，应当审查是否存在对代表在人民代表大会各种会议上的发言和表决进行法律追究，或者对代表提出建议、批评和意见等其他执行职务行为打击报复的情形，并据此作出决定。

乡、民族乡、镇人民代表大会代表，如果被逮捕、受刑事审判或者被采取法律规定的其他限制人身自由的措施，执行机关应当立即报告乡、民族乡、镇的人民代表大会。

第二十七条 代表在代表大会闭会期间执行代表职务占用的工作时间，代表所在单位必须给予保障。本级人民代表大会或者其常务委员会安排的代表活动，代表接到通知后可以向所在单位提出请假申请，单位应当予以批准；代表所在单位接到通知的，应当及时告知代表，代表提出请假申请的，单位应当予以批准。

代表所在单位对代表按照前款规定执行代表职务，应当按正常出勤对待，享受所在单位工资、奖金和其他待遇。代表参加代表活动期间，原来承担的生产和工作任务应当相应免除、减少或者调整。实行工作量化管理或者考核的单位，应当根据代表执行代表职务占用的工作时间，相应计算工作量。

the opinions and demands of the masses and understand the information required for performing their duties.

Chapter V Guarantees for the Performance of Duties as Deputies

Article 25 Deputies shall hold no legal liability for their speeches or votes at various meetings of the people's congresses.

Article 26 No deputy to the municipal, district or county people's congress may be arrested or placed on criminal trial without the consent of the presidium of the people's congress at the corresponding level, or without the consent of its standing committee when the people's congress is not in session. If a deputy is caught in the act and detained, the organ executing the detention shall immediately report the matter to the presidium or the standing committee of the people's congress at the corresponding level.

If any other restriction of personal freedom prescribed by the law is imposed on a deputy to the municipal, district or county people's congress, it shall be subject to the approval of the presidium or the standing committee of the people's congress at the corresponding level.

In accepting applications for approval made by relevant organs in accordance with this Article, the presidium or the standing committee of the people's congress shall examine whether there are such circumstances as holding the deputies liable for their speeches or votes at various meetings of the people's congress, or retaliating against the deputies for their acts of performing duties such as putting forward proposals, criticisms and opinions, and shall make a decision accordingly.

If a deputy to the people's congress of a township, nationality township or town is arrested or placed on criminal trial, or subjected to any other restrictions of personal freedom prescribed by the law, the executing organ shall immediately report the matter to the people's congress of the township, nationality township or town.

Article 27 The unit where a deputy works shall ensure him or her the time needed for the performance of duties as a deputy when the people's congress is not in session. For the activities of deputies arranged by the people's congress at the corresponding level or its standing committee, a deputy may, after receiving a notice, apply to the unit where he or she works for leave, which shall be approved by the unit; the unit where a deputy works shall promptly inform the deputy of any notice it has received, and grant approval if the deputy applies for leave.

The unit where a deputy works shall regard the deputy's performance of duties as a deputy in accordance with the provisions of the preceding paragraph as normal attendance, and provide wages, bonuses and other benefits. During the period of a deputy's participation in activities of deputies, the production and work tasks previously undertaken by the deputy shall be correspondingly exempted, reduced or adjusted. Units that implement quantitative management or assessment of work shall calculate the work load according to the working hours taken up by deputies in performing their duties.

代表所在单位可以根据本单位实际情况指定机构或者人员，配合市和区、县人民代表大会常务委员会代表联络工作部门以及乡、民族乡、镇人民代表大会主席、副主席，共同为代表执行代表职务提供服务。

第二十八条 代表活动经费列入本级财政预算，专款专用。

受上一级人民代表大会常务委员会委托组织代表活动，应当由上一级人民代表大会常务委员会拨付活动经费。

无固定工资收入的代表执行代表职务，根据实际情况由本级财政给予适当补贴。

第二十九条 市和区、县人民代表大会常务委员会及其工作机构、街道人大代表工作机构以及乡、民族乡、镇人民代表大会主席、副主席，应当为代表依法履行职责，开展闭会期间活动提供条件和服务。

市和区、县人民代表大会常务委员会，市人民代表大会专门委员会，应当加强与代表的联系，根据各项工作的需要邀请代表列席常务委员会会议、专门委员会会议，参加立法、执法检查、专题调研、议案办理、国民经济和社会发展规划及预算审查等活动，听取代表的意见和建议，扩大代表对本级人民代表大会常务委员会工作的参与。

第三十条 市和区、县人民代表大会常务委员会应当对本级人民代表大会代表建议、批评和意见的办理情况进行监督，听取并审议有关国家机关办理代表建议、批评和意见情况的报告，并将报告印发下一次人民代表大会会议。

乡、民族乡、镇人民代表大会主席、副主席应当对本级人民代表大会代表建议、批评和意见的办理情况进行监督。

有关国家机关和组织及其承办单位应当认真研究办理代表提出的建议、批评和意见，自交办之日起三个月内答复；涉及面广、处理难度大的，经交办机关同意，至迟不得超过六个月答复。

第三十一条 市和区、县人民代表大会常务委员会应当通过多种形式，为代表提供有关法律法规、人民代表大会常务委员会公报、立法和监督工作计划、重要工作情况以及其他参阅资料。

The units where deputies work may, in light of their actual conditions, appoint offices or personnel to cooperate with the deputy liaison departments of the standing committees of the municipal, district and county people's congresses, as well as the chairman and vice-chairmen of the people's congresses of townships, nationality townships and towns, so as to jointly provide services for deputies in performing their duties as deputies.

Article 28 Funds for activities of deputies shall be included in the fiscal budgets at the corresponding levels and shall be earmarked for specified purposes.

Where deputy activities are organized upon the commission of the standing committee of the people's congress at the next higher level, the said standing committee shall appropriate funds for the activities.

Deputies with no fixed income shall, for the performance of their duties as deputies, be appropriately subsidized by the governmental finance at the corresponding level in light of the specific circumstances.

Article 29 The standing committees of the municipal, district and county people's congresses and their working organs, sub-district working organs for deputies to the people's congresses, and the chairmen and vice-chairmen of the people's congresses of townships, nationality townships and towns, shall provide necessary conditions and services for deputies to perform their duties as deputies according to law and carry out activities when the people's congresses are not in session.

The standing committees of the municipal, district and county people's congresses and the special committees of the Municipal People's Congress shall strengthen contacts with deputies and, in light of the needs of various work, invite deputies to attend meetings of the standing committees and special committees as nonvoting participants, to take part in such activities as lawmaking, law enforcement examination, special survey, handling of bills and proposals, and examination on plans for national economic and social development and budgets, and to listen to the suggestions and opinions of deputies, so as to expand participation by deputies in the work of the standing committees of the people's congresses at the corresponding levels.

Article 30 The standing committee of the municipal, district or county people's congress shall supervise the handling of proposals, criticisms and opinions put forward by deputies to the people's congress at the corresponding level, listen to and deliberate on the reports of relevant state organs on the handling of such proposals, criticisms or opinions, and issue the reports at the next meeting of the people's congress.

The chairman or vice-chairmen of the people's congress of a township, nationality township or town shall supervise the handling of the proposals, criticisms and opinions put forward by deputies to the people's congress at the corresponding level.

Relevant state organs, organizations and their handling units shall earnestly study and handle the proposals, criticisms and opinions put forward by deputies and give a reply within 3 months from the date when they are referred for handling. If they involve multiple parties so that they are difficult to be handled, a reply shall be made within 6 months at the latest upon approval of the organ that refers them for handling.

Article 31 The standing committees of the municipal, district and county people's congresses shall, through various ways, provide deputies with relevant laws and regulations,

市和区、县人民政府、人民法院、人民检察院应当通过多种形式及时向代表通报有关工作情况，提供公报以及相关资料。

乡、民族乡、镇人民代表大会主席、副主席，乡、民族乡、镇人民政府应当及时向代表通报重要工作情况。

第三十二条 市和区、县人民代表大会常务委员会，应当根据代表履行职责的需要，组织本级人民代表大会代表和受委托组织上一级人民代表大会代表履职学习。乡、民族乡、镇人民代表大会主席、副主席，应当组织本级人民代表大会代表履职学习。

乡、民族乡、镇的人民代表大代表可以参加上级人民代表大会常务委员会组织的代表履职学习。

第三十三条 代表所在单位或者上级单位，应当按照有关规定，将代表列入传达、阅读文件人员范围。市和区、县人民代表大会常务委员会工作机构，乡、民族乡、镇人民代表大会主席、副主席，应当对本级人民代表大会代表传达、阅读有关文件作出安排。

第三十四条 少数民族代表执行代表职务时，有关部门应当在语言文字方面给予必要的帮助，并尊重他们的生活习惯。

第三十五条 一切组织和个人都必须尊重代表的权利，支持代表执行代表职务。

有义务协助代表执行代表职务而拒绝履行义务的，有关单位应当予以批评教育，直至给予行政处分。

阻碍代表依法执行代表职务的，根据情节，由所在单位或者上级机关给予行政处分，或者适用《中华人民共和国治安管理处罚法》第五十条的处罚规定；以暴力、威胁方法阻碍代表依法执行代表职务的，依照刑法有关规定追究刑事责任。

对代表依法执行代表职务进行打击报复的，由所在单位或者上级机关责令改正或者给予行政处分；国家工作人员进行打击报复构成犯罪的，依照刑法有关规定追究刑事责任。

gazettes of the standing committees of the people's congresses, work plans for legislation and supervision, important work matters and other data for reference.

The municipal, district and county people's governments, people's courts and people's procuratorates shall, through various ways, promptly circulate information on their work to deputies and provide them with gazettes and relevant data.

The chairmen and vice-chairmen of the people's congresses of townships, nationality townships and towns, and the people's governments at the township, nationality township and town level shall promptly circulate important information on their work to deputies.

Article 32 The standing committee of the municipal, district or county people's congress shall, in light of the needs of deputies to perform their duties, organize study in relation to performance of duties by deputies to the people's congress at the corresponding level, or organize, upon commission, study in relation to performance of duties by deputies to the people's congress at the next higher level. The chairman or vice-chairmen of the people's congress of a township, nationality township or town shall organize study in relation to performance of duties by deputies to the people's congress at the corresponding level.

Deputies to the people's congress of a township, nationality township or town may participate in the study in relation to performance of their duties as deputies organized by the standing committee of the people's congress at the next higher level.

Article 33 The unit where a deputy works or the unit at a higher level shall put the deputy in the name list of those to whom any relevant documents may be relayed or of those who are entitled to read any relevant documents in accordance with relevant provisions. The working organ of the standing committee of the municipal, district or county people's congress, and the chairman or vice-chairmen of the people's congress of a township, nationality township or town, shall make arrangements for relaying relevant documents to deputies to the people's congress at the corresponding level or for them to read relevant documents.

Article 34 When deputies of minority nationalities perform their duties as deputies, the departments concerned shall provide them with necessary help in both spoken and written languages, and show respect to their habits and customs.

Article 35 All organizations and individuals must respect the rights of deputies and support them in their performance of duties as deputies.

Whoever has the duty to assist deputies in their performance of duties as deputies but refuses to do so shall be admonished, criticized, or even subjected to administrative sanctions by the unit concerned.

Whoever obstructs deputies from performing their duties as deputies according to law shall be given administrative sanctions by the unit where he or she works or by the department at the higher level, or shall be punished in accordance with Article 50 of the Law of the People's Republic of China on Penalties for Public Security Administration. Whoever obstructs, by means of violence or threat, deputies from performing their duties as deputies according to law shall be investigated for criminal liability in accordance with relevant provisions of the Criminal Law.

Whoever retaliates against deputies for their performance of duties as deputies according to law shall be ordered to make corrections or given administrative sanctions by the unit where he or she works or by the department at the higher level. Where any

第六章 对代表的监督

第三十六条 代表应当采取多种方式经常听取原选区选民或者原选举单位和人民群众对代表履职的意见，回答原选区选民或者原选举单位对代表工作和代表活动的询问，接受监督。

区、县、乡、民族乡、镇人民代表大会代表应当以书面或者口头方式，向原选区选民报告履职情况。

市人民代表大会代表可以根据原选举单位的人民代表大会常务委员会的安排，报告履职情况。

第三十七条 代表应当正确处理从事个人职业活动与执行代表职务的关系。执行代表职务时，不得干涉具体司法案件或者招标投标等经济活动牟取个人利益；不得接受企业事业单位、社会团体或者个人给予的报酬或者出资赞助；对涉及本人或者亲属的具体案件以及与本人或者亲属有利害关系的其他事项，应当回避。

第三十八条 代表有下列情形之一的，暂时停止执行代表职务，由代表资格审查委员会向本级人民代表大会常务委员会或者乡、民族乡、镇的人民代表大会报告：

- （一）因刑事案件被羁押正在受侦查、起诉、审判的；
 - （二）被依法判处管制、拘役或者有期徒刑而没有附加剥夺政治权利，正在服刑的。
- 前款所列情形在代表任期内消失后，恢复其执行代表职务，但代表资格终止者除外。

第三十九条 代表有下列情形之一的，其代表资格终止：

- （一）本市各级人民代表大会代表迁出或者调离本行政区域的；
- （二）辞职被接受的；
- （三）未经批准两次不出席本级人民代表大会会议的；
- （四）被罢免的；
- （五）丧失中华人民共和国国籍的；

state functionary commits retaliation which constitutes a crime, criminal liability shall be investigated for in accordance with relevant provisions of the Criminal Law.

Chapter VI Supervision over Deputies

Article 36 Deputies shall, through various ways, constantly hear the opinions of the voters of the electoral districts or the electoral units that elected them and the masses on their performance of duties as deputies, answer inquiries of the voters of the electoral districts or the electoral units that elected them, and accept supervision.

Deputies to the people's congresses of districts, counties, townships, nationality townships or towns shall report their performance of duties to the voters of the electoral districts that elected them in written or oral form.

A deputy to the Municipal People's Congress may report his or her performance of duties according to the arrangements of the standing committee of the people's congress of the electoral unit that elected him or her.

Article 37 Deputies shall correctly handle the relations between their personal professional activities and their performance of duties as deputies. When performing their duties as deputies, they shall not interfere in specific judicial cases or bidding and other economic activities to seek personal gains, or accept payment or financial support from enterprises, institutions, social organizations or individuals, and shall recuse themselves from specific cases involving themselves or their relatives and other matters in which they or their relatives have an interest.

Article 38 Where a deputy falls under either of the following circumstances, the performance of his or her duties as a deputy shall be suspended, and the credentials committee shall report the matter to the standing committee of the people's congress at the corresponding level or to the people's congress of a township, nationality township or town:

- (1) being held in custody and subjected to investigation, prosecution or trial for criminal cases; or
- (2) being sentenced to public surveillance, criminal detention or fixed-term imprisonment according to law without additional deprivation of political rights and now serving the sentence.

As soon as the circumstances specified in the preceding paragraph no longer exist during the term of the deputy in question, he or she shall resume performance of his or her duties as a deputy, except for one who is disqualified as a deputy.

Article 39 A deputy under any of the following circumstances shall be disqualified:

- (1) He or she is a deputy to a local people's congress in this Municipality who has moved out of or is under order to leave from the corresponding administrative area;
- (2) His or her resignation as a deputy is accepted;
- (3) He or she is absent, without approval, from two sessions of the people's congress at the corresponding level;
- (4) He or she is removed from office;

（六）依照法律被剥夺政治权利的；

（七）丧失行为能力的。

代表资格被依法终止的，由代表资格审查委员会报本级人民代表大会常务委员会或者乡、民族乡、镇人民代表大会，由本级人民代表大会常务委员会或者乡、民族乡、镇人民代表大会予以公告。

第七章 附 则

第四十条 本办法自公布之日起施行。1992年11月21日北京市第九届人民代表大会常务委员会第三十七次会议通过，2006年9月15日北京市第十二届人民代表大会常务委员会第三十次会议修订的《北京市实施〈中华人民共和国全国人民代表大会和地方各级人民代表大会代表法〉办法》，同时废止。

- (5) He or she is deprived of the nationality of the People's Republic of China;
- (6) He or she is deprived of political rights in accordance with the law; or
- (7) He or she becomes incapacitated.

The disqualification of a deputy according to law shall be reported by the credentials committee to the standing committee of the people's congress at the corresponding level or to the people's congress of a township, nationality township or town for its announcement.

Chapter VII Supplementary Provisions

Article 40 The Measures shall come into force as of the date of promulgation. The Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on Deputies to the National People's Congress and Local People's Congresses at Various Levels adopted at the 37th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on November 21, 1992 and revised at the 30th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on September 15, 2006 shall be repealed simultaneously.

北京市人民政府办理人民代表大会代表建议、批评、 意见和中国人民政治协商会议提案办法

(2014年12月17日北京市人民政府第263号令公布)

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第一章 总 则

第一条 为做好人民代表大会（以下简称人大）代表建议、批评、意见和中国人民政治协商会议（以下简称政协）提案办理工作，保障人大代表行使提出建议、批评和意见的权利，发挥政协在政治协商、民主监督、参政议政中的作用，根据法律、法规和国家有关规定，结合本市实际情况，制定本办法。

第二条 市人民政府及其承办单位办理人大代表建议、批评、意见和政协提案，适用本办法。

本办法所称人大代表建议、批评、意见，是指全国人大代表、市人大代表提出的，需由市人民政府及其承办单位办理的书面建议、批评和意见，以及市人民代表大会主席团审议决定作为建议、批评和意见处理，需由市人民政府及其承办单位办理的代表或者代表团提出的议案（以下简称建议）。

Measures of Beijing Municipality for Handling Recommendations, Criticisms or Opinions of Deputies to the People's Congresses and Proposals of the People's Political Consultative Conferences by the People's Governments

(Promulgated by Decree No. 263 of the People's Government of Beijing Municipality on December 17, 2014)

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- Chapter I General Provisions
- Chapter II Assigning for Handling
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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of bringing to success the work of handling the recommendations, criticisms or opinions of deputies to the people's congresses (hereinafter referred to as the PCs) and proposals of the people's political consultative conferences (hereinafter referred to as the PPCCs), guaranteeing the rights of the deputies to the PCs to submit recommendations, criticisms and opinions, as well as developing the role of the PPCCs in terms of political consultation, democratic supervision, and participation in and deliberation of the administration in accordance with laws, regulations and relevant provisions of the State and in light of the actual circumstances of this Municipality.

Article 2 These Measures are applicable to the handling of recommendations, criticisms or opinions of deputies to the PCs and proposals of the PPCCs by the Municipal People's Government and its undertaking units.

As used in these Measures, the term "recommendations, criticisms or opinions of deputies to the PCs" refers to the recommendations, criticisms and opinions in written form submitted by the deputies to the National PC or the Municipal PC which need to be handled by the Municipal People's Government and its undertaking units, as well as the proposals submitted by the deputies or delegations decided upon the deliberation of the Presidium of the Municipal PC to be treated as recommendations, criticisms and opinions, which need to be handled by the Municipal People's Government and its undertaking units (hereinafter referred to as "the recommendations").

本办法所称政协提案，是指全国政协委员、市政协委员和参加政协的各人民团体以及政协各专门委员会（以下统称提案者）提出的，需由市人民政府及其承办单位办理的书面意见和建议（以下简称提案）。

第三条 市人民政府统筹建议、提案办理工作，由市长负责，常务副市长分管，市人民政府办公厅负责具体组织、指导、检查、督办、协调等工作。

承办单位建议、提案办理工作，由其主要负责人负责，分管负责人组织落实，并指定部门具体负责。

第四条 市人民政府及其承办单位应当建立健全建议、提案办理工作责任制度，对建议、提案实行分类管理，严格办理程序，按照法律、法规、规章和政策，结合本市实际情况，认真研究办理，并按期答复。

第二章 交 办

第五条 全国人大代表建议和全国政协提案，以及市人大、市政协闭会期间的建议、提案，由市人民政府办公厅根据建议、提案内容协商有关单位提出交办意见，报请市人民政府同意，交承办单位办理。

市人大会议、市政协全体会议期间的建议、提案，由市人民政府办公厅根据建议、提案内容协商有关单位提出交办意见，报请市人民政府有关会议研究决定，交承办单位办理。

市人民政府办公厅提出的交办意见应当明确建议、提案的承办单位和答复截止日期。建议、提案需要两个或者两个以上承办单位共同研究办理的，应当确定主办单位和会办单位。

第六条 承办单位收到建议、提案后，对不属于本单位职责范围的建议、提案，应当自收到之日起七个工作日内，以书面形式向市人民政府办公厅说明情况；经市人

As used in these Measures, the term “proposals of the PPCCs” refers to the opinions and suggestions in written form submitted by the members to the National PPCC or the Municipal PPCC, various social groups attending the PPCCs and various special committees of the PPCCs (hereinafter referred to as “the proposers”) which need to be handled the Municipal People’s Government and its undertaking units (hereinafter referred to as “the proposals”).

Article 3 The Municipal People’s Government shall co-ordinate the work of handling the recommendations or proposals, the Mayor shall take the responsibility, the executive vice-mayor shall be charge and the General Office of the Municipal People’s Government shall be responsible for such specific work as organization, guidance, inspection, supervision and coordination.

The mainly responsible persons of the undertaking units shall be responsible for the work of handling the recommendations or proposals, while the responsible persons in charge shall organize the implementation thereof and designate departments to assume specific responsibilities.

Article 4 The Municipal People’s Government and the undertaking units thereof shall establish a sound working responsibility system for the handling of recommendations and proposals, carry out categorized management of recommendations and proposals, set up strict procedures for handling, earnestly study and handle the recommendations and proposals in accordance with laws, regulations, rules and policies and in light of the actual circumstances of this Municipality, as well as make replies on schedule.

Chapter II Assigning for Handling

Article 5 As to the recommendations of the deputies to the National PC and proposals of the National PPCC, as well as the recommendations and proposals submitted during the period when the Municipal People’s Congress and the Municipal PPCC is not in session, the General Office of the Municipal People’s Government shall, based on the contents of the recommendations and proposals, put forward the opinions of assigning for handling, which shall be reported to the Municipal People’s Government for consent, and assign to the undertaking units for handling.

As to the recommendations and proposals submitted during the period when the Municipal PC or the Municipal PPCC is in session, the General Office of the Municipal People’s Government shall, based on the contents of the recommendations and proposals, put forward the opinions of assigning for handling, which shall be reported to relevant meetings of the Municipal People’s Government for study and decision, and assign to the undertaking units for handling.

The opinions of assigning for handling put forward by the General Office of the Municipal People’s Government shall specify the undertaking units of the recommendations or proposals, as well as the deadlines for reply. Where the recommendations or proposals require two or more undertaking units to handle upon joint study, the host unit and the cooperators shall be determined.

Article 6 Where the undertaking units receive the recommendations or proposals, as to those not within the scope of their duties, they shall, within seven working days upon the

民政府办公厅同意后，将建议、提案退回。承办单位不得擅自滞留或者自行转办建议、提案。

市人民政府办公厅对承办单位退回的建议、提案，应当自收到之日起五个工作日内按规定程序另行交办。

第三章 办 理

第七条 承办单位应当对建议、提案进行认真分析，集体讨论研究确定本单位办理建议、提案工作方案，根据所反映问题的类别和性质，依据法定职权、工作程序和条件，确定办理的方式、途径和方法。

第八条 承办单位应当确定具体承办建议、提案的责任人。对于综合性强、涉及面广、办理难度大的建议、提案，承办单位主要负责人应当组织研究办理；确有必要的，承办单位可以报请市人民政府研究、协调办理。

第九条 承办单位办理建议、提案，应当加强同代表、提案者的联系，充分听取其意见，理解其具体意向，并就办理情况与代表、提案者及时进行沟通。承办单位可以与代表、提案者单独沟通，也可以集中沟通。

第十条 建议、提案由两个或者两个以上单位共同研究办理的，会办单位应当与主办单位密切配合，及时向主办单位提交会办意见；主办单位应当及时综合各会办单位意见，提出答复意见，并抄送会办单位。根据需要，主办单位可以会同会办单位共同听取代表、提案者的意见，会办单位应当积极配合。

第十一条 承办单位应当重视采纳代表、提案者的合理意见和建议。对于应该解决且能够解决的问题，应当及时解决；对于应该解决但短时间内难以落实解决措施的，应当列入工作计划，逐步解决；因为客观条件所限，确实不能解决的，应当向代表、提案者充分说明原因。

第十二条 承办单位办理建议、提案，应当在市人民政府办公厅确定的期限内予

receipt thereof, describe the circumstances to the General Office of the Municipal People's Government in writing, and return the recommendations or proposals upon the consent of the General Office of the Municipal People's Government. The undertaking units shall not arbitrarily retain or assign the recommendations or proposals for handling.

The General Office of the Municipal People's Government shall, within five working days upon the receipt of the recommendations or proposals returned by the undertaking units, separately assign them for handling in accordance with the prescribed procedures.

Chapter III Handling

Article 7 The undertaking units shall carefully analyze the recommendations and proposals, determine the working plans for handling the recommendations and proposals upon group discussion and study, as well as determine the manner, way and method for handling in accordance with the category and nature of the issues reflected as well as based on the legal authority, working procedures and conditions.

Article 8 The undertaking units shall determine the persons assuming the specific responsibility of undertaking the recommendations or proposals. As to the recommendations and proposals with comprehensiveness, wide range and more difficulty to be handled, the mainly responsible persons of the undertaking units shall organize the study and handling thereof, and may report them to the Municipal People's Government for study and coordination for handling where it is indeed necessary.

Article 9 Where the undertaking units handle the recommendations and proposals, they shall strengthen the connection with the deputies and proposers, fully listen to the opinions thereof, understand the specific intentions thereof, as well as communicate with the deputies or proposers as to the handling circumstances. The undertaking units may either communicate with the deputies or proposers separately or communicate with them in a concentrated manner.

Article 10 Where two or more units handle the recommendations or proposals upon joint study, the co-operators shall closely cooperate with the host unit, and timely provide the host unit with opinions; the host unit shall timely collect the opinions of all co-operators and put forward the reply opinions, which be copied to the co-operators. The host unit may, together with the co-operators, listen to the opinions of the deputies or proposers as needed, while the co-operators shall provide positive cooperation.

Article 11 The undertaking units shall pay attention to adoption of the reasonable opinions and suggestions of the deputies and proposers; timely solve the issues that shall be solved and can be solved; include into the work plans the issues that shall be solved while it is difficult to put the solutions into practice within a short time, and solve them gradually; and fully explain the reasons for the issues which cannot be solved due to objective conditions to the deputies and proposers.

Article 12 Handling the recommendations or proposals, the undertaking units shall make replies within the time limit determined by the General Office of the

以答复；答复应当针对建议、提案的内容，采用公文形式，并遵守国家有关保密的规定。

第十三条 全国人大代表建议和全国政协提案，由承办单位提出答复意见，报经市人民政府同意，由市人民政府答复。

市人大代表建议、市政协提案，由承办单位提出答复意见并予以答复。

第十四条 代表、委员单独提出的建议、提案，答复代表、委员本人；联名提出的建议、提案，可以仅答复领衔代表、第一提案者。

参加政协的人民团体、政协专门委员会提出的提案，答复提出提案的人民团体、专门委员会。

第十五条 承办单位对于答复代表、提案者在一定期限内解决的问题，应当认真落实，并及时以书面形式告知工作进展情况；因情况变化导致不能落实的，应当以书面形式说明原因，并报送市人民政府办公厅以及市人大常委会代表联络工作部门或者市政协提案工作部门。

第十六条 市人民政府及其承办单位制定关系人民群众切身利益、关系首都经济社会发展全局的政策，应当邀请提出相关建议、提案的代表或者提案者参与，听取其意见和建议。

第十七条 承办单位办理建议、提案，不得泄露代表、委员依法受到保护的个人信息。

第十八条 建议、提案的原件、答复意见原件以及办理过程中的其他有关材料，应当按照档案管理的规定存档。

第四章 监督检查

第十九条 市人民政府及其承办单位应当接受全国人大常委会、全国政协以及市人大常委会、市政协对建议、提案办理工作的监督检查，做好建议、提案办理工作。

第二十条 市人民政府办公厅应当建立建议、提案办理工作信息库或者工作档案，

Municipal People's Government; the replies shall be made targeted on the contents of the recommendations or proposals in the form of official document, as well as conform to the provisions on confidentiality of the State.

Article 13 As to the recommendations of the National PC or proposals of the National PPCC, the undertaking units shall put forward the reply opinions and submit them for approval to the Municipal People's Government, which shall make replies.

As to the recommendations of the Municipal PC or proposals of the Municipal PPCC, the undertaking units shall put forward the reply opinions and make replies.

Article 14 Where the deputies or members put forward recommendations or proposals individually, the reply shall be made to them in person; where the deputies or members put forward recommendations or proposals jointly, the reply may be only made to the leading deputy or the primary proposer.

As to the proposals put forward by the social groups attending the PPCCs or the special committees of the PPCCs, the reply shall be made to the social groups or the special committee that have put forward the proposals.

Article 15 Where the undertaking units promise to solve the issues within a prescribed time in the reply to the deputies or proposers, they shall earnestly implement the solutions and notify them of the progress thereof in writing; in the case of failure to implement the solutions due to changes in the circumstances, they shall explain the reasons therefor in writing, which shall be reported to the General Office of the Municipal People's Congress and the deputy liaison department of the Standing Committee of the Municipal PC or the working department for proposals of the Municipal PPCC.

Article 16 Where the Municipal People's Government and its undertaking units formulate the policies involving the people's personal benefit and the overall economic and social development of the capital, they shall invite the deputies or proposers who have put forward relevant recommendations or proposals to participate, as well as listen to the suggestions and opinions thereof.

Article 17 The undertaking units handling the recommendations or proposals shall not release the personal information of the deputies or members protected by law.

Article 18 The originals of recommendations or proposals, the originals of reply opinions, as well as other relevant materials during the handling shall be kept in the archives in accordance with the provisions on archive management.

Chapter IV Supervision and Inspection

Article 19 The Municipal People's Government and its undertaking units shall accept the supervision and inspection by the Standing Committee of the National PC, the National PPCC, the Standing Committee of the Municipal PC and the Municipal PPCC of the handling of recommendations and proposals, as well as bring to success the handling of recommendations and proposals.

Article 20 The General Office of the Municipal People's Government shall establish

跟踪检查答复意见的落实情况，督促承办单位按照答复代表、委员的工作方案或者工作计划完成落实工作。

第二十一条 市人民政府及其承办单位应当按照规定公开建议、提案的办理情况。

第二十二条 市人民政府对承办单位建议、提案办理工作进行考核。

承办单位办理建议、提案敷衍塞责，擅自超出办理时限，或者违反本办法其他有关规定的，按照国家和本市有关规定对直接负责的主管人员和其他直接负责人员给予行政问责和行政处分。

第五章 附 则

第二十三条 本办法所称承办单位，是指具体承办建议、提案的市人民政府办公厅和市人民政府组成部门、直属特设机构、直属机构和其他相关单位，以及区、县人民政府。

承办单位被撤销、合并或者调整职权的，由继续行使其职权的单位负责承接建议、提案办理工作。

第二十四条 区、县人民政府办理本级人民代表大会代表建议和人民政协提案，参照本办法执行。

第二十五条 本办法自 2015 年 2 月 1 日起施行。2006 年 1 月 9 日市人民政府第 165 号令公布的《北京市人民政府办理人民代表大会代表建议、批评、意见和人民政治协商会议委员提案办法》同时废止。

an information base or work-in-progress file for the handling of recommendations and proposals to trace and inspect the implementation of reply opinions, as well as urge the undertaking units to complete the implementation of the work in accordance with the work programs or work plans as replied to the deputies or members.

Article 21 The Municipal People's Government and its undertaking units shall publish the situations of handling the recommendations and proposals as provided.

Article 22 The Municipal People's Government shall assess the handling of recommendations and proposals by its undertaking units.

Where the undertaking units handle the recommendations or proposals in a perfunctory manner, beyond the time limit for handling without approval or in violation of other relevant provisions of these Measures, the directly responsible person in charge and other directly responsible persons shall be subject to administrative accountability or administrative sanctions in accordance with relevant provisions of the State and this Municipality.

Chapter V Supplementary Provisions

Article 23 As used in these Measures, the term "undertaking units" refer to the General Office of the Municipal People's Government, the component departments of, and the specially established organs and other organs directly subordinate to the Municipal People's Government, as well as the people's governments at the district or county level which specifically undertake the handling of recommendations or proposals.

Where the undertaking units are cancelled, merged or adjusted of powers the units which continue to perform the powers thereof shall be responsible for undertaking the handling of recommendations or proposals.

Article 24 The people's governments at the district or county level shall handle the recommendations of the deputies to the PC and proposals of PPCC at the same level by reference to these Measures.

Article 25 These Measures shall be effective as of February 1, 2015. The Measures of Beijing Municipality for Handling Recommendations, Criticisms or Opinions of Deputies to the People's Congresses and Proposals of Members to the People's Political Consultative Conferences by the People's Governments promulgated by Decree No. 165 of the Municipal People's Government on January 9, 2006 shall be repealed simultaneously.

（二）人大组织

北京市人民代表大会常务委员会议事规则

（1988年5月14日北京市第九届人民代表大会常务委员会第二次会议通过 1999年6月24日北京市第十一届人民代表大会常务委员会第十一次会议第一次修订 根据2001年8月3日北京市第十一届人民代表大会常务委员会第二十八次会议通过的《北京市人民代表大会常务委员会议事规则修正案》第二次修正 根据2007年3月30日北京市第十二届人民代表大会常务委员会第三十五次会议通过的《北京市人民代表大会常务委员会议事规则修正案》第三次修正 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》第四次修正）

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- 第四章 听取和审议工作报告
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- 第六章 发言和表决
- 第七章 附 则

第一章 总 则

第一条 根据宪法、地方各级人民代表大会和地方各级人民政府组织法，结合北京市人民代表大会常务委员会（以下简称常务委员会）工作的实践经验，制定本

ii. Organization of the National People's Congress

Rules of Procedure for the Standing Committee of the People's Congress of Beijing Municipality

(Adopted at the 2nd Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on May 14, 1988, amended for the first time at the 11th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on August 3, 2001, amended for the second time in accordance with the Amendment to the Rules of Procedure for the Standing Committee of the People's Congress of Beijing Municipality adopted at the 28th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on August 3, 2001, amended for the third time in accordance with the Amendment to the Rules of Procedure for the Standing Committee of the People's Congress of Beijing Municipality adopted at the 35th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on March 30, 2007, and amended for the fourth time in accordance with the Decisions on Amending Some Local Regulations of the People's Congress of Beijing Municipality adopted at the 22th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

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Chapter I General Provisions

Article 1 These Rules of Procedure are formulated in accordance with the Constitution and the organic law of local people's congresses and local people's governments at various levels and in light of the practical experience of the Standing Committee of

议事规则。

第二条 常务委员会审议议案、决定问题，应当充分发扬民主，实行民主集中制的原则。

常务委员会组成人员应当依法履行职责，参加集体行使职权的活动。

第二章 会议的召开

第三条 常务委员会会议每两个月至少举行一次。

常务委员会会议由主任召集并主持，主任可以委托副主任主持会议。

第四条 常务委员会会议的开会日期由主任会议决定。主任会议拟定会议议程草案，提请常务委员会会议通过。

常务委员会会议期间，需要临时调整议程，由主任或者主任会议提请常务委员会会议决定。

第五条 常务委员会举行会议，应当于会议举行7日前，将开会日期、建议会议讨论的主要事项通知常务委员会组成人员，并将会议准备审议的主要文件同时送达。

临时召集的会议，可以临时通知。

第六条 常务委员会组成人员必须出席常务委员会会议。因病或者其他特殊原因不能出席会议的，应当由本人向常务委员会主任或者秘书长请假。

常务委员会组成人员在会议举行前，应当阅读会议文件，准备审议意见。

第七条 常务委员会会议必须有常务委员会全体组成人员的过半数出席，方能举行。

第八条 常务委员会会议以组成人员全体会议的形式举行，根据审议议题的需要，也可以举行分组会议。

第九条 常务委员会举行会议的时候，市人民政府、市高级人民法院和市人民检察院的负责人列席会议。

the People's Congress of Beijing Municipality (hereinafter referred to as the Standing Committee).

Article 2 In deliberating on a bill or proposal and making a decision, the Standing Committee shall give full play to democracy and apply the principle of democratic centralism.

Members of the Standing Committee shall perform their functions and duties according to law and take part in collective exercise of power.

Chapter II Convening of Meetings

Article 3 The Standing Committee shall meet in meeting at least once every other month.

Meetings of the Standing Committee shall be convened and conducted by its Chairman. The Chairman may entrust any of the Vice-Chairmen with the conduction of a meeting on his behalf.

Article 4 The date of a meeting of the Standing Committee shall be decided by the Council of Chairmen. The Council of Chairmen shall draft the agenda for a meeting of the Standing Committee and refer it to the Standing Committee for decision at its meeting.

Should it be necessary to make an interim adjustment to the agenda when the Standing Committee is in meeting, the matter shall be referred to the Standing Committee for decision at its meeting by the Chairman or the Council of Chairmen.

Article 5 When the Standing Committee is to hold a meeting, its members shall be notified, seven days in advance, of the date of the meeting and the main items proposed for discussion, and the main documents to be deliberated on at the meeting shall be delivered to them simultaneously.

Members of the Standing Committee may be notified of an interim meeting within a shorter time.

Article 6 Members of the Standing Committee must attend meetings of the Standing Committee. Where anyone is not able to attend a meeting on account of poor health or for other reasons, he himself shall ask the Chairman or the Secretary-General of the Standing Committee to be excused.

Before a meeting is to be held, members of the Standing Committee shall read the documents for the meeting and prepare their opinions to be voiced in deliberation.

Article 7 Meetings of the Standing Committee may not be held unless more than half of the members of the Committee are present.

Article 8 Meetings of the Standing Committee shall be held in the form of plenary meetings of its members. Group meetings may also be held in light of the items on the agenda to be deliberated.

Article 9 When the Standing Committee meets, leading members of the municipal people's government, the municipal higher people's court and the municipal higher people's procuratorate shall attend the meetings as nonvoting participants.

不是常务委员会组成人员的市人民代表大会专门委员会组成人员、常务委员会副秘书长、各工作机构的负责人列席会议。

各区、县人民代表大会常务委员会主任或者副主任 1 人列席会议。

根据会议议程，可以邀请有关的市人大代表，市人民政府有关部门负责人，市第一、第二中级人民法院和市人民检察院第一、第二分院的负责人及其他有关人员列席会议。

第十条 常务委员会举行会议的时候，经主任会议决定，可以允许本市公民旁听会议。

第三章 议案的提出和审议

第十一条 主任会议可以向常务委员会提出属于常务委员会职权范围内的议案，由常务委员会会议审议。

市人民政府、市人民代表大会专门委员会，可以向常务委员会提出属于常务委员会职权范围内的议案，由主任会议决定提请常务委员会会议审议；或者先交有关的专门委员会、常务委员会有关工作机构研究，提出意见，再提请常务委员会会议审议。

常务委员会组成人员 5 人以上联名，可以向常务委员会提出属于常务委员会职权范围内的议案，由主任会议决定是否提请常务委员会会议审议，或者先交有关的专门委员会、常务委员会有关工作机构研究，提出意见，再决定是否提请常务委员会会议审议；不提请常务委员会会议审议的，应当向提议案人说明，必要时向常务委员会会议报告。

第十二条 常务委员会的工作机构受主任会议委托，可以拟定议案草案，并向常务委员会会议作说明。

第十三条 议案的提出，必须用书面形式，写明议题、理由和解决的方案。

Members of special committees of the municipal people's congress who are not members of the Standing Committee, deputy secretary-generals of the Standing Committee and leading members of its working bodies shall attend the meetings as nonvoting participants.

The chairman or a vice-chairman of each district or county people's congress shall attend the meetings as a nonvoting participant.

According to the agenda for a meeting, the relevant deputies to the municipal people's congress, leading members of the relevant departments of the municipal people's government, leading members of the No. 1 and No. 2 municipal intermediate people's courts and the No. 1 and No. 2 sub-procuratorates of the municipal people's procuratorate and other relevant persons may be invited to the meeting as nonvoting participants.

Article 10 When the Standing Committee meets, by decision of the Council of Chairmen, citizens of this Municipality may be allowed to sit on the meeting.

Chapter III Submission and Deliberation

Article 11 The Council of Chairmen may submit to the Standing Committee for deliberation at its meeting a bill or proposal that is within the scope of the functions and powers of the Standing Committee.

The Municipal People's Government or special committees of the Municipal People's Congress may submit to the Standing Committee bills or proposals within the scope of its functions and powers. The council of chairmen shall decide to refer them to a meeting of the standing committee for deliberation; or refer them to relevant special committees or relevant working bodies of the Standing Committee for studying and submission of opinions before deciding to refer them to the Standing Committee for deliberation at its meetings.

A bill or proposal that is within the scope of the functions and powers of the Standing Committee may be submitted to it by five or more of its members. The Council of Chairmen shall decide whether to refer it to the Standing Committee for deliberation at its meeting or to refer it to the relevant special committee or the relevant working body of the Standing Committee for studying and the submission of opinions before deciding whether to refer it to the Standing Committee for deliberation at its meeting. Where a bill or proposal is not to be referred to the Standing Committee for deliberation at its meeting, an explanation shall be made to the sponsors and, when necessary, it shall be reported to the Standing Committee at its meeting.

Article 12 A working body of the Standing Committee may, entrusted by the Council of Chairmen, draft a bill or proposal and make explanations to the Standing Committee at its meeting.

Article 13 A bill or proposal must be submitted in written form, and the topics,

第十四条 对列入常务委员会会议议程的议案，提议案的机关或者提议案人、有关的专门委员会及常务委员会有关工作机构应当提供有关资料。

第十五条 常务委员会会议审议议案的时候，听取关于议案的说明。有关机关的主要负责人应当到会，听取意见，回答询问。

提议案机关或者提议案人可以对议案作补充说明。

第十六条 地方性法规案的提出、审议和表决，按照《北京市制定地方性法规条例》的规定办理。

第十七条 常务委员会会议审议任免案，撤销职务案，罢免案，撤销不适当的决议、决定和命令案的时候，提议案的机关或者提议案人应当说明理由和介绍情况，并回答询问。

被撤职、罢免的人员，被撤销决议、决定和命令的机关负责人，可以到会申诉或者提出书面申诉意见。

第十八条 常务委员会会议审议议案遇有重大问题需要进一步研究的，经主任会议提出、全体会议同意，可以交专门委员会进一步审议、提出审议报告，或者交有关机关、常务委员会有关工作机构进行研究，提出报告，再由常务委员会会议审议。

第十九条 主任会议、市人民代表大会专门委员会、提议案的机关或者常务委员会组成人员 5 人以上联名，可以对准备表决的议案提出修正案。

修正案必须用书面形式，在议案交付表决前一天提出，并附有修正案草案。

第二十条 列入常务委员会会议议程的议案，在交付表决前，提议案的机关或者提议案人要求撤回的，经主任会议同意，对该议案的审议即行终止。

第二十一条 常务委员会认为必要时，可以组织关于特定问题的调查委员会，并且根据调查委员会的报告，作出相应的决议。

reasons and solutions must be clearly stated.

Article 14 With regard to a bill or proposal that has been placed on the agenda of a meeting of the Standing Committee, the sponsor organ or sponsors, the special committee concerned and the working body concerned of the Standing Committee shall provide relevant information.

Article 15 When deliberating on a bill or proposal at its meeting, the Standing Committee shall hear explanations about the bill or proposal. The principal leading member of the department concerned shall attend the meeting to listen to comments and answer inquiries.

The sponsor organ or sponsors may make supplementary explanations about the bill or proposal.

Article 16 The submission, deliberation and voting of the bill of a local regulation shall be carried out in accordance with the provisions of the Regulations of Beijing Municipality on the Formulation of Local Regulations.

Article 17 When the Standing Committee deliberates at its meeting on a proposal regarding appointment or removal, proposal regarding dismissal from post, proposal regarding removal from office, or proposal regarding repeal of an improper resolution, decision or order, the sponsor organ or sponsors shall state the reasons, brief the background, and answer inquiries.

Anyone who is dismissed from post or removed from office and the leading member of the organ whose resolution, decision or order is repealed may attend the meeting to lodge their appeals, or submit written appeals.

Article 18 If important issues requiring further study are raised during the deliberation of the Standing Committee on a bill or proposal, it may, upon a proposal by the Council of Chairmen and its approval by a plenary meeting, be referred to a special committee for further deliberation which shall provide a report on the results of deliberation, or be referred to the organ concerned or the working body concerned of the Standing Committee for studying and the submission of a report and then be deliberated on at a meeting of the Standing Committee.

Article 19 Amendments to the bill or proposal to be voted on may be submitted by the Council of Chairmen, the special committee of the municipal people's congress, the sponsor organ, or five or more members of the Standing Committee.

Amendments must be submitted in written form one day before the bill or proposal is put to vote and be attached with the draft amendments.

Article 20 Deliberation on a bill or proposal already placed on the agenda of a meeting of the Standing Committee may be cancelled upon approval by the Council of Chairmen at the request made by the sponsor organ or sponsor for its withdrawal before it is put to vote.

Article 21 The Standing Committee may, when it deems it necessary, organize investigation committees on particular issues and make decisions in light of the reports prepared by the investigation committees.

第四章 听取和审议工作报告

第二十二条 常务委员会会议听取和审议市人民政府、市高级人民法院、市人民检察院工作报告的时候，应当由报告机关的主要负责人到会作报告，听取意见，回答询问。

第二十三条 市人民政府、市高级人民法院或者市人民检察院应当在常务委员会举行会议的 20 日前，由其办事机构将专项工作报告送交市人民代表大会有关专门委员会或者常务委员会有关工作机构征求意见；市人民政府、市高级人民法院或者市人民检察院对报告修改后，在常务委员会举行会议的 10 日前送交常务委员会。

第二十四条 常务委员会认为必要时，可以对审议的报告作出决议。

第二十五条 常务委员会组成人员对专项工作报告的审议意见，由常务委员会有关工作机构整理，经主管主任或者秘书长签发，由办公厅转交有关机关研究处理。有关机关应当于收到审议意见书后三个月内，将常务委员会审议意见的研究处理方案送交市人民代表大会有关专门委员会或者常务委员会有关工作机构；一年内，将审议意见的研究处理情况送交市人民代表大会有关专门委员会或者常务委员会有关工作机构征求意见，并向常务委员会提出书面报告。

常务委员会听取的专项工作报告及审议意见，市人民政府、市高级人民法院或者市人民检察院对审议意见研究处理情况或者执行决议情况的报告，由常务委员会的有关工作机构向市人民代表大会代表通报并向社会公布。

第二十六条 常务委员会会议审议市人民代表大会主席团交付审议的议案办理情况的报告，应当邀请领衔提出议案的代表列席会议，并将审议结果向提出议案的代表团或者代表通报。

第二十七条 常务委员会组成人员对市人民代表大会主席团交付审议的议案办理情况的报告意见较多时，是否由报告机关在以后的常务委员会会议上作补充报告或者重新报告，由主任会议决定。

Chapter IV Hearing and Examining

Article 22 When the Standing Committee hears and deliberates on at its meeting the work report made by the municipal people's government, the municipal higher people court or the municipal higher people's procuratorate, the principal leading member of the reporting organ shall attend the meeting to deliver the report, listen to comments and answer inquiries.

Article 23 The municipal people's government, the municipal higher people's court or the municipal higher people's procuratorate shall, 20 days before a meeting of the Standing Committee is held, deliver its report on specific issues, via its working office, to the special committee concerned of the municipal people's congress or the working body concerned of the Standing Committee for comments. After having made revisions to the report, the municipal people's government, the municipal higher people's court or the municipal higher people's procuratorate shall deliver it to the Standing Committee 10 days before the meeting of the Standing Committee is held.

Article 24 The Standing Committee may, when it deems it necessary, adopt resolutions on the work report.

Article 25 The opinions voiced by members of the Standing Committee in the deliberation of reports on special issues shall be sorted by the relevant working bodies of the Standing Committee and shall, after being signed by the chairman in charge or the Secretary-general, be distributed by the General Office to the relevant agencies for studying and handling. The relevant agencies shall send the programs for studying and handling of the opinions of the Standing Committee to the relevant special committees of the Municipal People's Congress or the relevant working bodies of the Standing Committee within three months of receipt of the opinions; and send the information on studying and handling of the opinions to the relevant special committees of the Municipal People's Congress; the relevant working bodies of the Standing Committee for comments, and make written reports to the Standing Committee within one year.

The report on specific issues heard by the Standing Committee and the opinions voiced in the deliberation of these reports, and the report of the municipal people's government, the municipal higher people's court or the municipal higher people's procuratorate on the studying and handling of the opinions voiced in the deliberation or on the implementation of resolutions, shall be notified to the deputies to the municipal people's congress and made known to the public by the working body concerned of the Standing Committee.

Article 26 When the Standing Committee deliberates at its meeting a report on the handling of a bill or proposal submitted by the presidium of a session of the municipal people's congress for deliberation, the deputies heading the list of sponsors of the bill or proposal shall be invited to the meeting as nonvoting participants, and the results of the deliberation shall be notified to the sponsor delegation or deputies.

Article 27 Where members of the Standing Committee have relatively more complaints about a report on the handling of a bill or proposal submitted by the presidium of a session of the municipal people's congress for deliberation, the Council of Chairmen shall decide whether the reporting organ shall make a supplementary report or new report at a

第五章 质 询

第二十八条 在常务委员会会议期间，常务委员会组成人员 5 人以上联名，可以书面提出对市人民政府及其所属工作部门，市高级人民法院和市第一、第二中级人民法院，市人民检察院和市人民检察院第一、第二分院的质询案。

质询案必须写明质询对象、质询的问题和内容。

第二十九条 质询案由主任会议决定，交由受质询机关的负责人在常务委员会会议上或者有关的专门委员会会议上口头答复，或者交由受质询机关书面答复。在专门委员会会议上答复的，专门委员会应当向常务委员会或者主任会议提出报告。

质询案以书面答复的，应当由受质询机关负责人签署，印发常务委员会组成人员和有关的专门委员会。

第三十条 提质询案的常务委员会组成人员的过半数对受质询机关的答复不满意的，可以提出要求，经主任会议决定，由受质询机关再作答复。必要时，常务委员会会议可以作出决议，由受质询机关执行。

第三十一条 受质询机关一般应当在提出质询案的常务委员会会议期间答复，不能作出答复的，应当说明理由，由主任会议确定答复时间。

第六章 发言和表决

第三十二条 常务委员会组成人员在常务委员会会议上的发言和表决，列席会议的市人大代表在常务委员会会议上的发言，不受法律追究。

第三十三条 常务委员会组成人员和列席会议的人员在常务委员会全体会议或者分组会议上的发言，第一次不超过 10 分钟，第二次对同一问题的发言不超过 5 分钟。事先提出要求，经会议主持人同意的，可以适当延长发言时间。

later meeting of the Standing Committee.

Chapter V Addressing Questions

Article 28 During a meeting of the Standing Committee, five or more members of the Standing Committee may jointly submit a written proposal for the addressing of questions to the municipal people's government or its working department, the municipal higher people's court or the No. 1 or No. 2 municipal intermediate people's courts, or the municipal people's procuratorate or the No. 1 or No. 2 sub-procuratorates.

In the proposal for the addressing of questions, the objects to be questioned and the topics and contents to be questioned about must be clearly stated.

Article 29 With respect to a proposal for the addressing of questions, the Council of Chairmen shall decide whether the leading member of the organ questioned shall give an oral reply at a meeting of the Standing Committee or at a meeting of the special committee concerned, or the organ questioned shall make a written reply. For questions answered at a meeting of the special committee concerned, the special committee shall submit a report to the Standing Committee or the Council of Chairmen.

The written reply to the questions addressed shall be signed by the leading member of the organ questioned, then printed and distributed to the members of the Standing Committee and to the special committee concerned.

Article 30 Where more than half of the members of the Standing Committee who submit a written proposal for the addressing of questions are not satisfied with the reply made by the organ questioned, they may, by decision of the Council of Chairmen, request the said organ to make a reply again. If necessary, the Standing Committee may, at its meeting, adopt a resolution which shall be implemented by the organ questioned.

Article 31 The organ questioned shall generally give its reply during the meeting of the Standing Committee at which the proposal for the addressing of questions is submitted; if it cannot give a reply, it shall state the reasons and the Council of Chairmen shall determine the time of giving a reply.

Chapter VI Speaking and Voting

Article 32 Members of the Standing Committee shall not be held legally liable for their speeches or votes at meetings of the Standing Committee, and deputies to the municipal people's congress who attend meetings as nonvoting participants shall not be held legally liable for their speeches at meetings of the Standing Committee.

Article 33 Speeches made for the first time at a plenary meeting or group meeting of the Standing Committee by members of the Standing Committee and nonvoting participants shall not exceed ten minutes, and speeches made for the second time by the same persons on the same topic shall not exceed five minutes. Speeches may be longer if approved by the person conducting the meeting at request put forward in advance.

对于超过时间或者与议题无关的发言，会议主持人可以制止。

常务委员会组成人员可以向常务委员会会议提交书面发言，由常务委员会办公厅印发出席和列席人员。

第三十四条 会议主持人宣布议案交付表决后，常务委员会组成人员不再对议案发表意见，但与表决有关的程序问题不受此限。

第三十五条 表决议案由常务委员会全体组成人员的过半数通过。

表决结果由会议主持人当场宣布。

第三十六条 交付表决的议案，有修正案的，先表决修正案。

第三十七条 任免案一般应当逐人表决，根据情况也可以合并表决。

第三十八条 常务委员会会议表决议案，采用无记名投票方式、按表决器方式、举手方式或者其他方式。法律、法规对表决方式有规定的，从其规定；法律、法规没有规定的，由主任会议决定。

第七章 附 则

第三十九条 常务委员会会议由有关工作机构负责录音、制作光盘存档。会议通过的地方性法规、决议、决定，会议纪要和其他主要文件，刊登常务委员会公报，印发常务委员会组成人员和市人大代表。

第四十条 常务委员会会议通过的地方性法规和决议、决定，依法分别报上级机关备案或者批准，并在《北京日报》上公布。

第四十一条 本规则由主任会议负责解释。

第四十二条 本规则自通过之日起施行。

Speeches exceeding the time limit or irrelevant to the items on the agenda may be stopped by the person conducting the meeting.

Members of the Standing Committee may submit written speeches to a meeting of the Standing Committee which shall be printed and distributed to the participants and nonvoting participants by the General Office of the Standing Committee.

Article 34 After the person conducting the meeting has announced to put a bill or proposal to vote, members of the Standing Committee shall no longer express opinions concerning the bill or proposal except for procedural issues relating to voting.

Article 35 A bill or proposal shall be adopted if it is voted for by a simple majority of all members of the Standing Committee.

The person who conducts the meeting shall announce the result of the vote on the spot.

Article 36 If an amendment is proposed to a bill or proposal to be put to vote, such amendment shall be voted on first.

Article 37 A proposal regarding appointment or removal shall generally be voted on person by person or may, in light of specific circumstances, be voted on together.

Article 38 The voting on bills and proposals shall be conducted at meetings of the Standing Committee by secret ballot, pressing voting machines, a show of hands or other methods. Where the voting method is prescribed in laws or regulations, the provisions of such laws and regulations shall prevail; where it is not prescribed in laws or regulations, it shall be determined at the Council of Chairmen.

Chapter VII Supplementary Provisions

Article 39 The working body concerned shall, for the purpose of archiving, record the meetings of the Standing Committee and make compact discs with the recordings. Local regulations, resolutions, decisions, meeting summaries and other main documents adopted at meetings of the Standing Committee shall be published in the gazettes of the Standing Committee and be printed and distributed to members of the Standing Committee and deputies to the municipal people's congress.

Article 40 Local regulations, resolutions and decisions adopted at meetings of the Standing Committee shall be respectively submitted to the superior organ concerned for record or approval according to law, and shall be made known to the public in Beijing Daily.

Article 41 The Council of Chairmen is vested with the power to interpret these Rules of Procedure.

Article 42 These Rules of Procedure shall be effective as of the date of promulgation.

北京市乡、民族乡、镇人民代表大会组织条例

(1989年9月21日北京市第九届人民代表大会常务委员会第十三次会议通过 根据1996年5月30日北京市第十届人民代表大会常务委员会第二十七次会议《关于修改〈北京市乡、民族乡、镇人民代表大会组织条例〉的决定》修正 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》修正 根据2016年3月24日北京市第十四届人民代表大会常务委员会第二十六次会议通过的《关于修改〈北京市乡、民族乡、镇人民代表大会组织条例〉的决定》修正)

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第六章 乡、民族乡、镇人民代表大会代表

第七章 附 则

Organic Regulations of Beijing Municipality on the People's Congresses of Townships, Nationality Townships or Towns

(Adopted at the 13th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on September 21, 1989, amended in accordance with the Decision on Revising the Organic Regulations of Beijing Municipality on the People's Congresses of Townships, Nationality Townships or Towns adopted at the 27th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on May 30, 1996, amended in accordance with the Decisions on Revising Some Local Regulations adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010, and amended in accordance with the Decision on Revising the Organic Regulations of Beijing Municipality on the People's Congresses of Townships, Nationality Townships or Towns adopted at the 26th Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on March 24, 2016)

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第一章 总 则

第一条 为加强乡、民族乡、镇人民代表大会制度建设，根据《中华人民共和国宪法》和《中华人民共和国地方各级人民代表大会和地方各级人民政府组织法》的有关规定，结合本市具体情况，制定本条例。

第二条 乡、民族乡、镇人民代表大会是基层地方国家权力机关，实行民主集中制的原则。

乡、民族乡、镇人民代表大会由选民直接选举代表组成，对人民负责，受人民监督。

乡、民族乡、镇人民政府由乡、民族乡、镇人民代表大会选举产生，对它负责，受它监督。

第三条 乡、民族乡、镇人民代表大会每届任期五年。

第二章 乡、民族乡、镇人民代表大会的职权

第四条 乡、民族乡、镇人民代表大会行使下列职权：

（一）在本行政区域内，保证宪法、法律、行政法规、本市地方性法规、规章和上级人民代表大会及其常务委员会决议的遵守和执行；

（二）在职权范围内通过和发布决议；

（三）根据国家计划，审查和决定本行政区域内的经济建设、文化建设和公共事业建设的计划；

（四）审查和批准本行政区域内的财政预算和预算执行情况的报告；

（五）讨论决定本行政区域内的经济、民政、民族、治安、教育、科技、村镇建设、环境和资源保护、文化、卫生、计划生育等工作中的重大事项；

（六）选举本级人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长；

（七）依法罢免本级人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长；

Chapter I General Provisions

Article 1 The Regulations are formulated for the purpose of strengthening construction of the system of the people's congresses of townships, nationality townships or towns in accordance with relevant provisions of the Constitution of the People's Republic of China and the Organic Law of the Local People's Congresses and Local People's Governments of the People's Republic of China and in light of actual circumstances of this Municipality.

Article 2 The people's congresses of townships, nationality townships or towns are organs of state power at the grass-roots level, which shall observe the principle of democratic centralism.

The people's congresses of townships, nationality townships or towns shall be composed of deputies directly elected by constituencies, and shall be responsible to and accept supervision by the people.

The people's governments of townships, nationality townships or towns shall be elected by the people's congresses of townships, nationality townships or towns, and shall be responsible to and accept supervision by the latter.

Article 3 The term of office of the people's congresses of townships, nationality townships or towns shall be 5 years.

Chapter II Functions and Powers of the People's Congresses of Townships, Nationality Townships or Towns

Article 4 The people's congresses of townships, nationality townships or towns shall exercise the following functions and powers:

(1) to ensure the observance and execution, within their respective administrative areas, of the Constitution, laws, administrative regulations, local regulations and administrative rules of this Municipality, and resolutions of the people's congresses and their standing committees at higher levels;

(2) to adopt and promulgate resolutions within the scope of their functions and powers;

(3) to decide, in accordance with state plans, on plans for the development of the economy, cultural affairs and public services within their respective administrative areas;

(4) to examine and approve the budgets within their respective administrative areas and the reports on the implementation of the budgets;

(5) to discuss and decide on major issues in the work of economy, civil affairs, nationality, public security, education, science and technology, village and town construction, environmental and resource protection, culture, health, family planning, etc. within their respective administrative areas;

(6) to elect chairmen and vice-chairmen of the people's congresses at the corresponding levels, and heads and deputy heads of townships or towns;

(7) to remove from office, in accordance with the law, chairmen and vice-chairmen

（八）听取和审查本级人民政府的工作报告；

（九）撤销本级人民政府的不适当的决定和命令；

（十）保护社会主义全民所有的财产和劳动群众集体所有的财产，保护公民私人所有的合法财产，维护社会秩序，保障公民的人身权利、民主权利和其他权利；

（十一）保护各种经济组织的合法权益，保护农村承包经营户、个体工商户的合法权益；

（十二）保护少数民族的权利；

（十三）保障宪法和法律赋予妇女的男女平等、同工同酬和婚姻自由等各项权利。

民族乡和有少数民族聚居的乡、镇的人民代表大会在行使职权的时候，应当采取适合民族特点的具体措施。

第三章 乡、民族乡、镇人民代表大会会议

第五条 乡、民族乡、镇人民代表大会会议，每半年至少举行一次；每年的第一次会议，应当不迟于三月底前举行。

每届乡、民族乡、镇人民代表大会第一次会议，在本届人民代表大会代表选举完成后的两个月内举行，由上次人民代表大会主席团召集。

经过五分之一以上代表提议或者主席团决定，可以临时召集乡、民族乡、镇人民代表大会会议。

第六条 乡、民族乡、镇人民代表大会会议，必须有三分之二以上代表出席，始得举行。

第七条 乡、民族乡、镇人民代表大会会议，由主席团召集并主持。

第八条 乡、民族乡、镇人民代表大会每次会议举行预备会议，通过本次会议的议程和其他准备事项的决定。

每届人民代表大会第一次会议的预备会议，由上次人民代表大会主席团主持。

of the people's congresses at the corresponding levels, and heads and deputy heads of townships or towns;

(8) to hear and examine reports on the work of the people's governments at the corresponding levels;

(9) to annul inappropriate decisions and orders of the people's governments at the corresponding levels;

(10) to protect the socialist property owned by the whole people, property owned collectively by working people and citizens' legitimate private property, maintain public order, and safeguard citizens rights of the person and their democratic and other rights;

(11) to protect the legitimate rights and interests of various economic organizations, and the legitimate rights and interests of rural contractors and individual businesses;

(12) to protect the rights of minority nationalities; and

(13) to safeguard women's rights as endowed by the Constitution and the law, such as equality with men, equal pay for equal work and freedom of marriage.

In exercising their functions and powers, the people's congresses of nationality townships and townships or towns in which minority nationalities live in concentrated communities shall adopt specific measures appropriate to the characteristics of the nationalities concerned.

Chapter III Sessions of the People's Congresses of Townships, Nationality Townships or Towns

Article 5 The people's congresses of townships, nationality townships or towns shall meet in session at least once every 6 months; the first session shall be held no later than the end of March every year.

The first session of each people's congress of a township, nationality township or town shall be convened, within 2 months after the election of its deputies, by the presidium of the preceding session of the people's congress.

A session of the people's congress of a township, nationality township or town may be convened at any time upon the proposal of one-fifth of its deputies or the decision of the presidium.

Article 6 A session of the people's congress of a township, nationality township or town may be held only when more than two-thirds of its deputies attend the session.

Article 7 A session of the people's congress of a township, nationality township or town shall be convened and presided over by the presidium.

Article 8 A preliminary meeting shall be held for each session of the people's congress of a township, nationality township or town to adopt the agenda for the session and decide on other preparations.

The preliminary meeting for the first session of each people's congress shall be presided over by the presidium of the preceding people's congress.

第九条 乡、民族乡、镇人民代表大会举行会议的时候，主席团和本级人民政府，可以提出属于本级人民代表大会职权范围内的议案，由主席团决定提交人民代表大会会议审议。

乡、民族乡、镇人民代表大会代表五人以上联名可以提出属于本级人民代表大会职权范围内的议案，由主席团决定是否列入会议议程。

列入会议议程的议案，在交付大会表决前，提案人要求撤回的，经主席团同意，会议对该项议案的审议即行终止。

第十条 乡、民族乡、镇人民代表大会对各项议案的审议在大会全体会议上进行。代表人数较多的，也可以分组讨论，然后大会审议。

第十一条 乡、民族乡、镇人民代表大会进行选举和作出决议，以全体代表的过半数通过。

第十二条 乡、民族乡、镇人民代表大会举行会议的时候，代表十人以上联名可以书面提出对本级人民政府的质询案。代表总数在四十人以下的，五分之一以上代表联名也可以提出质询案。质询案必须写明质询对象、质询的问题和内容。

质询案由主席团决定交由受质询机关在主席团会议、大会全体会议上口头答复，或者由受质询机关书面答复。在主席团会议上答复的，提质询案的代表有权列席会议，发表意见；主席团认为必要的时候，可以将答复质询案的情况报告印发会议。

质询案以口头答复的，应当由受质询机关的负责人到会答复；质询案以书面答复的，应当由受质询机关的负责人签署，由主席团印发会议或者印发提质询案的代表。

提质询案的代表半数以上对答复不满意的，经主席团决定，由受质询机关再作答复；质询案情况复杂的，经主席团决定，由受质询机关在大会后三个月内向有关代表作出答复，并向主席团报告。

第十三条 乡、民族乡、镇人民代表大会审议议案的时候，代表可以向本级人民政府提出询问，由有关机关负责人说明。

Article 9 When the people's congress of a township, nationality township or town holds its sessions, its presidium and the people's government at the corresponding level may submit bills and proposals within the scope of its functions and powers. The presidium shall decide to refer such bills and proposals to a session of the people's congress for deliberation.

Five or more deputies to the people's congress of a township, nationality township or town may jointly submit a bill or proposal within the scope of its functions and powers. The presidium shall decide whether to place the bill or proposal on the agenda of the people's congress.

With agreement of the presidium, deliberation shall be terminated on a bill or proposal placed on the agenda of a session, if the party that submitted the bill or proposal requests its withdrawal before it is referred to the congress for a vote.

Article 10 The deliberation of various bills and proposals by the people's congress of a township, nationality township or town shall be conducted at the plenary meeting of a session. When there are a large number of deputies, such bills and proposals may be submitted to the congress for deliberation after panel discussion.

Article 11 When the people's congress of a township, nationality township or town conducts an election or adopts a resolution, a majority vote of all the deputies shall be required.

Article 12 When the people's congress of a township, nationality township or town is in session, a group of at least 10 of the deputies may submit a written proposal for addressing questions to the people's government at the corresponding level. If the total number of deputies is less than 40, a group of at least one-fifth of the deputies may also submit such a proposal. In the proposal shall clearly be stated to whom the questions are addressed and the specific questions.

The presidium shall decide whether to refer the proposal to the organ addressed for an oral reply at the meeting of the presidium, or at the plenary meeting of a session, or for a written reply. Where a reply is made at a meeting of the presidium, the deputies who submit the proposal shall have the right to attend the meeting as nonvoting delegates and express their opinions; when the presidium considers it necessary, it may have the report on the reply printed and distributed to the session.

If the reply is to be made orally, the leading person of the organ addressed shall be present at the meeting to give the reply; if the reply is to be made in writing, it shall be signed by the leading person of the organ addressed, and the presidium shall have it printed and distributed to the session or to the deputies who address the questions.

If at least half of the deputies who address the questions are not satisfied with the reply, the organ addressed shall make another reply upon the decision of the presidium; if the questions are complicated, the organ addressed shall, upon the decision of the presidium, make a reply to the deputies concerned within 3 months after the session and report to the presidium.

Article 13 When the people's congress of a township, nationality township or town examines a bill or proposal, its deputies may address questions to the people's government

第十四条 乡、民族乡、镇人民代表大会代表在会议期间对各方面工作提出的建议、批评和意见，由主席团交有关机关和组织研究处理并负责答复。有关机关和组织应当在三个月内，情况复杂的不超过六个月，予以答复。对迫切需要办理又有条件办理的，有关机关和组织应当在会议期间办理或者提出办理方案答复代表。

第十五条 每届乡、民族乡、镇人民代表大会第一次会议，由主席团在代表中提名，大会通过，设立代表资格审查委员会，其职权行使至本届人民代表大会任期届满为止。

新的一届乡、民族乡、镇人民代表大会代表选出后，由上届代表资格审查委员会进行审查并向上届人民代表大会主席团提出报告，经主席团审议通过后，在新的一届人民代表大会第一次会议的预备会议上宣布。

第十六条 乡、民族乡、镇人民代表大会举行会议的时候，乡长、副乡长，镇长、副镇长列席会议；其他有关机关、团体负责人，经主席团决定，可以列席会议。

列席人数不得超过代表总数的二分之一。

第四章 乡、民族乡、镇人民代表大会

主席团，主席、副主席

第十七条 乡、民族乡、镇人民代表大会主席团由本级人民代表大会会议选举产生。

主席团一般由五人至九人组成。

第十八条 乡、民族乡、镇人民代表大会主席团，决定人民代表大会会议召开的日期，提出会议议程草案，并做好会议前的各项筹备工作。

主席团在本级人民代表大会闭会期间，每年选择若干关系本地区群众切身利益和社会普遍关注的问题，有计划地安排代表听取和讨论本级人民政府的专项工作报告，对法律、法规实施情况进行检查，开展视察、调研等活动；听取和反映代表和群众对本级人民政府工作的建议、批评和意见。主席团在闭会期间的工作，向本级人民代表

at the corresponding level, and the heads of the organs concerned shall give explanations.

Article 14 The presidium shall refer the suggestions, criticisms and opinions on any aspect of work put forward by the deputies to the people's congress of a township, nationality township or town when the people's congress is in session to the relevant government bodies and organizations for consideration, handling and reply. The relevant government bodies and organizations shall give a reply within 3 months, or no later than 6 months if the situation is complicated. If there is an urgent need for handling and conditions permit, the relevant government bodies and organizations shall handle such suggestions, criticisms and opinions or give a reply on handling plans to the deputies when the people's congress is in session.

Article 15 At the first session of each people's congress of a township, nationality township or town, nominations shall be made by the presidium from among the deputies and approved by the people's congress to establish the credentials committee, which shall exercise its functions and powers until the term of office of that people's congress expires.

After deputies to a new people's congress of a township, nationality township or town are elected, they shall be examined by the preceding credentials committee and reported to the presidium of the preceding people's congress. After being examined and adopted by the presidium, they shall be announced at the preliminary meeting for the first session of the new people's congress.

Article 16 When the people's congress of a township, nationality township or town is in session, the head and deputy heads of the township or town shall attend the session as nonvoting delegates; the heads of other government bodies and organizations concerned may attend the session as nonvoting delegates upon the decision of the presidium.

The number of the persons who attend the session as nonvoting delegates shall not exceed half of the total number of deputies.

Chapter IV Presidiums, Chairmen and Vice-Chairmen of the People's Congresses of Townships, Nationality Townships or Towns

Article 17 The presidium of the people's congress of a township, nationality township or town shall be elected at a session of the people's congress at the corresponding level.

The presidium is generally composed of 5 to 9 members.

Article 18 The presidium of the people's congress of a township, nationality township or town shall decide on the date when the people's congress is in session, propose draft agenda for the session, and make good preparations for the session.

The presidium shall, during the period when the people's congress at the corresponding level is not in session, arrange, in a planned way, deputies to hear and discuss special work reports of the people's government at the corresponding level, inspect the implementation of laws and regulations, and carry out inspection, research and other activities on a number of issues concerning the vital interests of the local people and issues of general social

大会报告。

第十九条 乡、民族乡、镇人民代表大会设主席，并可以设副主席一人至二人。

主席、副主席由本级人民代表大会从代表中选出，任期同本级人民代表大会每届任期相同。主席、副主席为主席团成员。主席负责召集并主持主席团会议。

乡、民族乡、镇人民代表大会主席、副主席不得担任国家行政机关的职务；如果担任国家行政机关的职务，必须向本级人民代表大会辞去主席、副主席的职务。

乡、民族乡、镇人民代表大会可以设秘书一人，协助主席、副主席办理日常事务。

第二十条 乡、民族乡、镇人民代表大会主席、副主席中至少有一人为专职。

主席、副主席在本级人民代表大会闭会期间负责联系本级人民代表大会代表，根据主席团的安排组织代表开展活动，反映代表和群众对本级人民政府工作的建议、批评和意见，并负责处理主席团的日常工作。

第二十一条 乡、民族乡、镇人民代表大会主席或者副主席，根据工作需要，可以参加本级人民政府的会议。

第五章 乡、民族乡、镇人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长的选举、罢免和补选

第二十二条 每届乡、民族乡、镇人民代表大会第一次会议，选举产生本级人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长。

民族乡的乡长由建立民族乡的少数民族公民担任。

第二十三条 乡、民族乡、镇人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长的候选人，由本级人民代表大会主席团提名或者代表十人以上书面联名提出。

主席团提名的候选人人数，每一代表与其他代表联合提名的候选人人数，均不得超过应选名额。

concern it selects annually, and hear and reflect the suggestions, criticisms and opinions of deputies and the people on the work of the people's government at the corresponding level. The presidium shall report its work during the period when the people's congress at the corresponding level is not in session to that people's congress.

Article 19 The people's congress of a township, nationality township or town shall have a chairman, and may have 1 or 2 vice-chairmen. The chairman and vice-chairmen shall be elected from among the deputies to the people's congress at the corresponding level, and their term of office shall be the same as that of each people's congress at that level. The chairman and vice-chairmen are members of the presidium. The chairman shall be responsible for convening and presiding over the meeting of the presidium.

The chairman or vice-chairmen of the people's congress of a township, nationality township or town shall not concurrently hold office in an administrative organ of the State; if they hold office in an administrative organ of the State, they must resign from the post of the chairman or vice-chairmen of the people's congress at that level.

The people's congress of a township, nationality township or town may have a secretary to assist the chairman and vice-chairmen in handling daily affairs.

Article 20 At least one of the chairman and vice-chairmen of the people's congress of a township, nationality township or town shall work full-time.

The chairman and vice-chairmen shall, during the period when the people's congress at the corresponding level is not in session, be responsible for contacting deputies to that people's congress, organizing deputies to carry out activities according to the arrangements of the presidium, reflecting the suggestions, criticisms and opinions of deputies and the people on the work of the people's government at the corresponding level, and handling the daily work of the presidium.

Article 21 The chairman or vice-chairmen of the people's congress of a township, nationality township or town may, according to the needs in work, attend the meetings of the people's government at the corresponding level.

Chapter V Election, Removal and By-election of Chairmen and Vice-Chairmen of the People's Congresses of Townships, Nationality Townships or Towns, and Heads and Deputy Heads of Townships or Towns

Article 22 At the first session of each people's congress of a township, nationality township or town, the chairman and vice-chairmen of the people's congress at the corresponding level, and the head and deputy heads of the township or town shall be elected.

The head of a nationality township shall be a citizen of the minority nationality that establishes the nationality township.

Article 23 Candidates for chairmen and vice-chairmen of the people's congresses of townships, nationality townships or towns, and heads and deputy heads of townships or towns shall be nominated by the presidiums of the people's congresses at the corresponding levels or by ten or more deputies with joint signatures.

The number of candidates nominated by a presidium or jointly nominated by each deputy together with other deputies shall not exceed the number of persons to be elected.

提名人应当如实介绍所提名的候选人的情况。

第二十四条 乡、民族乡、镇人民代表大会主席，乡长，镇长的候选人数一般应多一人，进行差额选举；如果提名的候选人只有一人，也可以等额选举。副主席，副乡长，副镇长的候选人数应比应选人数多一人至三人，由本级人民代表大会根据应选人数在选举办法中规定具体差额数，进行差额选举。

如果提名的候选人数符合选举办法规定的差额数，由主席团提交代表酝酿、讨论后，进行选举。如果提名的候选人数超过选举办法规定的差额数，由主席团提交代表酝酿、讨论后，进行预选，根据在预选中得票多少的顺序，按照选举办法规定的差额数，确定正式候选人名单，进行选举。

第二十五条 选举采用无记名投票方式。代表对于确定的候选人，可以投赞成票，可以投反对票，可以依照选举办法的规定另选他人，也可以弃权。

每次选举所投的票数，等于或者少于投票人数的有效，多于投票人数的无效。

每一选票所选的人数，等于或者少于规定应选名额的有效，多于应选名额的作废。

第二十六条 候选人获得过半数选票的人数超过应选名额时，以得票多的当选。如遇票数相等不能确定当选人时，应当就票数相等的人再次投票，以得票多的当选。

获得过半数选票的当选人数少于应选名额时，不足的名额另行选举。另行选举时，可以根据在第一次投票时得票多少的顺序确定候选人，也可以依照本条例规定的程序另行提名、确定候选人。经本级人民代表大会决定，不足的名额的另行选举可以在本次人民代表大会会议上进行，也可以在下一次人民代表大会会议上进行。

另行选举乡、民族乡、镇人民代表大会副主席，副乡长，副镇长时，依照本条例第二十四条的规定，确定差额数，进行差额选举。

第二十七条 乡、民族乡、镇人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长，可以向本级人民代表大会提出辞职，由大会决定是否接受辞职。

Nominators shall make a trustful introduction of their nominees.

Article 24 In elections for chairmen of the people's congresses of townships, nationality townships or towns, and heads of townships or towns, there shall generally be one more candidate than the number of persons to be elected, and a competitive election shall be conducted. If only one candidate is nominated, a non-competitive election may be conducted. In elections for vice-chairmen of the people's congresses of townships, nationality townships or towns, and deputy heads of townships or towns, there shall be one to three more candidates than the number of persons to be elected. The specific differential number shall be prescribed by the people's congresses at the corresponding levels in the electoral measures on the basis of the number of persons to be elected, and the competitive election shall be conducted.

If the number of candidates nominated is the same as the differential number prescribed in the electoral measures, the presidium of a people's congress shall submit the list of candidates to the deputies for deliberation and discussion, before election is conducted. If the number of candidates nominated exceeds the differential number prescribed in the electoral measures, a preliminary election shall be conducted after the deputies deliberate and discuss the list of candidates submitted by the presidium, and an official list of candidates shall, in accordance with the differential number prescribed in the electoral measures, be determined by order of the votes that the candidates obtain in the preliminary election, and then election shall be conducted.

Article 25 Elections shall be conducted by secret ballot. The deputies may vote for or against any of the candidates that have been determined, or may instead elect any other person in accordance with the provisions of the electoral measures or abstain from voting.

The number of votes cast in each election shall be valid if it is equal to or less than the voter turnout, and invalid if it is more than the voter turnout.

A ballot shall be valid if it votes for the number of persons that is equal to or less than the number of persons needed to be elected, and rejected if it votes for the number of persons that is more than the number of persons needed to be elected.

Article 26 When the number of candidates who obtain more than half of the votes exceeds the number of persons needed to be elected, those who obtain more votes shall be elected. If the number of votes for some candidates is tied, thus making it impossible to determine the elected, another balloting shall be conducted for those candidates to resolve the tie, and those who obtain more votes shall be elected.

If the number of the elected persons who obtain more than half of the votes is less than the number of persons needed to be elected, another election shall be held to make up the difference, and the candidates for another election may be determined by order of the votes they obtain in the first balloting, or may be nominated and determined in accordance with the procedures provided by the Regulations. Another election for making up the difference may be held at the current session or the next session of the people's congress upon decision by the people's congress at the corresponding level.

When another election is held to elect the vice-chairmen of the people's congress of a township, nationality township or town, and the deputy heads of a township or town, competitive election shall be conducted after the differential number is determined in accordance with the provisions of Article 24 of the Regulations.

Article 27 The chairman or vice-chairman of the people's congress of a township, nationality township or town, or the head or deputy head of a township or town may submit his resignation to the people's congress at the corresponding level, which shall decide

乡、民族乡、镇人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长在任期内一般不应变动。个别确需变动的，应当由人民代表大会决定接受辞职或者免职。在人民代表大会未决定接受辞职或者免职前，不得离职。

第二十八条 乡、民族乡、镇人民代表大会举行会议的时候，主席团或者五分之一以上代表联名，可以提出对本级人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长的罢免案，由主席团提请大会审议。罢免案应当写明罢免理由。

被提出罢免的人员有权在主席团会议或者大会全体会议上提出申辩意见，或者书面提出申辩意见。在主席团会议上书面提出的申辩意见，由主席团印发会议。

乡、民族乡、镇人民代表大会主席、副主席的代表职务被罢免的，其主席、副主席的职务相应撤销，由主席团予以公告。

第二十九条 补选乡、民族乡、镇人民代表大会主席、副主席，乡长、副乡长，镇长、副镇长，应当召开人民代表大会会议。补选时，候选人数可以多于应选人数，也可以同应选人数相等。选举办法由本级人民代表大会决定。

第六章 乡、民族乡、镇人民代表大会代表

第三十条 乡、民族乡、镇人民代表大会代表名额的确定和代表的选举，按照《中华人民共和国全国人民代表大会和地方各级人民代表大会选举法》和《北京市区、乡、民族乡、镇人民代表大会代表选举实施细则》的规定办理。

第三十一条 乡、民族乡、镇人民代表大会代表任期，从每届人民代表大会举行第一次会议开始，到下届人民代表大会举行第一次会议为止。

第三十二条 乡、民族乡、镇人民代表大会代表在人民代表大会会议上的发言和表决，不受法律追究。

第三十三条 乡、民族乡、镇人民代表大会代表，如果被逮捕、受刑事审判或者被采取法律规定的其他限制人身自由的措施，执行机关应当立即报告乡、民族乡、镇

whether to accept the resignation.

The chairman or vice-chairman of the people's congress of a township, nationality township or town, or the head or deputy head of a township or town shall not be changed during his term of office generally. If there is a real need for change in individual cases, the people's congress shall decide on acceptance of resignation or removal from office. He shall not leave office before the people's congress decides on acceptance of resignation or removal from office.

Article 28 When the people's congress of a township, nationality township or town is in session, the presidium or a group of at least one-fifth of the deputies may submit a proposal to remove from office the chairman or vice-chairmen of the people's congress, or the head or deputy heads of the township or town; the presidium shall refer the proposal to the congress for deliberation. In a proposal for removal from office, reasons for the removal shall clearly be stated.

Persons proposed to be removed from office shall have the right to defend themselves at a meeting of the presidium or at the plenary meeting of a session, or to submit their written defense. The defense made at the meeting of the presidium in written form shall be printed and distributed to participants of the session by the presidium.

If chairmen or vice-chairmen of the people's congresses of townships, nationality townships or towns are removed from the office of deputies, they shall be removed from the office of chairmen or vice-chairmen accordingly, and the presidiums shall make a public announcement.

Article 29 When by-elections are held for chairmen and vice-chairmen of the people's congresses of townships, nationality townships or towns, and heads and deputy heads of townships or towns, the people's congresses shall meet in session. The number of candidates may exceed or equal the number of vacancies, and the election procedures and methods shall be decided by the people's congresses at the corresponding levels.

Chapter VI Deputies to the People's Congresses of Townships, Nationality Townships or Towns

Article 30 The determination of the number of deputies to the people's congresses of townships, nationality townships or towns and their election shall be handled in accordance with the provisions of the Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China and the Detailed Implementing Rules of Beijing Municipality for Election of Deputies to the People's Congresses of Districts, Townships, Nationality Townships or Towns.

Article 31 The term of office of deputies to the people's congress of a township, nationality township or town shall begin with the first session of that people's congress and shall expire at the first session of the succeeding people's congress at the same level.

Article 32 Deputies to the people's congresses of townships, nationality townships or towns may not be legally liable for their speeches and voting at sessions of the people's congresses.

Article 33 If a deputy to the people's congress of a township, nationality township or town is arrested, placed on criminal trial or subjected to other measures restricting his

人民代表大会。

第三十四条 乡、民族乡、镇人民代表大会代表应当出席本级人民代表大会会议。因病或者其他特殊原因不能出席会议的，必须向主席或者副主席书面请假，并由主席或者副主席报告大会主席团。未经批准两次不出席本级人民代表大会会议的代表，代表资格终止。

第三十五条 乡、民族乡、镇人民代表大会代表在出席人民代表大会会议和执行代表职务的时候，其所在单位必须给予时间保障，按正常出勤对待，享受应得的工资和其他待遇。

代表执行代表职务，可以根据实际情况给予适当补贴。

代表活动所需经费，列入本级财政预算。

第三十六条 乡、民族乡、镇人民代表大会代表必须模范地遵守宪法和法律，保守国家秘密，并且在自己参加的生产、工作和社会生活中，协助宪法和法律的实施，努力为人民服务。

第三十七条 乡、民族乡、镇人民代表大会代表应当与原选区选民保持密切联系，听取和反映他们的意见和要求。

乡、民族乡、镇人民代表大会代表在闭会期间可以建立代表小组，开展代表活动。

第三十八条 乡、民族乡、镇应当建立人民代表大会代表联系选民的制度，以及主席、副主席和本级人民政府领导人员联系代表的制度。

第三十九条 乡、民族乡、镇人民代表大会代表受选民的监督。选民有权罢免自己选出的代表。罢免代表须经原选区过半数的选民通过。

第四十条 乡、民族乡、镇人民代表大会代表因故出缺，由原选区选民补选。

乡、民族乡、镇人民代表大会代表在任期内调离或者迁出本行政区域的，其代表资格自行终止，缺额另行补选。

补选出缺的代表，代表候选人的名额可以多于应选代表的名额，也可以同应选代表的名额相等。

personal freedom as prescribed by law, the executing organ shall immediately report the matter to that people's congress.

Article 34 Deputies to the people's congress of a township, nationality township or town shall attend the sessions of the people's congress at the corresponding level. If he is unable to attend a session due to illness or other special reasons, he must apply to the chairman or vice-chairman for a leave of absence in writing, and the chairman or vice-chairman shall report to the presidium. Deputies who fail to attend the sessions of the people's congress at the corresponding level twice without approval shall be disqualified.

Article 35 When deputies to the people's congresses of townships, nationality townships or towns attend people's congress sessions or perform their duties as deputies, the units to which they belong must give them enough time, treat them as they are treated during regular attendance, and pay the wages and other benefits they deserve.

Deputies may, in performing their duties as deputies, be given appropriate subsidies according to the actual situation.

Funds needed for deputy activities shall be included in the budget at the corresponding level.

Article 36 Deputies to the people's congresses of townships, nationality townships or towns must abide by the Constitution and the law in an exemplary way, keep state secrets, and assist in the implementation of the Constitution and the law and strive to serve the people in the production, work and social activities they participate in.

Article 37 Deputies to the people's congresses of townships, nationality townships or towns shall maintain close contact with their constituencies and listen to and reflect their opinions and demands.

Deputies to the people's congresses of townships, nationality townships or towns may, when they are not in session, establish deputies groups to carry out deputy activities.

Article 38 In townships, nationality townships or towns, the system whereby deputies to the people's congresses maintain contact with their constituencies and the system whereby the chairmen or vice-chairmen and heads of the people's governments at the corresponding levels maintain contact with deputies shall be established.

Article 39 Deputies to the people's congresses of townships, nationality townships or towns shall be subject to supervision by their constituencies. Voters shall have the power to remove from office the deputies they elect. The removal from office of a deputy shall require a majority vote of all the voters in his electoral district.

Article 40 In the event that the seat of a deputy to the people's congress of a township, nationality township or town falls vacant for any reason, the voters in the electoral district shall hold a by-election to replace him.

If a deputy to the people's congress of a township, nationality township or town is transferred or moves out from the corresponding administrative area during his term of office, his qualification as a deputy shall also terminate, and the vacancy shall be filled by by-election.

The number of candidates for vacancies to be filled by by-election may exceed or equal the number of deputies needed to be elected.

第七章 附 则

第四十一条 本条例自 1990 年 1 月 1 日起施行。

Chapter VII Supplementary Provisions

Article 41 The Regulations shall come into force as of January 1, 1990.

北京市人民代表大会议事规则

(1990年3月9日北京市第九届人民代表大会第三次会议通过
根据2001年8月3日北京市第十一届人民代表大会常务委员会第二十八次会议通过的《北京市人民代表大会议事规则修正案》第一次修正 根据2004年12月2日北京市第十二届人民代表大会常务委员会第十七次会议通过的《北京市人民代表大会议事规则修正案》第二次修正 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》第三次修正)

第一章 总 则

第一条 根据宪法、地方各级人民代表大会和地方各级人民政府组织法、全国人民代表大会和地方各级人民代表大会选举法，结合北京市人民代表大会的具体实践，制定本规则。

第二条 北京市人民代表大会审议决定问题，应当充分发扬民主，严格依法办事，实行民主集中制的原则。

第二章 会议的举行

第三条 市人民代表大会会议由市人民代表大会常务委员会召集。每届市人民代表大会第一次会议，在本届市人民代表大会代表选举完成后的两个月内，由上届市人民代表大会常务委员会召集。

第四条 市人民代表大会会议每年至少举行一次。每年第一次会议一般于第一季

Rules of Procedure for Beijing Municipal People's Congress

(Adopted at the 3rd Meeting of the 9th People's Congress of Beijing Municipality on March 9, 1990, amended for the first time in accordance with the Amendment to the Rules of Procedure for Beijing Municipal People's Congress adopted at the 28th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on August 3, 2001, amended for the second time in accordance with the Amendment to the Rules of Procedure for Beijing Municipal People's Congress adopted at the 17th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on December 2, 2004, and amended for the third time in accordance with the Decisions on Revising Some Local Regulations adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

Chapter I General Provisions

Article 1 The Rules are formulated in accordance with the Constitution, the Organic Law of the Local People's Congresses and Local People's Governments and the Electoral Law of the National People's Congress and Local People's Congresses and in light of the practice of the Beijing Municipal People's Congress.

Article 2 In deliberating and making decisions on any issue, the Beijing Municipal People's Congress shall give full play to democracy, act in strict accordance with the law and apply the principle of democratic centralism.

Chapter II Convening of Sessions

Article 3 Sessions of the Municipal People's Congress shall be convened by its Standing Committee. The first session of each Municipal People's Congress shall be convened, within 2 months after the election of its deputies, by the Standing Committee of the preceding Municipal People's Congress.

Article 4 The Municipal People's Congress shall meet in session at least once a year, and the first session shall, in general, be held in the first quarter every year. A session of the Municipal People's Congress may be convened at any time if its Standing Committee deems

度举行。市人民代表大会常务委员会认为必要，或者经过五分之一以上代表提议，可以临时召集市人民代表大会会议。

第五条 市人民代表大会会议有三分之二以上的代表出席，始得举行。

第六条 市人民代表大会常务委员会在市人民代表大会会议举行前，进行下列准备工作：

（一）决定开会日期；

（二）提出会议议程草案；

（三）提出主席团和秘书长名单草案，提出议案审查委员会等需要设立的委员会的组成人员名单草案；

（四）决定列席会议人员名单；

（五）会议的其他准备事项。

第七条 市人民代表大会常务委员会在市人民代表大会会议举行的一个月前，将开会日期和建议会议讨论的主要事项通知代表。

临时召集的市人民代表大会会议，临时通知。

第八条 市人民代表大会预备会议举行前，代表按照选举单位组成代表团，由市人民代表大会常务委员会委托区、县人大常委会和北京卫戍区政治部召集全团代表，推选代表团团长、副团长。团长召集并主持代表团全体会议，副团长协助团长工作。代表团可以分设若干代表小组，代表小组会议推选小组召集人。

代表团全体会议或者代表小组会议讨论召开代表大会的有关事项：

（一）讨论市人民代表大会常务委员会准备提请市人民代表大会预备会议通过的会议议程草案；

（二）讨论市人民代表大会常务委员会准备向市人民代表大会预备会议提出的主席团和秘书长名单草案，议案审查委员会等需要设立的委员会的组成人员名单草案；

（三）讨论准备提请代表大会会议审议的工作报告征求意见稿和地方性法规草案稿；

（四）在代表大会会议有选举议程时，讨论选举的准备工作；

it necessary or upon the proposal of at least one-fifth of its deputies.

Article 5 A session of the Municipal People's Congress may be held only when more than two-thirds of its deputies attend the session.

Article 6 The Standing Committee of the Municipal People's Congress shall, before a session of the Municipal People's Congress is held, make the following preparations:

- (1) to decide on the date of the session;
- (2) to propose the draft agenda for the session;
- (3) to propose a draft list of the Presidium and Secretary-General, and a draft list of the members of the examining committee on bills and proposals and other committees needed to be established;
- (4) to decide on the list of nonvoting attendees; and
- (5) to make other preparations for the session.

Article 7 One month before the date when a session of the Municipal People's Congress is held, its Standing Committee shall notify deputies of the date of the session and main items on the proposed agenda.

A special session of the Municipal People's Congress shall be convened at short notice.

Article 8 Before a preliminary meeting of the Municipal People's Congress is held, deputies shall be grouped into delegations based on different electoral units. The standing committee of the people's congress of a district or county and the Political Department of the Beijing Garrison Command shall, under the commission of the Standing Committee of the Municipal People's Congress, call all the deputies of a delegation together to elect the head and deputy head of the delegation. The head of a delegation shall convene and preside over the plenary meeting of the delegation, and the deputy head shall assist in the work of the head of the delegation. Each delegation may have several deputy groups. The convener of a deputy group shall be elected at a meeting of the group.

At the plenary meeting of a delegation or a meeting of a deputy group, the following matters relating to the session of the Municipal People's Congress shall be discussed:

- (1) to discuss the draft agenda for the session, which is to be referred by the Standing Committee of the Municipal People's Committee to the preliminary meeting of the Municipal People's Congress for adoption;
- (2) to discuss the draft list of the Presidium and Secretary-General and of the members of the examining committee on bills and proposals and other committees needed to be established, which is to be referred by the Standing Committee of the Municipal People's Committee to the preliminary meeting of the Municipal People's Congress;
- (3) to discuss the work reports prepared for comment and draft local regulations, which are to be referred to the session of the Municipal People's Congress for deliberation;
- (4) to discuss the preparatory work for elections if it is put on the agenda for the session of the Municipal People's Congress;

(五) 提出或者准备向代表大会会议提出议案和建议、批评和意见；

(六) 讨论代表大会会议的其他准备事项。

第九条 市人民代表大会常务委员会，或者主任会议在常务委员会授权的范围内，可以根据各代表团提出的意见，对会议议程草案、主席团和秘书长等各项名单草案以及关于会议的其他准备事项提出调整意见，提请市人民代表大会预备会议审议。

第十条 市人民代表大会会议举行前，召开预备会议，选举本次会议的主席团和秘书长，通过会议议程、大会设立的各委员会组成人员名单和其他准备事项的决定。

预备会议由市人民代表大会常务委员会主持。每届市人民代表大会第一次会议的预备会议，由上届市人民代表大会常务委员会主持。

第十一条 市人民代表大会会议由主席团主持。

主席团的决定，以主席团全体成员的过半数通过。

第十二条 主席团第一次会议推选主席团成员若干人担任常务主席，推选主席团成员若干人分别担任每次大会全体会议的执行主席，并决定下列事项：

(一) 会议日程；

(二) 副秘书长的人选；

(三) 大会新闻发言人；

(四) 代表提出议案的截止日期；

(五) 其他需要决定的事项。

第十三条 主席团常务主席召集并主持主席团会议。主席团第一次会议由市人民代表大会常务委员会主任或者主任委托的副主任召集。

第十四条 市人民代表大会举行会议的时候，市人民代表大会代表应当出席；因病或者其他特殊原因不能出席会议的，必须向代表团团长请假，并由代表团报告大会秘书长。

第十五条 市人民代表大会会议公开举行。根据主席团常务主席的决定，大会新闻发言人可以举行新闻发布会、记者招待会。新闻记者经大会秘书处同意，可以采访

(5) to submit or make preparation for submitting bills, proposals, suggestions, criticisms and opinions to the session of the Municipal People's Congress; and

(6) to discuss other preparations for the session of the Municipal People's Congress.

Article 9 The Standing Committee of the Municipal People's Congress, or the Council of Chairmen within the scope of authorization of the Standing Committee, may, based on the opinions expressed by various delegations, put forward proposals on adjustments in the draft agenda for the session, the draft list of the Presidium and Secretary-General and other draft lists, as well as other preparations for the session, and refer them to the preliminary meeting of the Municipal People's Congress for deliberation.

Article 10 A preliminary meeting shall be held before a session of the Municipal People's Congress to elect the Presidium and Secretary-General of the session, adopt the agenda for the session and the list of members of the committees set up under the session, and decide on other preparations.

The preliminary meeting shall be presided over by the Standing Committee of the Municipal People's Congress. The preliminary meeting for the first session of each Municipal People's Congress shall be presided over by the Standing Committee of the preceding Municipal People's Congress.

Article 11 The sessions of the Municipal People's Congress shall be presided over by the Presidium.

When the Presidium makes a decision, a majority vote of all its members shall be required.

Article 12 At the first meeting of the Presidium, the executive chairmen and the presiding chairmen of the plenary meeting of each session shall be elected from among the members of the Presidium, and a decision shall be made on the following matters:

- (1) the agenda for the session;
- (2) nominations for Deputy Secretaries-General;
- (3) the spokesperson for the session;
- (4) deadline for the submission of bills and proposals by deputies; and
- (5) other matters requiring a decision.

Article 13 The executive chairmen of the Presidium shall convene and preside over meetings of the Presidium. The first meeting of the Presidium shall be convened by the Chairman of the Standing Committee of the Municipal People's Congress or by the Vice-Chairman authorized by the Chairman.

Article 14 When the Municipal People's Congress is in session, its deputies shall attend the sessions; if a deputy is unable to attend a session due to illness or other special reasons, he must apply to the head of the delegation for a leave of absence, and the delegation shall report the matter to the Secretary-General of the session.

Article 15 The Municipal People's Congress shall meet in session in public. Upon the decision of the executive chairmen of the Presidium, the spokesperson for the session may hold news briefings and press conferences. Journalists may, upon consent of the Secretariat of the session, gather news and make reports. Visitors' seats shall be provided at the plenary

报道。大会全体会议设旁听席，旁听办法另行规定。

市人民代表大会在必要的时候，可以举行秘密会议。举行秘密会议，经主席团征求各代表团的意见后，由主席团会议决定。

第十六条 市人民代表大会会议设立秘书处，由秘书长和副秘书长组成，办理主席团交付的事项和处理会议日常事务工作。

第三章 审议工作报告、地方性法规案和议案，审查国民经济、社会发展计划和财政预算

第十七条 市人民代表大会全体会议听取市人民代表大会常务委员会的工作报告。

市人民代表大会全体会议听取市人民政府和市高级人民法院、市人民检察院的工作报告。

市人民政府向大会提交关于国民经济和社会发展规划及计划执行情况、关于财政预算及预算执行情况的报告。

报告工作的机关根据审议的需要向会议提供有关资料。

第十八条 市人民代表大会举行会议的时候，主席团、市人民代表大会常务委员会、市人民代表大会专门委员会、市人民政府、一个代表团以全体代表的过半数通过或者代表 10 人以上联名，可以向市人民代表大会提出属于市人民代表大会职权范围内的议案。

议案的提出，应当用书面形式，写明议题、理由和解决的方案。

议案经主席团决定列入会议议程后，提案人应当向会议提出关于议案的说明和提供有关资料。

第十九条 地方性法规案的提出、审议和表决，依照《北京市制定地方性法规条例》的规定办理。

第二十条 代表团审议工作报告和议案，审查国民经济、社会发展计划和计划执

meeting of a session, and measures therefor shall be formulated separately.

When necessary, the Municipal People's Congress may hold a closed session. After the Presidium has solicited opinions from various delegations, a decision shall be made at a meeting of the Presidium on whether to hold a closed session.

Article 16 For each session, the Municipal People's Congress shall set up a Secretariat which shall be composed of a Secretary-General and Deputy Secretaries-General and handle matters assigned by the Presidium and the day-to-day affairs of the session.

Chapter III Deliberation on Work Reports, Draft Local Regulations, Bills and Proposals, and Examination of Plans for National Economic and Social Development and Budgets

Article 17 The plenary session of the Municipal People's Congress shall hear work reports of its Standing Committee.

The plenary session of the Municipal People's Congress shall hear work reports of the Municipal People's Government, the Municipal High People's Court and the Municipal People's Procuratorate.

The Municipal People's Government shall submit to the session reports on the plans for national economic and social development and the implementation thereof, as well as on the budgets and the implementation of the budgets.

Government bodies reporting their work shall, based on the necessity arising from the deliberation, provide the pertinent information to the session.

Article 18 When the Municipal People's Congress is in session, its Presidium, Standing Committee or special committees, the Municipal People's Government, a simple majority of all the members of a delegation, or a group of 10 or more deputies may submit bills or proposals to the Municipal People's Congress within the scope of its functions and powers.

Bills and proposals shall be submitted in writing, in which the subjects for discussion, reasons therefor and solutions shall be clearly stated.

After a bill or proposal is placed on the agenda for the session upon the decision of the Presidium, the party that submitted the bill or proposal shall give explanations and provide the pertinent information to the session.

Article 19 The submission of, deliberation and voting on bills or proposals for local regulations shall be carried out in compliance with the Regulations of Beijing Municipality on Formulation of Local Regulations.

Article 20 When a delegation deliberates on work reports, bills and proposals, or examines the plans for national economic and social development and the implementation thereof, as well as the budgets and the implementation of the budgets, the deliberation shall

行情况，审查财政预算及预算执行情况，由代表团全体会议、代表小组会议审议。

市人民政府、市人大常委会常务委员会、市高级人民法院、市人民检察院及上述机关所属工作部门的负责人，应当到会，听取意见，回答问题。

第二十一条 主席团会议听取各代表团审议工作报告、地方性法规案和议案，审查国民经济、社会发展计划和计划执行情况，审查财政预算及预算执行情况提出的意见，并听取有关机关的说明，进行讨论，讨论的结果由代表团团长向代表通报。

第二十二条 主席团常务主席根据代表要求或者工作需要，可以就专门性问题召集有关代表进行讨论；有关机关和部门的负责人参加会议，汇报情况，听取意见，回答问题。

第二十三条 主席团可以召开大会全体会议进行大会发言，就大会审议的议题发表意见。

第二十四条 市人民代表大会财政经济委员会根据各代表团的审议意见，对关于国民经济和社会发展规划及计划执行情况的报告、关于财政预算及预算执行情况的报告进行审查，向主席团提出审查结果的报告，经主席团会议审议通过后，印发代表。

议案审查委员会对主席团交付的议案进行审查，提出议案处理意见的报告，经主席团会议审议通过后，印发代表。

第二十五条 各审查委员会在审议有关工作报告和议案，涉及专门性问题的时候，可以邀请有关方面的代表、提案人和专家列席会议，发表意见。

第二十六条 主席团集中代表的意见，提出关于工作报告和有关议案的决议草案，交各代表团审议，并根据代表意见修改后，提请大会全体会议表决。

市人民代表大会财政经济委员会提出关于国民经济、社会发展计划的决议草案和财政预算及预算执行情况的决议草案，经主席团审议后，印发代表，提请大会全体会议表决。

第二十七条 列入会议议程的议案，在交付表决前，提案人要求撤回的，经主席团同意，会议对该议案的审议即行终止。

be conducted at the plenary meeting of the delegation or at a deputies group meeting.

Heads of the Municipal People's Government, the Standing Committee of the Municipal People's Congress, the Municipal High People's Court, the Municipal People's Procuratorate and their departments shall be present at the meeting to listen to opinions and answer questions.

Article 21 The meeting of the Presidium shall hear the comments made by each delegation after it has deliberated on work reports, proposed local regulations, bills and proposals, has examined the plans for national economic and social development and the implementation thereof, or has examined the budgets and the implementation of the budgets, hear explanations given by the government bodies concerned and conduct discussion thereon. The results of the discussion shall be made known to deputies by the head of each delegation.

Article 22 The executive chairmen of the Presidium may, upon the request of deputies or based on the necessity of work, call the deputies concerned together to discuss any specialized problems; heads of the organs or departments concerned shall attend such meetings to make reports on situations, listen to comments and answer questions.

Article 23 The Presidium may hold the plenary meeting of a session for delivering speeches, at which comments may be made on the subjects deliberated in the session.

Article 24 The Financial and Economic Committee of the Municipal People's Congress shall, on the basis of the results of deliberation of various delegations, examine reports on the plans for national economic and social development and the implementation thereof as well as on the budgets and the implementation of the budgets, and submit to the Presidium a report on the results of examination. The Presidium shall, after deliberation and approval, have the report printed and distributed to deputies.

The examining committee on bills and proposals shall examine the bills or proposals assigned by the Presidium and submit a report on opinions on the bills or proposals. The Presidium shall, after deliberation and approval, have the report printed and distributed to deputies.

Article 25 When the examining committees deliberate on relevant work reports, bills or proposals involving specialized problems, they may invite deputies, the party that submitted the bills or proposals and specialists in relevant fields to attend the meeting as nonvoting participants to express their opinions.

Article 26 The Presidium shall sum up deputies' opinions and prepare draft resolutions on work reports, relevant bills and proposals, submit these draft resolutions to various delegations for deliberation, and submit them to the plenary meeting of a session for a vote after it has made revisions thereto based on deputies' opinions.

The Financial and Economic Committee of the Municipal People's Congress shall submit draft resolutions on the plans for national economic and social development and on the budgets and the implementation of the budgets, and after the deliberation by the Presidium, have such draft resolutions printed and distributed to deputies, and submit them to the plenary meeting of the congress for a vote.

Article 27 With agreement of the Presidium, deliberation shall be terminated on a bill or proposal placed on the agenda of a session, if the party that submitted the bill or proposal requests its withdrawal before it is submitted for a vote.

第二十八条 列入会议议程的议案，在审议中有重大问题需要进一步研究的，经主席团提出，由大会全体会议决定，可以授权市人民代表大会常务委员会审议决定，并报市人民代表大会下次会议备案；或者责成市人民代表大会常务委员会进行研究，提出意见，提请市人民代表大会下次会议审议。

第二十九条 市人民代表大会代表向市人民代表大会提出的对各方面工作的建议、批评和意见，由市人民代表大会常务委员会办事机构交由有关机关、组织研究处理，并应当自代表建议、批评和意见交办之日起三个月内办理完毕，予以答复；问题复杂的，经交办机关同意，至迟不得超过六个月予以答复。代表对办理结果不同意的，经市人民代表大会常务委员会代表联络工作部门会同有关部门研究，需要再次办理的，可以责成承办单位在二个月内重新研究办理并答复代表。

第四章 选举、辞职、罢免和补选

第三十条 市人民代表大会常务委员会组成人员，市长、副市长，市高级人民法院院长，市人民检察院检察长，本市出席全国人民代表大会的代表，由市人民代表大会依法选举。

第三十一条 市人民代表大会进行选举，应当制定选举办法。选举办法草案由主席团提出，经各代表团审议后，由大会全体会议通过。

第三十二条 市人民代表大会常务委员会组成人员，市长、副市长，市高级人民法院院长，市人民检察院检察长的候选人，由主席团或者代表 30 人以上联名推荐。

本市出席全国人民代表大会代表的候选人，可以由各政党、各人民团体联合或者单独推荐，也可以由代表 10 人以上联名推荐。

市人民代表大会专门委员会组成人员的人选，由主席团在市人民代表大会代表中提名，大会通过。

第三十三条 推荐候选人的主席团、政党、团体或者代表，应当向会议介绍候选

Article 28 If important issues are raised during deliberations on a bill or proposal placed on the agenda for a session and call for further study, upon decision by the plenary meeting of the session on a proposal made by the Presidium, the Standing Committee of the Municipal People's Congress may be authorized to deliberate on it, after which it shall make a decision and report it to the next session of the Municipal People's Congress for the record; or the Standing Committee of the Municipal People's Congress may be instructed to do research into it, raise its opinions and refer the bill or proposal to the next session of the Municipal People's Congress for deliberation.

Article 29 Suggestions, criticisms and complaints on any aspect of work put forward by deputies to the Municipal People's Congress to that people's congress shall be referred by the administrative office of the Standing Committee of the Municipal People's Congress to the departments and organizations concerned for consideration and handling, and such departments and organizations shall handle them and give a reply within 3 months from the date when they are referred or within 6 months at the latest with agreement of the office that refer them if the issues concerned are complex. If deputies are not satisfied with the reply, and handling shall be conducted again upon study by the deputy contact department of the Standing Committee of the Municipal People's Government together with relevant departments, the unit that undertakes the handling may be ordered for restudy and give another reply to deputies within 2 months.

Chapter IV Election, Resignation, Removal and By-election

Article 30 Members of the Standing Committee of the Municipal People's Congress, Mayor, Deputy Mayors, President of the Municipal High People's Court, Chief Procurator of the Municipal People's Procuratorate, and deputies of this Municipality to the National People's Congress shall be elected by the Municipal People's Congress according to law.

Article 31 For the purpose of elections, the Municipal People's Congress shall formulate election procedures and methods. Draft election procedures and methods shall be proposed by the Presidium and, after the deliberation of various delegations, adopted at the plenary meeting of the congress.

Article 32 Candidates for members of the Standing Committee of the Municipal People's Congress, Mayor, Deputy Mayors, President of the Municipal High People's Court, and Chief Procurator of the Municipal People's Procuratorate shall be nominated by the Presidium or by a group of 30 or more deputies.

Candidates for deputies of this Municipality to the National People's Congress may be nominated by one or more political parties or people's organizations, or by a group of 10 or more deputies.

Nominations for members of special committees of the Municipal People's Congress shall be made by the Presidium from among deputies to the Municipal People's Congress and approved by the Municipal People's Congress.

Article 33 The Presidium, political parties, organizations or deputies that have made nominations shall make an introduction of their nominees at the session and make necessary

人的情况，并对代表提出的问题作必要的说明。

第三十四条 主席团将依法提出的全部候选人名单提交全体代表酝酿、讨论、协商之后，根据较多数代表的意见确定正式候选人名单。

第三十五条 市人民代表大会会议选举，采用无记名投票方式。得票数超过全体代表的半数的，始得当选。

选举结果，由主席团依法确定是否有效，并向大会宣布。当选人的得票数，应当公布。

第三十六条 市人民代表大会会议期间，市人民代表大会常务委员会的组成人员，市长、副市长，市高级人民法院院长，市人民检察院检察长提出辞职的，由主席团将其辞职请求交各代表团审议后，提请大会全体会议决定是否接受辞职。大会闭会期间提出辞职的，由市人民代表大会常务委员会决定是否接受辞职。市人民代表大会常务委员会决定接受辞职后，应当报市人民代表大会下次会议备案。

第三十七条 主席团、市人民代表大会常务委员会或者十分之一以上的代表联名，可以提出对市人民代表大会常务委员会的组成人员、市长、副市长、市高级人民法院院长、市人民检察院检察长、本市选出的全国人民代表大会代表的罢免案，由主席团交各代表团审议后，提请大会全体会议表决；或者由主席团提议，经大会全体会议决定，组织调查委员会，由市人民代表大会下次会议根据调查委员会的报告审议决定。对于副市长或者本市出席全国人民代表大会代表的罢免案，经代表大会全体会议决定，可以授权市人民代表大会常务委员会根据调查委员会的报告，依法决定是否撤销其副市长或者罢免其代表职务，并向市人民代表大会下次会议报告。

罢免案应当写明罢免理由，并提供有关材料。

罢免案提请大会全体会议表决前，被提议罢免的人员有权在主席团会议和大会全体会议上提出申辩意见，或者书面提出申辩意见，由主席团印发代表。

第三十八条 市人民代表大会选出市人民检察院检察长，接受市人民检察院检察长辞职，或者罢免市人民检察院检察长职务，须报经最高人民检察院检察长提请全国

explanations to questions raised by deputies.

Article 34 The Presidium shall submit the list of all legally nominated candidates to all the deputies for consideration, discussion and consultation, and then determine the official list of candidates on the basis of the opinions held by the majority of deputies.

Article 35 At a session of the Municipal People's Congress, elections shall be conducted by secret ballot. Candidates shall be elected by a majority vote of all the deputies.

The Presidium shall determine according to law whether an election result is valid and announce the result to the Municipal People's Congress. The number of votes obtained by the elected shall be announced.

Article 36 During a session of the Municipal People's Congress, if a member of the Standing Committee of the Municipal People's Congress, Mayor, Deputy Mayor, President of the Municipal High People's Court, or Chief Procurator of the Municipal People's Procuratorate submits his resignation, the Presidium shall refer the resignation to the delegations for deliberation and then submit it to the plenary meeting of the session to decide whether to accept the resignation. If a resignation is submitted when the Municipal People's Congress is not in session, its Standing Committee shall make a decision on whether or not to accept the resignation. If the Standing Committee of the Municipal People's Congress decides to accept the resignation, it shall report to the next session of the Municipal People's Congress for the record.

Article 37 The Presidium, the Standing Committee of the Municipal People's Congress or a group of at least one-tenth of deputies to the Municipal People's Congress may submit a proposal to remove from office a member of the Standing Committee of the Municipal People's Congress, Mayor, Deputy Mayor, President of the Municipal High People's Court, Chief Procurator of the Municipal People's Procuratorate, or a deputy of this Municipality to the National People's Congress. The Presidium shall refer the proposal to the delegations for deliberation and submit it to the plenary meeting of the session for voting; or the Presidium shall, subject to decision of the plenary meeting of the session, propose to organize an investigation committee, and the proposal shall be deliberated and decided at the next session of the Municipal People's Congress on the basis of the report prepared by the investigation committee. For a proposal for removal from office of Deputy Mayors or deputies of this Municipality to the National People's Congress, the Standing Committee of the Municipal People's Congress may, upon decision of the plenary meeting of the session, be authorized to decide, in accordance with the law and on the basis of the report of the investigation committee, whether to remove from office Deputy Mayors or deputies, and report to the next session of the Municipal People's Congress.

In a proposal for removal from office, reasons for the removal shall clearly be stated and the relevant information shall be provided.

Before a proposal for removal from office is submitted to the plenary meeting of the session for voting, persons proposed to be removed from office shall have the right to defend themselves at a meeting of the Presidium or at the plenary meeting of the session, or to submit their written defense, which shall be printed and distributed to deputies by the Presidium.

Article 38 The election, acceptance of resignation or removal from office of the Chief Procurator of the Municipal People's Procuratorate by the Municipal People's Congress shall

人民代表大会常务委员会批准。

罢免本市选出的全国人民代表大会代表的决议，须报全国人民代表大会常务委员会备案。

第三十九条 市人民代表大会常务委员会组成人员、市长、市高级人民法院院长、市人民检察院检察长出缺，由市人民代表大会补选；副市长、本市出席全国人民代表大会的代表出缺，除市人民代表大会闭会期间，由市人民代表大会常务委员会依法个别任命、补选外，由市人民代表大会补选。

补选办法草案，由主席团提出，大会全体会议通过。

第五章 询问和质询

第四十条 代表团和代表小组审议工作报告和议案，审查国民经济、社会发展计划和财政预算的时候，代表可以提出询问，由到会的有关机关负责人作出回答，或者由有关机关派人到会回答。

主席团和有关委员会审议工作报告和议案，审查国民经济、社会发展计划和财政预算的时候，市人民政府或者有关机关负责人应当到会，听取意见，回答询问，并可以对有关报告或者议案作补充说明。

第四十一条 市人民代表大会会议期间，一个代表团以全体代表的过半数通过或者代表 10 人以上联名，可以书面提出对市人民政府和它所属各工作部门、市高级人民法院、市人民检察院的质询案。

质询案必须写明质询对象、质询的问题和内容。

第四十二条 质询案按照主席团的决定，在会议期间由受质询机关的负责人在主席团会议、有关的专门委员会会议或者有关的代表团会议上口头答复，或者由受质询机关书面答复。

be reported to the Chief Procurator of the Supreme People's Procuratorate who shall refer it to the Standing Committee of the National People's Congress for approval.

Resolutions on removal from office of a deputy to the National People's Congress elected by this Municipality shall be submitted to the Standing Committee of the National People's Congress for the record.

Article 39 If the seat of a member of the Standing Committee of the Municipal People's Congress, Mayor, President of the Municipal High People's Court or Chief Procurator of the Municipal People's Procuratorate falls vacant, a by-election shall be conducted by the Municipal People's Congress; if the seat of Deputy Mayor or a deputy of this Municipality to the National People's Congress falls vacant, a by-election shall be conducted by the Municipal People's Congress, except that it shall be filled through individual appointment or by-election by the Standing Committee of the Municipal People's Congress according to law when the Municipal People's Congress is not in session.

Draft measures for by-election shall be proposed by the Presidium and adopted at the plenary meeting of the congress.

Chapter V Inquires and Addressing of Questions

Article 40 During deliberation by delegations or deputy groups on work reports, bills or proposals, or during examination of the plans for national economic and social development and the budgets, deputies may raise inquiries which shall be answered by leaders of the government departments concerned who attend the meeting, or the departments concerned may send personnel to attend the meeting to answer inquiries.

During deliberation by the Presidium or committees concerned on work reports, bills or proposals, or during examination of the plans for national economic and social development and the budgets, leaders of the Municipal People's Government or of the departments concerned shall attend the meeting to listen to comments and answer inquiries and may also give additional explanations to relevant reports, bills or proposals.

Article 41 When the Municipal People's Congress is in session, more than half of all the members of a delegation or a group of 10 or more deputies may submit a written proposal for addressing questions to the Municipal People's Government or any of its departments, the Municipal High People's Court or the Municipal People's Procuratorate.

In the proposal shall clearly be stated to whom the questions are addressed and the specific questions.

Article 42 With regard to a proposal for addressing questions, the Presidium shall decide whether to request the leader of the organ addressed to give an oral reply during the session at the meeting of the Presidium, or at the meeting of a relevant special committee, or at the meeting of a relevant delegation, or to refer the proposal to the organ addressed for a written reply.

在主席团会议和有关的专门委员会会议上答复的，提质询案的代表团团长或者代表有权列席会议，发表意见。

在专门委员会或者代表团会议上答复的，有关的专门委员会或者代表团应当将答复质询案的情况向主席团报告。

质询案以书面答复的，受质询机关的负责人应当签署，由主席团决定印发提质询案的代表团或者代表。

提质询案的代表团或者代表对答复质询不满意的，可以提出要求，经主席团决定，由受质询机关再作答复。

主席团认为必要的时候，可以将答复质询案的情况向各代表团通报。

第六章 调查委员会

第四十三条 市人民代表大会认为必要的时候，可以组织关于特定问题的调查委员会。

第四十四条 主席团、三个以上代表团或者十分之一以上的代表联名，可以提议组织关于特定问题的调查委员会，由主席团提请大会全体会议决定。

调查委员会由主任委员、副主任委员若干人和委员若干人组成，由主席团在代表中提名，提请大会全体会议通过。调查委员会可以聘请专家参加调查工作。

第四十五条 调查委员会进行调查的时候，本市国家机关、社会团体和公民都有义务如实向它提供材料。提供材料的公民要求调查委员会对材料来源保密的，调查委员会应当予以保密。

第四十六条 调查委员会应当向市人民代表大会提出调查报告。市人民代表大会根据调查委员会的报告，可以作出相应的决议。

市人民代表大会可以授权市人民代表大会常务委员会在市人民代表大会闭会期间，听取调查委员会的调查报告，并可以作出相应的决议，报市人民代表大会下次会议备案。

Where a reply is made at a meeting of the Presidium or of the special committee, the head of the delegation or deputies that submitted the proposal shall have the right to attend the meeting as nonvoting delegates and express their opinions.

Where a reply is made at a meeting of a special committee or of a delegation, the relevant special committee or delegation shall report the reply to the Presidium.

If the reply is to be made in writing, it shall be signed by the leading person of the organ addressed, and the presidium shall have it printed and distributed to the delegation or deputies that submitted the proposal.

If the delegation or deputies that submitted the proposal are not satisfied with the reply, they may raise their request. The organ addressed shall, by decision of the Presidium, give another reply.

The Presidium may, when it deems it necessary, make known to the delegations the report on the reply to the proposal.

Chapter VI Investigation Committee

Article 43 The Municipal People's Congress may, when it deems it necessary, appoint an investigation committee on specific questions.

Article 44 The Presidium, 3 or more delegations or a group of at least one-tenth of the deputies may submit a proposal for organizing an investigation committee on specific questions, which shall be submitted by the Presidium to the plenary meeting for decision.

An investigation committee shall be composed of a chairman, vice chairmen and members, who shall be nominated by the Presidium from among the deputies and be submitted to the plenary meeting for approval. An investigation committee may invite specialists to participate in its investigation.

Article 45 When an investigation committee conducts investigations, all state organs, social organizations and citizens of this Municipality shall be obliged to truthfully furnish the necessary information. If the citizens who furnish the information request the investigation committee to keep the sources of information confidential, the investigation committee shall keep them confidential.

Article 46 An investigation committee shall present an investigation report to the Municipal People's Congress. The Municipal People's Congress may make an appropriate resolution on the basis of the report presented by the investigation committee.

The Municipal People's Congress may authorize its Standing Committee to listen to the investigation report of the investigation committee when the Municipal People's Congress is not in session, and the Standing Committee may make an appropriate resolution and report to the next session of the Municipal People's Congress for the record.

第七章 发言和表决

第四十七条 市人民代表大会代表在市人民代表大会各种会议上的发言和表决，不受法律追究。

第四十八条 市人民代表大会会议期间，代表在代表团会议和代表小组会议上的发言，由大会秘书处整理简报印发会议。根据代表要求，可以将代表本人整理的发言材料印发会议。

第四十九条 代表在大会全体会议上发言的，每人可以发言两次，第一次不超过 15 分钟，第二次不超过 5 分钟。

要求在大会全体会议上发言的代表，应当准备书面材料，在会前向大会秘书处报名，由大会执行主席安排发言顺序。在大会全体会议上临时要求发言的，经大会执行主席许可，始得发言。代表报名后因时间关系未能在大会发言或者要求书面发言的，由大会秘书处将发言材料印发全体代表。

第五十条 主席团成员和代表团团长或者代表团推选的代表在主席团会议上发言的，每人可以就同一议题发言两次，第一次不超过 15 分钟，第二次不超过 5 分钟。经会议主持人许可，发言时间可以适当延长。

第五十一条 大会全体会议表决议案，以全体代表的过半数通过。表决结果由会议主持人当场宣布。

第五十二条 会议表决议案采用投票方式、按表决器方式、举手方式或者其他方式，由主席团决定。

第八章 附 则

第五十三条 本规则自公布之日起施行。

Chapter VII Speeches and Voting

Article 47 Deputies to the Municipal People's Congress may not be legally liable for their speeches and voting at sessions of the Municipal People's Congress.

Article 48 When the Municipal People's Congress is in session, the Secretariat of the session shall sort out and compile the speeches made by deputies at meetings of delegations or of deputy groups into bulletins and have them printed and distributed to the session. Upon the request of a deputy, the speech materials sorted out by the deputy himself may be printed and distributed to the session.

Article 49 A deputy who is to speak at the plenary meeting of a session may speak twice, with the first speech not exceeding 15 minutes and the second speech not exceeding 5 minutes.

A deputy who asks to speak at the plenary meeting of a session shall prepare written materials therefor and sign up at the Secretariat of the session before the meeting is held, and the order of speeches shall be arranged by the presiding chairmen of the session. An impromptu speech at the plenary meeting of a session shall be subject to approval by the presiding chairmen. For a deputy who fails to speak at the meeting due to a factor of time though he has already signed up at the Secretariat or who asks to make a written statement, the Secretariat of the session shall have his materials prepared for speaking printed and distributed to all the deputies.

Article 50 A member of the Presidium, the head of a delegation or a deputy elected by a delegation may, at a meeting of the Presidium, speak twice on the same topic, with the first speech not exceeding 15 minutes and the second speech not exceeding 5 minutes. The time limit may be appropriately extended, if approved by the person presiding over the meeting.

Article 51 Bills and proposals submitted to the plenary meeting of a session for voting shall be adopted by a majority vote of all the deputies. The voting result shall be announced on the spot by the person presiding over the meeting.

Article 52 Bills or proposals submitted for voting shall be passed by ballot, by voting machines, by a show of hands or by any other means as may be decided by the Presidium.

Chapter VIII Supplementary Provisions

Article 53 The Rules shall come into force as of the date of promulgation.

北京市人民代表大会常务委员会组成人员守则

(1993年9月16日北京市第十届人民代表大会常务委员会第五次会议通过 1998年2月27日北京市第十一届人民代表大会常务委员会第一次会议第一次修订 根据2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》第二次修正)

北京市人民代表大会常务委员会组成人员(以下简称常委会组成人员)肩负着市人大代表和全市人民的重托,在市人民代表大会闭会期间集体行使地方国家权力机关的职权,应当以高度的责任感和使命感,严肃认真、兢兢业业地履行宪法和法律赋予的庄严职责。为此,制定本守则。

第一条 常委会组成人员要认真学习马列主义、毛泽东思想、邓小平理论,学习宪法、有关的法律、法规和国家的方针政策,了解市情、国情,掌握行使职权所必备的知识。

第二条 常委会组成人员行使职权应当遵循以下指导思想:高举邓小平理论的伟大旗帜,坚持中国共产党的基本路线、基本纲领和基本方针,严格遵守宪法和法律,认真执行代表大会决议,积极推进本市社会主义物质文明、精神文明和民主法制建设,促进社会全面进步。

第三条 常委会组成人员要根据每年度各次常委会会议的预定日期,妥善安排工作和社会活动,在时间上要服从常委会会议的需要。因病或者其他特殊原因不能出席常委会会议的,应当向常委会主任或者秘书长请假;中途退席的,须经秘书长同意。

常委会组成人员离开本市连续二年以上不能出席会议的,无生病等特殊原因一年内缺席时间超过全年会议总天数一半以上的,或者有其他原因难以履行职责的,可以

Rules for Members of the Standing Committee of Beijing Municipal People's Congress

(Adopted at the 5th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 16, 1993, amended for the first time at the 1st Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on February 27, 1998, and amended for the second time in accordance with the Decisions on Revising Some Local Regulations adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

With the great trust of the Municipal People's Congress and the people of this Municipality, members of the Standing Committee of the Municipal People's Congress (hereinafter referred to as members of the Standing Committee), in collectively exercising the functions and powers of local organs of state power when the Municipal People's Congress is not in session, shall be serious and conscientious in performing the solemn duties assigned by the Constitution and the law with a high sense of responsibility and mission. For this purpose, the Rules are hereby formulated.

Article 1 Members of the Standing Committee shall earnestly study Marxism-Leninism, Mao Zedong Thought and Deng Xiaoping Theory, learn about the Constitution, relevant laws and regulations, and policies and guidelines of the State, understand the conditions of this Municipality and the State, and acquire the knowledge necessary for exercising their functions and powers.

Article 2 Members of the Standing Committee shall exercise their functions and powers in accordance with the following guiding ideology: to hold high the great banner of Deng Xiaoping Theory, adhere to the basic line, program and policy of the Communist Party of China, strictly abide by the Constitution and the law, conscientiously implement the resolutions of the Congress, actively advance the construction of a socialist society with high material and ethnical standards and of democracy and law in this Municipality, and promote social progress in an all-round way.

Article 3 Members of the Standing Committee shall make appropriate arrangements for their work and social activities according to the scheduled date of each meeting of the Standing Committee each year, and shall be subject to the needs of meetings of the Standing Committee in terms of time. If a member is unable to attend a meeting of the Standing Committee due to illness or other special reasons, he shall apply to the Chairman or Secretary-General of the Standing Committee for a leave of absence; if he intends to leave a meeting halfway, he shall obtain the consent of the Secretary-General.

If a member of the Standing Committee is unable to attend meetings for having been away from this Municipality for a consecutive period of 2 or more years, or has been absent for more than half of the total days of annual meetings without special reasons such as

依法辞去常委会组成人员职务。

第四条 常委会组成人员在常委会会议举行前，要阅读预先送达的会议文件和有关资料，积极参加有关的调查、视察，做好审议准备；在审议议题和表决时，要按照常委会议事规则的规定，围绕会议议题积极发表意见、参与表决；在依法表决后，要自觉服从表决结果。

第五条 常委会组成人员要积极参加检查法律、法规和决议、决定执行情况等方面的活动。参加市人民代表大会专门委员会或者常委会工作委员会的委员，要积极参与专门委员会或者工作委员会的工作，遵守专门委员会或者工作委员会的工作制度。

第六条 常委会组成人员要密切联系市人大代表和人民群众，深入体察民情，听取他们的意见和要求，向常委会反映情况，自觉接受市人大代表和人民群众的监督。

第七条 常委会组成人员要清正廉洁，克己奉公，积极向腐败现象作斗争。

第八条 常委会组成人员要严守国家秘密。凡属规定不应公开的内容，不得以任何方式传播。

第九条 常委会组成人员严重违反本守则的，应当根据常委会主任会议的决定，向主任会议或者常委会会议作出检查。

第十条 本守则自通过之日起施行。

illness in a year, or is unable to perform his duties for other reasons, he may resign as member of the Standing Committee according to law.

Article 4 Members of the Standing Committee shall read the meeting documents and relevant materials delivered in advance, actively participate in relevant investigations and inspections, and make good preparations for deliberation before meetings of the Standing Committee; actively express opinions and participate in voting on meeting topics in accordance with the rules of procedure for meetings of the Standing Committee when deliberating on topics and voting; and consciously obey the voting results after voting according to law.

Article 5 Members of the Standing Committee shall actively participate in inspections of the implementation of laws, regulations, resolutions and decisions. Members of a special committee of the Municipal People's Congress or of a working committee of the Standing Committee shall actively participate in the work of the special committee or the working committee and abide by the working system thereof.

Article 6 Members of the Standing Committee shall maintain close contact with deputies to the Municipal People's Congress and the people, thoroughly observe the situation of the people, listen to their opinions and demands, report the situation to the Standing Committee, and consciously accept the supervision of deputies to the Municipal People's Congress and the people.

Article 7 Members of the Standing Committee shall be honest and upright, work selflessly for the public interest, and actively fight against corruption.

Article 8 Members of the Standing Committee shall strictly keep state secrets. Any content that is prohibited from being disclosed shall not be spread in any way.

Article 9 Members of the Standing Committee who seriously violate the Rules shall, in accordance with the decision of the Council of Chairmen of the Standing Committee, make self-criticism to the Council of Chairmen or the meeting of the Standing Committee.

Article 10 The Rules shall come into force as of the date of adoption.

北京市人民代表大会常务委员会 任免国家机关工作人员条例

(2000年11月3日北京市第十一届人民代表大会常务委员会第二十二次会议通过 根据2007年3月30日北京市第十二届人民代表大会常务委员会第三十五次会议通过的《北京市人民代表大会常务委员会任免国家机关工作人员条例修正案》修正)

第一章 总 则

第一条 为了规范北京市人民代表大会常务委员会(以下简称市人大常委会)任免国家机关工作人员的活动,根据《中华人民共和国宪法》、《中华人民共和国地方各级人民代表大会和地方各级人民政府组织法》和其他法律的有关规定,结合本市实际情况,制定本条例。

第二条 市人大常委会贯彻中国共产党和国家关于干部队伍建设方针和管理原则,充分发扬民主,实行民主集中制,根据有关法律、法规和本条例的规定任免本市国家机关工作人员。

第三条 市人大常委会对权限范围内的本市国家机关工作人员的任命、免职和代理人选的推选、决定,适用于本条例。

北京市人民代表大会选举的和市人大常委会任命的国家机关工作人员的辞职、撤职,按本条例的规定执行。

第四条 市人大常委会人事任免工作机构负责有关任免事项的具体工作。

Regulations of the Standing Committee of the People's Congress of Beijing Municipality on the Appointment and Removal of State Functionaries

(Adopted at the 22nd Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on November 3, 2000, and revised in accordance with the Amendment to the Regulations of the Standing Committee of the People's Congress of Beijing Municipality on Appointment and Removal of State Functionaries adopted at the 35th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on March 30, 2007)

Chapter I General Provision

Article 1 The Regulations are formulated to regulate the activities of the Standing Committee of the People's Congress of Beijing Municipality (hereinafter referred to as the Standing Committee of the Municipal People's Congress) in appointing and removing state functionaries in accordance with relevant provisions of the Constitution of the People's Republic of China, the Organic Law of the Local People's Congresses and Local People's Governments of the People's Republic of China and other laws and in light of actual conditions of this Municipality.

Article 2 The Standing Committee of the Municipal People's Congress shall implement the guidelines and management principles of the Communist Party of China and the State on the education of the ranks of cadres, give full play to democracy, implement democratic centralism, and appoint or remove state functionaries in this Municipality in accordance with the provisions of relevant laws, regulations and the Regulations.

Article 3 The Regulations shall apply to the appointment or removal of state functionaries in this Municipality and the election or choice of persons acting on their behalf by the Standing Committee of the Municipal People's Congress within the scope of authority.

The resignation or dismissal of state functionaries elected by the Beijing Municipal People's Congress or appointed by the Standing Committee of the Municipal People's Congress shall be governed by the provisions of the Regulations.

Article 4 The personnel appointment and removal office of the Standing Committee of the Municipal People's Congress shall be responsible for specific work related to appointment and removal.

第二章 任免权限

第五条 市人大常委会任免本市国家权力机关下列人员：

（一）在市人民代表大会闭会期间，根据市人大常委会主任会议的提名，补充任命市人民代表大会专门委员会的个别副主任委员和部分委员，免去个别副主任委员和部分委员的职务。市人民代表大会专门委员会成员人选必须是市人大代表。

（二）根据市人大常委会主任会议的提名，通过市人大常委会代表资格审查委员会的主任委员、副主任委员和委员的任免。市人大常委会代表资格审查委员会组成人员人选必须是市人大常委会组成人员。

（三）根据市人大常委会关于成立特定问题调查委员会的决定，由市人大常委会主任会议提名，通过特定问题调查委员会主任委员、副主任委员和委员。特定问题调查委员会组成人员必须是市人大常委会组成人员和其他市人大代表。

（四）根据市人大常委会主任会议的提名，通过市人大常委会副秘书长，市人大常委会各工作机构主任、副主任的任免。

第六条 市人大常委会任免本市国家行政机关下列人员：

（一）在市人民代表大会闭会期间，根据市长的提名，在市长缺位时根据市人大常委会主任会议的提名，决定个别副市长的任免。

（二）根据市长的提名，决定市人民政府秘书长和市人民政府组成部门的局长、主任的任免，报国务院备案。

第七条 市人大常委会任免本市国家审判机关下列人员：

（一）根据市人大常委会主任会议的提名，决定市各中级人民法院院长的任免。

（二）根据市高级人民法院院长的提请，任免市高级人民法院和市各中级人民法院副院长、审判委员会委员、庭长、副庭长、审判员。

Chapter II Power of Appointment and Removal

Article 5 The Standing Committee of the Municipal People's Congress may appoint or remove the following persons from the organs of state power of this Municipality:

(1) to appoint, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress when the Municipal People's Congress is not in session, additional individual vice-chairmen and some members of the special committees of the Municipal People's Congress, or to remove individual vice-chairmen and some members. Nominations for members of the special committees of the Municipal People's Congress shall be made from among deputies to the Municipal People's Congress;

(2) to approve, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, the appointment and removal of the chairman, vice-chairmen and members of the credentials committee of the Standing Committee of the Municipal People's Congress. Nominations for members of the credentials committee of the Standing Committee of the Municipal People's Congress shall be made from among members of the Standing Committee of the Municipal People's Congress;

(3) to approve, according to the decision of the Standing Committee of the Municipal People's Congress on the establishment of an investigation committee on specific issues and upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, the chairman, vice-chairmen and members of the investigation committee on specific issues. The members of the investigation committee on special issues shall be members of the Standing Committee of the Municipal People's Congress and other deputies to the Municipal People's Congress; and

(4) to approve, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, the appointment and removal of the deputy secretaries-general of the Standing Committee of the Municipal People's Congress and the directors and deputy directors of the working organs of the Standing Committee of the Municipal People's Congress.

Article 6 The Standing Committee of the Municipal People's Congress may appoint or remove the following persons from the state administrative organs of this Municipality:

(1) to decide, upon nomination by the mayor (or by the council of chairmen of the Standing Committee of the Municipal People's Congress, when the office of the mayor falls vacant) when the Municipal People's Congress is not in session, on the appointment or removal of individual deputy mayors; and

(2) to decide, upon nomination by the mayor, on the appointment or removal of the secretary-general of the Municipal People's Government and the heads of the departments of the Municipal People's Government and report to the State Council for the record.

Article 7 The Standing Committee of the Municipal People's Congress may appoint or remove the following persons from the state judicial organs of this Municipality:

(1) to decide, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, on the appointment or removal of the presidents of the municipal intermediate people's courts; and

(2) to appoint or remove, upon request of the president of the Municipal High People's Court, vice-presidents, members of the judicial committees, chief judges and associate chief judges of divisions, and judges of the Municipal High People's Court and the municipal

第八条 市人大常委会任免本市国家检察机关下列人员：

（一）根据市人民检察院检察长的提名，决定市人民检察院各分院检察长的任免。

（二）根据市人民检察院检察长的提请，任免市人民检察院和市人民检察院各分院的副检察长、检察委员会委员、检察员。

（三）根据市人民检察院检察长的提请，批准任免本市各区、县人民检察院检察长。

第九条 在市人民代表大会闭会期间，市人大常委会推选和决定下列代理人选：

（一）市人大常委会主任因为健康情况不能工作或者缺位的时候，根据市人大常委会主任会议的提名，在副主任中推选一人代理主任的职务，直到主任恢复健康或者人民代表大会选出新的主任为止。

（二）市长因故不能担任职务的时候，根据市人大常委会主任会议的提名，从副市长中决定代理的人选。

（三）市高级人民法院院长因故不能担任职务的时候，根据市人大常委会主任会议的提名，从副院长中决定代理的人选。

（四）市人民检察院检察长因故不能担任职务的时候，根据市人大常委会主任会议的提名，从副检察长中决定代理的人选。决定代理检察长，须报最高人民检察院和全国人民代表大会常务委员会备案。

第三章 任免程序

第十条 市人大常委会主任会议提出的任免案，直接提请市人大常委会会议审议。

第十一条 市长、市高级人民法院院长、市人民检察院检察长提出的任免案，由市人大常委会主任会议决定提请市人大常委会会议审议。

intermediate people's courts.

Article 8 The Standing Committee of the Municipal People's Congress may appoint or remove the following persons from the state procuratorial organs of this Municipality:

(1) to decide, upon nomination by the chief procurator of the Municipal People's Procuratorate, on the appointment or removal of the chief procurators of the branches of the Municipal People's Procuratorate;

(2) to appoint or remove, upon request of the chief procurator of the Municipal People's Procuratorate, the deputy chief procurators, members of the procuratorial committees and procurators of the Municipal People's Procuratorate and its branches; and

(3) to approve, upon request of the chief procurator of the Municipal People's Procuratorate, the appointment or removal of the chief procurators of the district or county people's procuratorates of this Municipality.

Article 9 The Standing Committee of the Municipal People's Congress may, when the Municipal People's Congress is not in session, select and decide on the following acting persons:

(1) In the event that the chairman of the Standing Committee of the Municipal People's Congress is unable to work due to feeble health or that his or her office falls vacant, one of the vice-chairmen shall, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, be selected to act on behalf of the chairman until he or she recovers his or her health or a new chairman is elected by the People's Congress;

(2) In the event that the mayor is unable to perform his or her duties for any reason, a person shall, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, be chosen from among the deputy mayors to act on his or her behalf;

(3) In the event that the president of the Municipal High People's Court is unable to perform his or her duties for any reason, a person shall, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, be chosen from among the vice-presidents to act on his or her behalf;

(4) In the event that the chief procurator of the Municipal People's Procuratorate is unable to perform his or her duties for any reason, a person shall, upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, be chosen from among the deputy chief procurators to act on his or her behalf. The choice of acting chief procurator shall be reported to the Supreme People's Procuratorate and the Standing Committee of the National People's Congress for the record.

Chapter III Procedures for Appointment and Removal

Article 10 Proposals for appointment and removal put forward by the council of chairmen of the Standing Committee of the Municipal People's Congress shall be directly deliberated at meetings of the Standing Committee of the Municipal People's Congress.

Article 11 A proposal for appointment or removal put forward by the mayor, the president of the Municipal High People's Court, or the chief procurator of the Municipal People's Procuratorate shall be deliberated at a meeting of the Standing Committee of the Municipal People's Congress upon decision of the council of chairmen of the Standing

市长、市中级人民法院院长、市人民检察院检察长提请市人大常委会审议的任免案，应当在市人大常委会举行会议的 15 日以前向市人大常委会提出，特殊情况不能按期提出的应当向市人大常委会主任会议说明。

第十二条 任免案以书面的形式提出。

任免案应当附拟任职人员的简况、任职理由，拟免职人员的免职理由，并同时报送提请人说明情况的材料。

第十三条 市人大常委会会议审议任免案的时候，提请人或者其委托的人员应当到会说明情况。市中级人民法院院长提请任免审判委员会委员、庭长、副庭长、审判员，市人民检察院检察长提请任免检察委员会委员、检察员，一般以书面的形式说明。

市人大常委会会议审议任命案时，提请人应当介绍提名拟任下列职务的人选同市人大常委会组成人员见面：

（一）市人民代表大会专门委员会副主任委员和委员，市人大常委会副秘书长和各工作机构的主任、副主任。

（二）市人民政府副市长和秘书长，市人民政府组成部门的局长、主任。

（三）市中级人民法院副院长和市各中级人民法院院长、副院长。

（四）市人民检察院副检察长和市人民检察院各分院检察长、副检察长。

第十四条 市人大常委会会议审议任免案，可以在全体会议上进行，根据需要也可以分组进行。

提请人或者其委托的人员对审议中提出的问题，应当予以说明。

第十五条 市人大常委会会议表决任免案前，市人大常委会组成人员认为有重大问题需要进一步研究的，经市人大常委会主任或者主任会议提议，出席会议的市人大常委会组成人员的过半数同意，可以暂不付表决。

Committee of the Municipal People's Congress.

A proposal for appointment or removal submitted to the Standing Committee of the Municipal People's Congress for deliberation by the mayor, the president of the Municipal High People's Court, or the chief procurator of the Municipal People's Procuratorate shall be submitted 15 days before the meeting of the Standing Committee of the Municipal People's Congress. If the proposal cannot be submitted on schedule under special circumstances, an explanation shall be given to the council of chairmen of the Standing Committee of the Municipal People's Congress.

Article 12 A proposal for appointment or removal shall be submitted in writing.

A proposal for appointment or removal shall be accompanied by a brief description of the person to be appointed, reasons for appointment, and reasons for removal of the person to be removed, and the description materials of the proposer shall be submitted at the same time.

Article 13 When the Standing Committee of the Municipal People's Congress deliberates on a proposal for appointment or removal, the proposer or the person entrusted thereby shall attend the meeting to explain the situation. In the event that the president of the Municipal High People's Court proposes the appointment or removal of members of the judicial committee, chief judges or deputy chief judges of divisions, or judges, or that the chief procurator of the Municipal People's Procuratorate proposes the appointment or removal of members of the procuratorial committee or procurators, an explanation shall be given in writing.

When a proposal for appointment is deliberated at a meeting of the Standing Committee of the Municipal People's Congress, the proposer shall introduce nominations for the following posts to members of the Standing Committee of the Municipal People's Congress:

(1) vice-chairmen and members of the special committees of the Municipal People's Congress, deputy secretaries-general of the Standing Committee of the Municipal People's Congress, and directors and deputy directors of all working organs;

(2) deputy mayors and secretary-general of the Municipal People's Government, and heads of the departments of the Municipal People's Government;

(3) vice-presidents of the Municipal High People's Court, and presidents and vice-presidents of the municipal intermediate people's courts; and

(4) deputy chief procurators of the Municipal People's Procuratorate, and chief procurators and deputy chief procurators of all branches of the Municipal People's Procuratorate.

Article 14 The Standing Committee of the Municipal People's Congress may deliberate on a proposal for appointment or removal at a plenary meeting or through a panel discussion as needed.

The proposer or the person entrusted thereby shall explain the problems that are raised in the deliberation.

Article 15 Where, before a proposal for appointment or removal is referred to a meeting of the Standing Committee of the Municipal People's Congress for a vote, members of the Standing Committee of the Municipal People's Congress consider that there are major issues requiring further study, upon proposal of the chairman or council of chairmen of the Standing Committee of the Municipal People's Congress and with agreement of more than half of the members of the Standing Committee of the Municipal People's Congress present

市人大常委会会议表决任免案前，提请人要求撤回的，应当提出书面报告并说明理由，经市人大常委会主任会议同意，并向市人大常委会报告，对该任免案的审议即行终止。

第十六条 市人大常委会对本市国家机关工作人员的任免，由市人大常委会全体会议表决通过。

表决采用无记名投票方式、按表决器方式或者其他方式。

采用无记名投票方式进行表决，在表决前从出席会议的市人大常委会组成人员中推选两名监票人，对发票、投票、计票进行监督。

采用按表决器方式进行表决，表决器发生故障时，可以采用举手或者其他方式进行表决。

第十七条 下列事项采用无记名投票方式进行表决：

（一）推选市人大常委会代理主任。

（二）决定市长的代理人选，决定个别副市长和市人民政府秘书长、市人民政府组成部门的局长、主任的任命。

（三）决定市高级人民法院院长的代理人选，决定市各中级人民法院院长的任命。

（四）决定市人民检察院检察长的代理人选，决定市人民检察院各分院检察长的任命。

第十八条 下列事项采用按表决器方式逐人进行表决：

（一）通过市人民代表大会专门委员会个别副主任委员、部分委员的补充任命和免职，通过市人大常委会副秘书长和各工作机构主任、副主任的任免。

（二）决定个别副市长和市人民政府秘书长、市人民政府组成部门的局长、主任的免职。

（三）决定市各中级人民法院院长的免职，任免市高级人民法院和市各中级人民法院副院长。

（四）决定市人民检察院各分院检察长的免职，任免市人民检察院和市人民检察

at the meeting, the proposal may be not referred for a vote for the moment.

Where, before a proposal for appointment or removal is referred to a meeting of the Standing Committee of the Municipal People's Congress for a vote, the proposer requests to withdraw the proposal, the proposer shall submit a written report and give the reasons therefor. With agreement of the council of chairmen of the Standing Committee of the Municipal People's Congress, and a report submitted to the Standing Committee of the Municipal People's Congress, the deliberation on the proposal shall be terminated.

Article 16 The appointment or removal of state functionaries of this Municipality by the Standing Committee of the Municipal People's Congress shall be submitted to the plenary session of the Standing Committee of the Municipal People's Congress for voting.

Voting shall be conducted by secret ballot, voting machines or otherwise.

In the event that voting is conducted by secret ballot, two counting overseers shall, before voting, be selected from among the members of the Standing Committee of the Municipal People's Congress present at the meeting to oversee the distribution of ballot tickets, voting and counting.

In the event that voting is conducted by voting machines, voting may be conducted by a show of hands or otherwise if voting machines fail.

Article 17 Voting on the following matters shall be conducted by secret ballot:

(1) to elect a person to act on behalf of the chairman of the Standing Committee of the Municipal People's Congress;

(2) to decide on a person to act on behalf of the mayor, and to decide on the appointment of individual deputy mayors, the secretary-general of the Municipal People's Government, and heads of the departments of the Municipal People's Government;

(3) to decide on a person to act on behalf of the president of the Municipal High People's Court and on the appointment of the presidents of the municipal intermediate people's courts; and

(4) to decide on a person to act on behalf of the chief procurator of the Municipal People's Procuratorate and on the appointment of the chief procurators of branches of the Municipal People's Procuratorate.

Article 18 Voting on the following matters shall be conducted by voting machines one by one:

(1) to approve the additional appointment or removal of individual vice-chairmen and some members of the special committees of the Municipal People's Congress, and to approve the appointment or removal of the deputy secretaries-general of the Standing Committee of the Municipal People's Congress and the directors and deputy directors of various working organs;

(2) to decide on the removal of individual deputy mayors, the secretary-general of the Municipal People's Government and heads of the departments of the Municipal People's Government;

(3) to decide on the removal of the presidents of the municipal intermediate people's courts, and on the appointment or removal of the vice-presidents of the Municipal High People's Court and the municipal intermediate people's courts; and

(4) to decide on the removal of the chief procurators of branches of the Municipal People's Procuratorate, and on the appointment or removal of the deputy chief procurators

院各分院副检察长。

第十九条 下列事项采用按表决器的方式进行表决，审议时无异议的可以对同一任免案提请任免的人员合并进行表决，有异议的可以对有异议的人员单独进行表决：

（一）通过市人大常委会代表资格审查委员会主任委员、副主任委员、委员的任免，通过市人大常委会特定问题调查委员会主任委员、副主任委员、委员的任免。

（二）任免市高级人民法院和市各中级人民法院审判委员会委员、庭长、副庭长、审判员。

（三）任免市人民检察院和市人民检察院各分院检察委员会委员、检察员，批准任免本市各区、县人民检察院检察长。

第二十条 市人大常委会组成人员对本市国家机关工作人员的任免进行表决时，可以表示赞成，可以表示反对，也可以弃权。

表决对本市国家机关工作人员的任免，由市人大常委会以全体组成人员的过半数通过。

表决结果由会议主持人当场宣布。

第二十一条 市人大常委会任命的下列国家机关工作人员，由市人大常委会颁发任命书，任命书由市人大常委会主任署名。

（一）市人大常委会副秘书长和各工作机构的主任、副主任。

（二）市人民政府秘书长，市人民政府组成部门的局长、主任。

（三）市高级人民法院副院长，市各中级人民法院院长和副院长，市高级人民法院和市各中级人民法院审判委员会委员、庭长、副庭长、审判员。

（四）市人民检察院副检察长，市人民检察院各分院检察长、副检察长，市人民检察院和市人民检察院各分院检察委员会委员、检察员。

市人大常委会副秘书长和各工作机构的主任、副主任，市人民政府秘书长，市人民政府组成部门的局长、主任，市高级人民法院副院长和市各中级人民法院院长、副

of the Municipal People's Procuratorate and its branches.

Article 19 Voting on the following matters shall be conducted by voting machines. In the event that there is no objection during the deliberation, voting on the appointment or removal of the persons proposed in the same proposal for appointment or removal may be conducted together. In the event that there is any objection, voting on the appointment or removal of the person to whom there is an objection may be conducted separately:

(1) to approve the appointment or removal of the chairman, vice-chairmen and members of the credentials committee of the Standing Committee of the Municipal People's Congress, and the appointment or removal of the chairman, vice-chairmen and members of the investigation committee on special issues of the Standing Committee of the Municipal People's Congress;

(2) to appoint or remove members of the judicial committees, chief judges or deputy chief judges of divisions, or judges of the Municipal High People's Court and the municipal intermediate people's courts; and

(3) to appoint or remove members of the procuratorial committees and procurators of the Municipal People's Procuratorate and its branches, and to approve the appointment or removal of the chief procurators of the district or county people's procuratorates of this Municipality.

Article 20 Members of the Standing Committee of the Municipal People's Congress may, when voting on the appointment or removal of state functionaries in this Municipality, vote for or against it or abstain from voting.

The appointment or removal of state functionaries in this Municipality shall require a majority vote of all the members of the Standing Committee of the Municipal People's Congress.

The result of voting shall be announced by the moderator on the spot.

Article 21 The Standing Committee of the Municipal People's Congress shall issue a letter of appointment for the following state functionaries appointed thereby, which shall be signed by the chairman of the Standing Committee of the Municipal People's Congress:

(1) deputy secretaries-general of the Standing Committee of the Municipal People's Congress, and directors and deputy directors of various working organs;

(2) the secretary-general of the Municipal People's Government and heads of the departments of the Municipal People's Government;

(3) vice-presidents of the Municipal High People's Court, presidents and vice-presidents of the municipal intermediate people's courts, and members of the judicial committees, chief judges and deputy chief judges of divisions, and judges of the Municipal High People's Court and the municipal intermediate people's courts; and

(4) deputy chief procurators of the Municipal People's Procuratorate, chief procurators and deputy chief procurators of branches of the Municipal People's Procuratorate, and members of the procuratorial committees and procurators of the Municipal People's Procuratorate and its branches.

Letters of appointment for the deputy secretaries-general of the Standing Committee of the Municipal People's Congress and directors and deputy directors of various working organs, the secretary-general of the Municipal People's Government, heads of the departments of the Municipal People's Government, vice-presidents of the Municipal High People's Court, presidents and vice-presidents of the municipal intermediate people's courts,

院长，市人民检察院副检察长和市人民检察院各分院检察长、副检察长的任命书，由市人大常委会主任在市人大常委会会议上颁发。

第二十二条 市人大常委会通过本市国家机关工作人员的任免后，应当自通过之日起3日内发文通知有关机关，并在市人大常委会公报上予以公告。

市人大常委会代理主任，市人民代表大会专门委员会副主任委员、委员，市人大常委会副秘书长和各工作机构的主任，市人民政府代理市长、副市长和秘书长，市人民政府组成部门的局长、主任，市高级人民法院代理院长、副院长和市各中级人民法院院长、副院长，市人民检察院代理检察长、副检察长和市人民检察院各分院检察长、副检察长，以上人员的任免案在市人大常委会会议通过后，即通过本市新闻媒体予以公布。

第二十三条 新的一届市人民政府领导人员依法选举产生后，市长应当在两个月内提出任命市人民政府组成人员的议案，市人大常委会应当及时召开会议进行审议。

新的一届市人大常委会依法选举产生后，应当在召开第一次或者第二次常委会会议时，根据市人大常委会主任会议的提名，通过市人大常委会各工作机构主任的任命，决定市各中级人民法院院长的任命；根据市人民检察院检察长的提名，决定市人民检察院各分院检察长的任命。个别人选因特殊情况在两次会议上不能提请任命的，提请人应当向市人大常委会主任会议说明，并最迟提请下一次市人大常委会会议任命。

第二十四条 市人民政府组成部门经国务院批准新设立和改变名称的，按本条例的有关规定决定任命该部门的局长或者主任，改变名称的部门需免去原局长或者主任的职务。

市人民政府组成部门经国务院批准撤销、合并或者不再列为政府组成部门的，由市人民政府报市人大常委会备案，该部门的局长或者主任不再办理免职手续。

deputy chief procurators of the Municipal People's Procuratorate, and chief procurators and deputy chief procurators of branches of the Municipal People's Procuratorate shall be issued by the chairman of the Standing Committee of the Municipal People's Congress at meetings of the Standing Committee of the Municipal People's Congress.

Article 22 The Standing Committee of the Municipal People's Congress shall, within 3 days after approving the appointment or removal of a state functionary in this Municipality, issue a notice to the relevant authority and make an announcement in the bulletin of the Standing Committee of the Municipal People's Congress.

Proposals for appointment or removal of the following persons shall, after being approved at meetings of the Standing Committee of the Municipal People's Congress, be announced through the news media of this Municipality: the person acting on behalf of the chairman of the Standing Committee of the Municipal People's Congress, vice-chairmen and members of the special committees of the Municipal People's Congress, deputy secretaries-general and directors of various working organs of the Standing Committee of the Municipal People's Congress, the person acting on behalf of the mayor, deputy mayors and secretary-general of the Municipal People's Government, heads of the departments of the Municipal People's Government, the person acting on behalf of the president and vice-presidents of the Municipal High People's Court, presidents and vice-presidents of the municipal intermediate people's courts, the person acting on behalf of the chief procurator and deputy chief procurators of the Municipal People's Procuratorate, chief procurators and deputy chief procurators of branches of the Municipal People's Procuratorate.

Article 23 After leading persons of a new municipal people's government are elected according to law, the mayor shall, within 2 months, put forward a proposal for appointment of members of the municipal people's government, and the Standing Committee of the Municipal People's Congress shall promptly convene a meeting for deliberation.

After a new Standing Committee of the Municipal People's Congress is elected according to law, it shall, at the first or second meeting thereof, approve the appointment of the directors of various working organs of the Standing Committee of the Municipal People's Congress and decide on the appointment of the presidents of the municipal intermediate people's courts upon nomination by the council of chairmen of the Standing Committee of the Municipal People's Congress, and decide on the appointment of the chief procurators of branches of the Municipal People's Procuratorate upon nomination by the chief procurator of the Municipal People's Procuratorate. In the event that an individual nomination cannot be submitted for appointment at these meetings due to special circumstances, the proposer shall explain to the council of chairmen of the Standing Committee of the Municipal People's Congress and submit it for appointment at the next meeting of the Standing Committee of the Municipal People's Congress at the latest.

Article 24 In the event of establishment of a new department of the Municipal People's Government or change in the name of a department of the Municipal People's Government with the approval of the State Council, the head of the department shall be appointed in accordance with relevant provisions of the Regulations, or the former head shall be removed from office in the event of the latter.

The cancellation, merger or cessation of being listed as a government department of a department of the Municipal People's Government with the approval of the State Council shall be reported by the Municipal People's Government to the Standing Committee of the Municipal People's Congress for the record, and the head of the department is no longer required to go through the removal procedures.

第四章 辞职与撤职

第二十五条 在市人民代表大会闭会期间，市人大常委会组成人员、市长、副市长、市高级人民法院院长、市人民检察院检察长可以向市人大常委会提出辞职，由市人大常委会决定是否接受辞职，决定接受辞职的，报市人民代表大会备案。市人民检察院检察长的辞职，须报经最高人民检察院检察长提请全国人民代表大会常务委员会批准。

市人大常委会任命的市国家机关其他工作人员提出的辞职请求，由市人大常委会决定是否接受辞职。

市人大常委会组成人员不得担任国家行政机关、审判机关和检察机关的职务；如果担任上述职务，必须向市人大常委会辞去市人大常委会的职务。

辞职请求以书面的形式提出。

市人大常委会会议对市国家机关工作人员的辞职进行表决，采用按表决器的方式，依照本条例第十六条、第二十条的规定办理。

第二十六条 市人大常委会组成人员和市人民代表大会专门委员会成员的市人大代表资格终止的，其担任的市人大常委会和专门委员会的职务相应撤销或者相应终止，由市人大常委会予以公告。

第二十七条 市人大常委会可以撤销由市人大常委会任命的下列本市国家机关工作人员的职务：

- （一）市人大常委会民法副秘书长和各工作机构主任、副主任。
- （二）市人民政府个别副市长和秘书长，市人民政府组成部门的局长、主任。
- （三）市高级人民法院和市各中级人民法院副院长、审判委员会委员、庭长、副庭长、审判员，市各中级人民法院院长。

在市人民代表大会闭会期间，市人大常委会认为市高级人民法院院长需要撤换，须报请最高人民法院报经全国人民代表大会常务委员会批准。

Chapter IV Resignation and Dismissal

Article 25 When the Municipal People's Congress is not in session, a member of the Standing Committee of the Municipal People's Congress, the mayor, a deputy mayor, the president of the Municipal High People's Court, or the chief procurator of the Municipal People's Procuratorate may submit the resignation to the Standing Committee of the Municipal People's Congress, which shall decide whether to accept the resignation. If the Standing Committee of the Municipal People's Congress decides to accept a resignation, it shall report the matter to the Municipal People's Congress for the record. The resignation of the chief procurator of the Municipal People's Procuratorate shall be reported to the chief procurator of the Supreme People's Procuratorate, which shall refer the matter to the Standing Committee of the National People's Congress for approval.

The Standing Committee of the Municipal People's Congress shall decide whether to accept the resignation request submitted by other state functionaries of this Municipality appointed by the Standing Committee of the Municipal People's Congress.

No one on the Standing Committee of the Municipal People's Congress may hold office in an administrative, judicial or procuratorial organ of the State; if a member assumes any of the above-mentioned offices, he or she must resign from his or her post on the Standing Committee of the Municipal People's Congress.

A request for resignation shall be made in writing.

Voting on the resignation of a state functionary of this Municipality at a meeting of the Standing Committee of the Municipal People's Congress shall be conducted by voting machines in accordance with the provisions of Articles 16 and 20 of the Regulations.

Article 26 Where a member of the Standing Committee of the Municipal People's Congress or a member of a special committee of the Municipal People's Congress ceases to be a deputy to the Municipal People's Congress, his or her post on the Standing Committee or on the special committee shall be canceled or terminated accordingly, and the Standing Committee of the Municipal People's Congress shall make an announcement.

Article 27 The Standing Committee of the Municipal People's Congress may dismiss the following state functionaries of this Municipal appointed by the Standing Committee of the Municipal People's Congress from their posts:

(1) the deputy secretary-general in charge of the civil law of the Standing Committee of the Municipal People's Congress, and directors and deputy directors of various working organs;

(2) individual deputy mayors and secretary-general of the Municipal People's Government, and heads of the departments of the Municipal People's Government;

(3) vice-presidents, members of the judicial committees, chief judges and deputy chief judges of divisions, and judges of the Municipal High People's Court and the municipal intermediate people's courts, and presidents of the municipal intermediate people's courts.

In the event that the Standing Committee of the Municipal People's Congress considers, when the Municipal People's Congress is not in session, that the president of the Municipal High People's Court requires a replacement, it shall report the matter to the Supreme People's Court, which shall refer the matter to the Standing Committee of the National People's Congress for approval.

在本市区、县人民代表大会闭会期间，根据区、县人大常委会的决定和市高级人民法院的提请，批准撤换本市区、县人民法院院长。

（四）市人民检察院和市人民检察院各分院副检察长、检察委员会委员、检察员，市人民检察院各分院检察长。

根据市人民检察院检察长的建议，撤换本市各区、县人民检察院检察长、副检察长、检察委员会委员。

第二十八条 市人大常委会主任会议、市人大常委会五分之一以上的组成人员书面联名，可以向市人大常委会提出属于市人大常委会权限范围内的撤职案。

市人民政府、市高级人民法院、市人民检察院可以向市人大常委会提出属于市人大常委会权限范围内的本机关工作人员的撤职案，分别由市长、市高级人民法院院长、市人民检察院检察长签署提出。

提出的撤职案，应当写明撤职理由。

第二十九条 市人大常委会主任会议提出的撤职案，直接提请市人大常委会会议审议。

市人民政府、市高级人民法院、市人民检察院提出的撤职案，由市人大常委会主任会议决定提请市人大常委会会议审议。

市人大常委会五分之一以上组成人员联名提出的撤职案，由市人大常委会主任会议决定是否提请市人大常委会会议审议。

第三十条 市人大常委会会议审议撤职案时，提案人应当到会说明理由，回答问题。

被提名撤销职务的人员有权提出申诉意见。

市人大常委会会议对撤职案进行表决，采用无记名投票的方式，依照本条例第十六条、第二十条的规定办理。

When the people's congress of a district or county of this Municipality is not in session, the Standing Committee of the Municipal People's Congress may, according to the decision of the standing committee of the people's congress of the district or county and upon request of the Municipal High People's Court, approve replacement of the president of the people's court of the district or county;

(4) deputy chief procurators, members of the procuratorial committees and procurators of the Municipal People's Procuratorate and its branches, and chief procurators of branches of the Municipal People's Procuratorate.

Upon proposal by the chief procurator of the Municipal People's Procuratorate, the chief procurators, deputy chief procurators and members of the procuratorial committees of the district or county people's procuratorates of this Municipality may be replaced.

Article 28 The council of chairmen of the Standing Committee of the Municipal People's Congress or a group of at least one-fifth of the members of the Standing Committee of the Municipal People's Congress may submit to the Standing Committee of the Municipal People's Congress a proposal for dismissal within the scope of its authority.

The Municipal People's Government, the Municipal High People's Court or the Municipal People's Procuratorate may submit to the Standing Committee of the Municipal People's Congress a proposal for dismissal of a staff member thereof from his or her post within the scope of its authority, which shall be signed and submitted by the mayor, the president of the Municipal High People's Court or the chief procurator of the Municipal People's Procuratorate respectively.

The reasons for dismissal shall be clearly stated in a proposal for dismissal.

Article 29 A proposal for dismissal put forward by the council of chairmen of the Standing Committee of the Municipal People's Congress shall be directly submitted to a meeting of the Standing Committee of the Municipal People's Congress for deliberation.

A proposal for dismissal put forward by the Municipal People's Government, the Municipal High People's Court or the Municipal People's Procuratorate shall be submitted to the Standing Committee of the Municipal People's Congress for deliberation according to the decision of the council of chairmen of the Standing Committee of the Municipal People's Congress.

The council of chairmen of the Standing Committee of the Municipal People's Congress shall decide whether to refer a proposal for dismissal put forward by a group of at least one-fifth of the members of the Standing Committee of the Municipal People's Congress to the Standing Committee of the Municipal People's Congress for deliberation.

Article 30 When a proposal for dismissal is deliberated at a meeting of the Standing Committee of the Municipal People's Congress, the proposer shall present at the meeting to give explanations and answer questions.

The person proposed to be dismissed from his or her post shall have the right to appeal.

Voting on a proposal for dismissal at a meeting of the Standing Committee of the Municipal People's Congress shall be conducted by secret ballot in accordance with the provisions of Articles 16 and 20 of the Regulations.

第五章 附 则

第三十一条 本条例由市人大常委会负责解释。

第三十二条 本条例自公布之日起施行。

Chapter V Supplementary Provisions

Article 31 The Standing Committee of the Municipal People's Congress shall be responsible for interpretation of the Regulations.

Article 32 The Regulations shall come into force as of the date of promulgation.

北京市各级人民代表大会常务委员会检查 法律法规实施情况办法

(2007年11月30日北京市第十二届人民代表大会常务委员会
第四十次会议通过)

第一条 为了保证法律、法规在本行政区域内的实施,增强监督工作实效,根据《中华人民共和国各级人民代表大会常务委员会监督法》,结合本市实际,制定本办法。

第二条 市和区、县人民代表大会常务委员会(以下简称常务委员会)每年选择若干关系本行政区域改革发展稳定大局和群众切身利益、社会普遍关注的重大问题,有计划地对法律、法规的实施情况组织执法检查。

第三条 常务委员会执法检查的议题建议,由人民代表大会专门委员会(以下简称人大专门委员会)或者常务委员会工作机构,根据职责分工汇总整理,按照工作程序规定的时间提出:

(一)常务委员会在行使职权过程中发现的法律、法规实施中存在的突出问题,由有关人大专门委员会或者常务委员会工作机构整理提出。

(二)本级人民代表大会代表(以下简称人大代表)对人民政府、人民法院和人民检察院(以下简称“一府两院”)工作提出的建议、批评和意见集中反映的问题,由常务委员会代表联络工作部门整理提出。

(三)常务委员会组成人员提出的比较集中的问题,由常务委员会办公厅(室)整理提出,常务委员会有关工作机构配合。

(四)人大专门委员会或者常务委员会工作机构在调查研究中发现的突出问题,由开展该项调查研究工作的人大专门委员会或者常务委员会工作机构整理提出。

Measures for Inspection of Implementation of Laws and Regulations by the Standing Committees of the People's Congresses at Various Levels of Bering Municipality

(Adopted at the 40th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on November 30, 2007)

Article 1 These Measures are formulated for the purposes of ensuring the implementation of laws and regulations within the administrative areas of this Municipality and strengthening the actual effects of supervision work in accordance with the Supervision Law of the Standing Committees of the People's Congresses at Various Levels of the People's Republic of China and in light of the actual circumstances of this Municipality.

Article 2 The standing committees of the municipal and the district or county people's congresses (hereinafter referred to as the Standing Committees) shall choose several major issues related to the general situation of the reform, development and stability and the concrete interests of the public or generally concerned by the society within their respective administrative areas each year and organize the law-enforcement inspection of the implementation of laws or regulations in a planned way.

Article 3 The proposals for the topics of law-enforcement inspection by the Standing Committees shall be summed up and sorted out by the special committees of the people's congresses (hereinafter referred to as the Special Committees) or working offices of the Standing Committees according to the work division of their functions and duties, and put forward according to the time schedule stipulated by the working procedures:

(1) the outstanding problems existing in the implementation of laws or regulations discovered by the Standing Committee in performance of their functions and duties shall be sorted out and put forward by relevant Special Committees or working offices of the Standing Committees;

(2) the problems centrally reflected in the proposals, criticisms and opinions raised by deputies to the people's congresses (hereinafter referred to as the Deputies) at the same level on the work of the Governments, People's Courts and People's Procuratorates (hereinafter referred to as the Governments, Courts and Procuratorates) shall be sorted out and put forward by the deputy contact departments of the Standing Committees;

(3) the problems relatively centrally raised by the members of the Standing Committees shall be sorted out and put forward by the General Offices of the Standing Committees and relevant working offices of the Standing Committees shall offer cooperation;

(4) the outstanding problems discovered by the Special Committees or the working offices of the Standing Committees in investigation and research shall be sorted out and put forward by the Special Committees or working offices of the Standing Committees which

（五）人民来信来访集中反映的问题，由常务委员会信访工作部门整理提出。

（六）社会普遍关注的其他问题，由常务委员会办公厅（室）整理提出，常务委员会有关工作机构配合。

（七）“一府两院”可以向本级人民代表大会常务委员会书面提出执法检查项目的建议，由常务委员会办公厅（室）整理提出。

第四条 常务委员会办公厅（室）负责汇总各人大专门委员会、常务委员会工作机构以及其他有关方面提出的执法检查议题建议，与“一府两院”沟通协调，提出常务委员会年度执法检查计划建议。年度计划建议应当包括执法检查的项目、理由、重点、时间安排和具体组织实施的有关人大专门委员会或者常务委员会工作机构等。

第五条 常务委员会年度执法检查计划，经常务委员会主任会议（以下简称主任会议）通过，由常务委员会有关工作机构印发常务委员会组成人员，通报本级人大代表，以书面形式通知本级“一府两院”，并通过常务委员会门户网站和其他新闻媒体向社会公布。

第六条 主任会议根据实际需要或者“一府两院”的要求，可以适当调整年度执法检查计划，并由常务委员会办公厅（室）及时通知“一府两院”办事机构。

第七条 常务委员会执法检查工作由本级有关人大专门委员会或者常务委员会工作机构具体组织实施。

常务委员会根据年度执法检查计划，按照精干、效能、便于活动的原则，组织执法检查组。

执法检查组的组成人员，从本级人民代表大会常务委员会组成人员以及本级人大专门（工作）委员会组成人员中确定，并可以邀请本级人大代表参加。

第八条 执法检查组应当制定执法检查的具体方案。方案应当包括检查的重点内容，检查的时间、方法和步骤，以及具体组织实施的有关人大专门委员会或者常务委员会工作机构等。方案经主任会议讨论通过后组织实施。

carried out the investigation and research;

(5) the problems centrally reflected in the letters and visits of the people shall be sorted out and put forward by the departments of the Standing Committees for letters and visits;

(6) other issues generally concerned by the society shall be sorted out and put forward by the General Offices of the Standing Committees and relevant working offices of the Standing Committees shall offer cooperation;

(7) the Governments, Courts and Procuratorates may put forward the proposals on the items of law-enforcement inspection in writing to the Standing Committees of the People's Congresses at the same level, which shall be sorted out and put forward by the General Offices of the Standing Committees.

Article 4 The General Offices of the Standing Committees shall be responsible for summing up the proposals for the topics of law-enforcement inspection put forward by various Special Committees, working offices of the Standing Committees and other relevant sides, and put forward the proposals for the annual plans of the Standing Committees on law-enforcement inspection after the communication and coordination with the Governments, Courts and Procuratorates. The proposals for the annual plans shall include the items, reasons, key points, time arrangements of law-enforcement inspection as well as relevant Special Committees or working offices of the Standing Committees specifically organizing the implementation of such law-enforcement.

Article 5 The annual plans of the Standing Committees on law-enforcement inspection shall, upon being passed by the meetings of chairmen of the Standing Committees (hereinafter referred to as the Meetings of Chairmen), be printed and issued to the members of the Standing Committees by relevant working offices of the Standing Committees, circulated to the Deputies at the same level, notified in writing to the Governments, Courts and Procuratorates at the same level, and made public to the society through the window websites of the Standing Committees and other news media.

Article 6 The Meetings of Chairmen may, based on the actual needs or the request of the Governments, Courts and Procuratorates, appropriately adjust the annual plans on law-enforcement inspection, and the General Offices of the Standing Committees shall timely notify the general offices of the Governments, Courts and Procuratorates such adjustment.

Article 7 The implementation of law-enforcement inspection work by the Standing Committees shall be specifically organized by relevant Special Committees or working offices of the Standing Committees at the same level.

The Standing Committees shall, in accordance with the annual plans on law-enforcement inspection and based on the principles of capability, efficiency and convenience, organize the law-enforcement inspection groups.

The members of law-enforcement inspection groups shall be chosen from the members of the Standing Committees of the people's congresses at the same level and the members of the Special Committees (working committees) of the people's congresses at the same level, and the deputies at the same level may also be invited to join the group.

Article 8 The law-enforcement inspection groups shall make the specific plans for law-enforcement inspection. The plans shall include the key points, time, methods and

第九条 执法检查组可以分若干小组，围绕有关主题，分别开展执法检查工作。

执法检查组全体会议听取法律、法规实施主管机关关于法律、法规实施情况的汇报，全面了解执法情况。

执法检查组应当加强信息收集和整理，采取多种方式，了解法律、法规实施的实际情况，研究法律、法规实施中存在的问题。必要时，可以委托有关机构进行调查并出具报告。

第十条 “一府两院”以及相关单位应当按照常务委员会的工作程序，协助、配合执法检查组的工作。

第十一条 执法检查组不直接处理具体问题。

执法检查中发现的具体案件和收到的群众来信，执法检查组应当转交常务委员会信访工作部门，由其统一转交有关部门研究处理。

第十二条 执法检查组应当在执法检查结束后及时提出执法检查报告，由主任会议决定提请常务委员会审议。

执法检查报告包括下列内容：

（一）对所检查的法律、法规实施情况进行评价，提出执法中存在的问题和改进执法工作的建议；

（二）对有关法律、法规提出修改完善的建议。

第十三条 执法检查报告由执法检查组组长或者由组长委托副组长向常务委员会会议报告。

法律、法规实施主管机关应当向常务委员会会议提交书面报告。常务委员会审议执法检查报告时，“一府两院”负责人或者有关部门负责人应当到会听取意见，回答询问。

第十四条 市人民代表大会常务委员会组织执法检查，根据需要，可以委托区、县人民代表大会常务委员会对有关法律、法规在本行政区域的实施情况进行检查。委托执法检查项目，应当事先与区、县人民代表大会常务委员会协商确定。受委托的区、

steps of the inspection and relevant Special Committees or working offices of the Standing Committees specifically organizing the implementation of such law-enforcement inspection. The implementation of the plans shall be organized after being passed by the Meetings of Chairmen upon discussion.

Article 9 The law-enforcement inspection groups may be divided into several subgroups, which shall carry out the law-enforcement inspection work centering on relevant themes respectively.

The general meetings of law-enforcement inspection groups shall listen to the reports on the implementation of laws or regulations made by the competent agencies in charge of the implementation of laws or regulations so as to have an overall understanding of the law-enforcement.

The law-enforcement inspection groups shall strengthen the collection and sorting out of information, adopts multiple manners to get to know the actual situation of the implementation of laws or regulations, and study the problems existing in the implementation of laws or regulations. Where necessary, it may entrust relevant institutions to make investigations and issue reports.

Article 10 The Governments, Courts and Procuratorates and related units shall, in accordance with the working procedures of the Standing Committees, offer assistance and cooperation in the work of law-enforcement inspection groups.

Article 11 The law-enforcement inspection groups shall not directly dispose of specific problems.

The law-enforcement inspection groups shall transfer the specific cases discovered and the letters of the mass received in law-enforcement inspection to the departments of the Standing Committees for letters and visits, which shall uniformly transfer them to relevant departments for study and disposal.

Article 12 The law-enforcement inspection groups shall, after the completion of law-enforcement inspection, timely put forward the Law-enforcement Inspection Reports, which shall be submitted to the Standing Committees for deliberation upon decision by the Meetings of Chairmen.

The Law-enforcement Inspection Reports shall include the following contents:

(1) the appraisal of the implementation of laws or regulations inspected, the problems existing in the law-enforcement and the proposals on improving the work of law-enforcement; and

(2) the proposals on amending and perfecting relevant laws or regulations.

Article 13 The Law-enforcement Inspection Reports shall be reported to the meetings of the Standing Committees by the head of the law-enforcement inspection groups or deputy head of the law-enforcement inspection groups with the entrustment of head.

The competent agencies in charge of the implementation of laws or regulations shall submit written reports to the meetings of the Standing Committees. When the Standing Committees deliberates the law-enforcement Inspection Reports, the responsible persons of the Governments, Courts and Procuratorates or responsible persons of relevant departments shall be present at the meetings to listen to the opinions and reply to the inquiries.

Article 14 When the Standing Committee of the Municipal People's Congress organizes the law-enforcement inspection, it may, according to the needs, entrust the standing committees of the district or county people's congresses to carry out the inspection of the implementation of relevant laws or regulations within their respective administrative areas. The entrusted items of law-enforcement inspection shall be decided through

县人民代表大会常务委员会应当提出执法检查情况报告，报送市人民代表大会常务委员会。

市人民代表大会常务委员会受全国人民代表大会常务委员会委托进行的执法检查，有关市人大专门委员会或者常务委员会工作机构应当提出执法检查情况报告，由常务委员会办公厅报送全国人民代表大会常务委员会。

第十五条 常务委员会组成人员对执法检查报告的审议意见，由有关人大专门委员会或者常务委员会工作机构在常务委员会会议结束后及时整理，经主任会议讨论通过，形成审议意见书。审议意见书的内容应当包括对“一府两院”贯彻实施法律、法规情况的总体评价，存在的主要问题，改进工作的建议和办理期限等。

审议意见书连同执法检查报告，由常务委员会办公厅（室）负责送交本级“一府两院”研究处理。同时，由常务委员会有关工作机构通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

第十六条 “一府两院”应当于收到审议意见书后三个月内，将常务委员会审议意见的研究处理方案送交有关人大专门委员会或者常务委员会工作机构；一年内，将审议意见的研究处理情况送交有关人大专门委员会或者常务委员会工作机构征求意见，并向常务委员会提出书面报告。经主任会议决定，由常务委员会有关工作机构印发常务委员会组成人员和参加执法检查的人大代表，通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

主任会议认为必要时，可以决定将“一府两院”落实常务委员会审议意见情况的报告提请常务委员会审议，或者由常务委员会组织跟踪检查；常务委员会也可以委托本级有关人大专门委员会或者常务委员会工作机构组织跟踪检查。跟踪检查结束后，常务委员会执法检查组、有关人大专门委员会或者常务委员会工作机构应当提出跟踪检查报告，由主任会议决定印发常务委员会组成人员。

第十七条 常务委员会有关工作机构根据年度执法检查计划，制定具体的新闻报道计划，组织新闻媒体对执法检查工作进行宣传报道。

negotiation with the standing committees of the district or county people's congresses in advance. The entrusted standing committees of the district or county people's congresses shall put forward the Law-enforcement Inspection Reports and submit to the Standing Committee of the Municipal People's Congress.

As to the law-enforcement inspection carried out by the Standing Committee of the Municipal People's Congress with the entrustment of the Standing Committee of the National People's Congress, relevant Special Committees of the Municipal People's Congress or working offices of the Standing Committee shall put forward the law-enforcement Inspection Report, which shall be submitted by the General Office of the Standing Committee to the Standing Committee of the National People's Congress.

Article 15 The deliberative opinions of the members of the Standing Committees on the Law-enforcement Inspection Reports shall be timely sorted out by relevant Special Committees or working offices of the Standing Committees after the ending of the meetings of the Standing Committees, and the Deliberative Opinion Reports shall be formed after being discussed and passed by the Meetings of Chairmen. The contents of the Deliberative Opinion Reports shall include the general appraisal of the implementation of laws or regulations by the Governments, Courts and Procuratorates, major existing problems, proposals for the improvement of work and time limit of handling.

The General Offices of the Standing Committees shall deliver the Deliberative Opinion Reports together with the Law-enforcement Inspection Reports to the Governments, Courts and Procuratorates for study and disposal at the same level. At the same time, they shall be circulated by relevant working offices of the Standing Committees to the Deputies at the same level and made public to the society through the window websites of the Standing Committees and other news media.

Article 16 Within three months as of receipt of the Deliberative Opinion Reports, the Governments, Courts and Procuratorates shall submit the plans for the study and disposal of the deliberative opinions of the Standing Committees to relevant Special Committees or working offices of the Standing Committee within; and within one year, put forward written reports to the Standing Committees after submitting the study and disposal of the deliberative opinions to relevant Special Committees or working offices of the Standing Committees to solicit opinions. Upon decision of the Meetings of Chairmen, the reports shall be printed and issued to the members of the Standing Committees and the deputies participating in the law-enforcement inspection by relevant working offices of the Standing Committees, circulated to the Deputies at the same level, and made public to the society through the window websites of the Standing Committees and other news media.

Where the Meetings of Chairmen deem necessary, they may decide to submit the reports on implementation of the deliberative opinions of the Standing Committees by the Government, Courts and Procuratorates to the Standing Committees for deliberation, or decide to organize the follow-up inspection by the Standing Committees; the Standing Committees may also entrust relevant Special Committees or working offices of the Standing Committee at the same level to organize the follow-up inspection. After the completion of the follow-up inspection, the law-enforcement inspection groups of the Standing Committee, relevant Special Committees or working offices of the Standing Committee shall put forward the Follow-up Inspection Reports, which shall be printed and issued to the members of the Standing Committees upon decision of the Meetings of Chairmen.

Article 17 Relevant working offices of the Standing Committees shall, in accordance with the annual plans on law-enforcement inspection, make specific plans for the news

第十八条 市人民代表大会常务委员会可以委托区、县人民代表大会常务委员会对本行政区域内市级垂直领导的机构实施法律、法规的情况进行检查。

区、县人民代表大会常务委员会审议执法检查报告后，将执法检查报告连同常务委员会组成人员的审议意见通报被检查的市级垂直领导的机构；同时报市人民代表大会常务委员会，由常务委员会办公厅转交市人民政府研究处理。

第十九条 实施本办法的工作程序，由常务委员会办公厅（室）制定。

第二十条 本办法自 2008 年 1 月 1 日起施行。

report, and organize the news media to make the propaganda and report of law-enforcement inspection work.

Article 18 The Standing Committee of the Municipal People's Congress may entrust the standing committees of the district or county people's congresses to carry out the inspection of the implementation of laws or regulations by the institutions under the direct leadership of the municipal level within their respective administrative areas.

After deliberating the Law-enforcement Inspection Reports, the standing committees of the district or county people's congresses shall circulate the Law-enforcement Inspection Reports together with the deliberative opinions of the members of the Standing Committees to the institutions under the direct leadership of the municipal level inspected; at the same time, report to the Standing Committee of the Municipal People's Congress and the General Office of the Standing Committee shall transfer them to the Municipal People's Government for study and disposal.

Article 19 The working procedures for implementation of these Measures shall be formulated by the General Offices of the Standing Committees.

Article 20 These Measures shall be effective as of January 1, 2008.

北京市各级人民代表大会常务委员会听取和审议 人民政府、人民法院和人民检察院专项工作报告办法

(2007年11月30日北京市第十二届人民代表大会常务委员会

第四十次会议通过)

第一条 为了提高听取和审议人民政府、人民法院和人民检察院（以下简称“一府两院”）专项工作报告的质量，增强监督工作实效，根据《中华人民共和国各级人民代表大会常务委员会监督法》，结合本市实际，制定本办法。

第二条 市和区、县人民代表大会常务委员会（以下简称常务委员会）每年选择若干关系本行政区域改革发展稳定大局和群众切身利益、社会普遍关注的重大问题，有计划地安排听取和审议本级“一府两院”的专项工作报告。

第三条 常务委员会听取和审议专项工作报告的议题建议，由人民代表大会专门委员会（以下简称人大专门委员会）或者常务委员会工作机构，根据职责分工汇总整理，按照工作程序规定的时间提出：

（一）常务委员会在执法检查中发现的突出问题，由组织检查的有关人大专门委员会或者常务委员会工作机构整理提出。

（二）本级人民代表大会代表（以下简称人大代表）对“一府两院”工作提出的建议、批评和意见集中反映的问题，由常务委员会代表联络工作部门整理提出。

（三）常务委员会组成人员提出的比较集中的问题，由常务委员会办公厅（室）整理提出，常务委员会有关工作机构配合。

（四）人大专门委员会或者常务委员会工作机构在调查研究中发现的突出问题，由开展该项调查研究工作的人大专门委员会或者常务委员会工作机构整理提出。

Measures for Listening to and Deliberating the Special Work Reports of the People's Governments, People's Courts and People's Procuratorates by the Standing Committees of the People's Congresses at Various Levels of Beijing Municipality

(Adopted at the 40th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on November 30, 2007)

Article 1 These Measures are formulated for the purposes of improving the quality of listening to and deliberating the special work reports of the people's governments, people's courts and people's procuratorates (hereinafter referred to as the Governments, Courts and Procuratorates) and strengthening the actual effects of supervision in accordance with the Supervision Law of the Standing Committees of the People's Congresses at Various Levels of the People's Republic of China and in light of the actual circumstances of this Municipality.

Article 2 The standing committees of the municipal and the district or county people's congresses (hereinafter referred to as the Standing Committees) shall choose several major issues related to the general situation of the reform, development and stability and the concrete interests of the public or generally concerned by the society within their respective administrative areas each year and make arrangements for listening to and deliberating the special work reports of the Governments, Courts and Procuratorates on such issues in a planned way.

Article 3 The proposals for the topics of listening to and deliberating the special work reports by the Standing Committees shall be summed up and sorted out by the special committees of the people's congresses (hereinafter referred to as the Special Committees) or working offices of the Standing Committees according to the work division of their functions and duties, and put forward according to the time schedule stipulated by the working procedures:

(1) the outstanding problems discovered by the Standing Committees in law-enforcement inspections shall be sorted out and put forward by relevant Special Committees or working offices of the Standing Committees which organized the inspections;

(2) the problems centrally reflected in the proposals, criticisms and opinions raised by deputies to the people's congresses (hereinafter referred to as the Deputies) at the same level on the work of the Governments, Courts and Procuratorates shall be sorted out and put forward by the deputy contact departments of the Standing Committees;

(3) the problems relatively centrally raised by the members of the Standing Committees shall be sorted out and put forward by the General Offices of the Standing Committees and relevant working offices of the Standing Committees shall offer cooperation;

(4) the outstanding problems discovered by the Special Committees or the working offices of the Standing Committees in investigation and research shall be sorted out and put

（五）人民来信来访集中反映的问题，由常务委员会信访工作部门整理提出。

（六）社会普遍关注的其他问题，由常务委员会办公厅（室）整理提出，常务委员会有关工作机构配合。

（七）“一府两院”要求报告专项工作的建议，由常务委员会办公厅（室）整理提出。

有关人大专门委员会或者常务委员会工作机构在向常务委员会提出听取和审议专项工作报告的议题建议前，应当与“一府两院”及其有关部门沟通、协商。

第四条 常务委员会办公厅（室）负责汇总各人大专门委员会、常务委员会工作机构以及其他有关方面提出的听取和审议“一府两院”专项工作报告议题建议，与“一府两院”沟通协调后，提出常务委员会听取和审议专项工作报告的年度计划建议。年度计划建议应当包括常务委员会听取和审议专项工作报告的项目、理由、重点、时间安排和协助常委会此项工作的有关人大专门委员会或者常务委员会工作机构等。

第五条 常务委员会听取和审议专项工作报告的年度计划，经常务委员会主任会议（以下简称主任会议）通过，由常务委员会有关工作机构印发常务委员会组成人员，通报本级人大代表，以书面形式通知本级“一府两院”，并通过常务委员会门户网站和其他新闻媒体向社会公布。

第六条 主任会议根据实际需要或者“一府两院”的要求，可以适当调整听取和审议“一府两院”专项工作报告的年度计划，并由常务委员会办公厅（室）及时通知“一府两院”的办事机构。

第七条 有关人大专门委员会或者常务委员会工作机构应当根据常务委员会听取和审议“一府两院”专项工作报告计划，按照职责分工制定具体实施方案；常务委员会听取和审议“一府两院”专项工作报告前，受主任会议委托，组织常务委员会组成人员、人大专门（工作）委员会组成人员、人大代表进行视察或者专题调查研究；视察或者专题调查研究结束后，应当形成专题报告，为常务委员会审议该项工作报告提供参考，并将视察、专题调查研究中发现的问题以及各方面对该项工作的意见汇总整理，及时交“一府两院”研究处理。

forward by the Special Committees or working offices of the Standing Committees which carried out the investigation and research. the problems centrally reflected in the letters and visits of the people shall be sorted out and put forward by the departments of the Standing Committees for letters and visits;

(5) other issues generally concerned by the society shall be sorted out and put forward by the General Offices of the Standing Committees and relevant working offices of the Standing Committees shall offer cooperation;

(6) the proposals on the request of the Governments, Courts and Procuratorates for reporting the special work shall be sorted out and put forward by the General Offices of the Standing Committees.

Before putting forward the proposals for the topics of listening to and deliberating the special work reports to the Standing Committees, the Special Committees or working offices of the Standing Committees shall communicate and negotiate with the Governments, Courts and Procuratorates and relevant departments thereof.

Article 4 The General Offices of the Standing Committees shall be responsible for summing up the proposals for the topics of listening to and deliberating the special work reports of the Governments, Courts and Procuratorates put forward by various Special Committees, working offices of the Standing Committees and other relevant sides, and put forward the proposals for the annual plans of the Standing Committees on listening to and deliberating the special work reports after the communication and coordination with the Governments, Courts and Procuratorates. The proposals for the annual plans shall include the items, reasons, key points, time arrangements of listening to and deliberating the special work reports by the Standing Committees as well as relevant Special Committees or working offices of the Standing Committees assisting the Standing Committees in such work.

Article 5 The annual plans of the Standing Committees on listening to and deliberating the special work reports shall, upon being passed by the meetings of chairmen of the Standing Committees (hereinafter referred to as the Meetings of Chairmen), be printed and issued to the members of the Standing Committee by relevant working offices of the Standing Committees, circulated to the Deputies at the same level, notified in writing to the Governments, Courts and Procuratorates at the same level, and made public to the society through the window websites of the Standing Committees and other news media.

Article 6 The Meetings of Chairmen may, based on the actual needs or the request of the Governments, Courts and Procuratorates, appropriately adjust the annual plans on listening to and deliberating the special work reports of the Governments, Courts and Procuratorates, and the General Offices of the Standing Committees shall timely notify the general offices of the Governments, Courts and Procuratorates such adjustment.

Article 7 Relevant Special Committees or working offices of the Standing Committees shall, in accordance with the plans of the Standing Committees on listening to and deliberating the special work reports of the Governments, Courts and Procuratorates, make the specific implementation plans according to the work division of their functions and duties; before listening to and deliberating the special work reports of the Governments, Courts and Procuratorates and with the entrustment of the Meetings of Chairmen, the Standing Committees shall organize its members, the members of the Special Committees and the Deputies to carry out inspections or special investigation and research; after the completion of inspections or special investigation and research, the Special Reports shall be formed and act as the reference for the Standing Committees to deliberate such work reports, and the problems discovered in inspections or special investigation and research

第八条 “一府两院”以及相关单位应当按照常务委员会的工作程序，协助、配合常务委员会组织的视察或者专题调查研究。

“一府两院”对有关人大专门委员会或者常务委员会工作机构汇总整理的意见，应当研究处理并在专项工作报告中作出回应，明确意见采纳情况。

第九条 常务委员会举行会议二十日前，“一府两院”办事机构应当将专项工作报告送交有关人大专门委员会或者常务委员会工作机构征求意见。常务委员会举行会议十日前，“一府两院”应当将修改后的专项工作报告送交常务委员会。

常务委员会举行会议七日前，常务委员会工作机构应当将专项工作报告送发常务委员会组成人员。

临时召集的会议不适用前两款的期限规定。

第十条 常务委员会召开全体会议听取“一府两院”的专项工作报告。

专项工作报告由“一府两院”的负责人向常务委员会报告，人民政府也可以委托有关部门负责人向常务委员会报告。受主任会议委托，有关人大专门委员会或者常务委员会工作机构可以对“一府两院”的专项工作及报告提出意见和建议，向常务委员会报告，供常务委员会审议时参考。

常务委员会听取专项工作报告时，常务委员会有关工作机构应当将专项工作报告通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

第十一条 常务委员会召开全体会议或者分组会议审议专项工作报告，“一府两院”负责人或者有关部门负责人应当到会听取意见，回答询问。

第十二条 常务委员会听取和审议专项工作报告时，可以安排参加视察或者专题调查研究的人大代表列席常务委员会会议，听取专项工作报告，提出意见。

第十三条 常务委员会认为必要时，可以对专项工作报告作出决议。同时，由常务委员会有关工作机构通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

and the opinions of various sides on such work shall be summed up, sorted out and timely delivered to the Governments, Courts and Procuratorates for study and disposal.

Article 8 The Governments, Courts and Procuratorates and related units shall, in accordance with the working procedures of the Standing Committees, offer assistance and cooperation in inspections or special investigation and research organized by the Standing Committees.

As to the opinions summed up and sorted out by relevant Special Committees or working offices of the Standing Committees, the Governments, Courts and Procuratorates shall study and dispose of them and make responses in the special work reports to clarify the adoption of these opinions.

Article 9 20 days prior to the holding of the meetings of the Standing Committees, the general offices of the Governments, Courts and Procuratorates shall submit the special work reports to relevant Special Committees or working offices of the Standing Committees to solicit opinions. Ten days prior to the holding of the meetings of the Standing Committees, the Governments, Courts and Procuratorates shall submit the revised special work reports to the Standing Committees.

Seven days prior to the holding of the meetings of the Standing Committees, the working offices of the Standing Committees shall deliver the special work reports to the members of the Standing Committees.

The provisions in the preceding two paragraphs shall not apply to the meetings temporarily convened.

Article 10 The Standing Committees shall hold the plenary meetings to listen to the special work reports of the Governments, Courts and Procuratorates.

The special work reports shall be made by the responsible persons of the Governments, Courts and Procuratorates to the Standing Committees, the people's governments may also entrust the responsible persons of relevant departments to report to the Standing Committees. With the entrustment of the Meetings of Chairmen, relevant Special Committees or working offices of the Standing Committees may put forward their opinions and proposals on the special work reports of the Governments, Courts and Procuratorates and make reports to the Standing Committees as the reference for the Standing Committees in the deliberation.

When the Standing Committees listen to the special work reports, relevant working offices of the Standing Committees shall circulate the special work reports to the Deputies at the same level and made them public to the society through the window websites of the Standing Committees and other news media.

Article 11 When the Standing Committees hold the plenary meetings or group meetings to deliberate the special work reports, the responsible persons of the Governments, Courts and Procuratorates or responsible persons of relevant departments shall be present at the meetings to listen to the opinions and reply to the inquiries.

Article 12 When listening to and deliberating the special work reports, the Standing Committees may arrange the Deputies participating in inspections or special investigation and research to attend the meetings of the Standing Committees as non-voting delegates to listen to the special work reports and put forward their opinions.

Article 13 Where the Standing Committees deem necessary, they may make resolutions on the special work reports. At the same time, the resolutions shall be circulated by relevant working offices of the Standing Committees to the Deputies at the same level and made public to the society through the window websites of the Standing Committees

第十四条 常务委员会组成人员对专项工作报告的审议意见，由有关人大专门委员会或者常务委员会工作机构在常务委员会会议结束后及时整理，经主任会议讨论通过，形成审议意见书。审议意见书的内容应当包括对“一府两院”专项工作报告的总体评价、存在的主要问题、改进工作的建议和办理期限等。

审议意见书由常务委员会办公厅（室）送交“一府两院”办事机构，由“一府两院”研究处理。同时，由常务委员会有关工作机构通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

第十五条 “一府两院”应当于收到审议意见书后三个月内，由其办事机构将常务委员会审议意见的研究处理方案送交有关人大专门委员会或者常务委员会工作机构；一年内，将审议意见的研究处理情况送交有关人大专门委员会或者常务委员会工作机构征求意见后，向常务委员会提出书面报告。经主任会议决定，由常务委员会有关工作机构印发常务委员会组成人员，通报本级人大代表，并通过常务委员会门户网站和其他新闻媒体向社会公布。

有关人大专门委员会或者常务委员会工作机构可以对“一府两院”的研究处理工作进行督办，并提出督办情况的报告，由主任会议决定印发常务委员会组成人员。

主任会议认为必要时，可以决定将“一府两院”落实常务委员会审议意见情况的报告提请常务委员会审议。

第十六条 实施本办法的工作程序，由常务委员会办公厅（室）制定。

第十七条 本办法自 2008 年 1 月 1 日起施行。

and other news media.

Article 14 The deliberative opinions of the members of the Standing Committees on the special work reports shall be timely sorted out by relevant Special Committees or working offices of the Standing Committees after the ending of the meetings of the Standing Committees ,and the Deliberative Opinion Reports shall be formed after being discussed and passed by the Meetings of Chairmen. The contents of the Deliberative Opinion Reports shall include the general appraisal of the special work reports of the Governments, Courts and Procuratorates, major existing problems, proposals for the improvement of work and time limit of handling.

The General Offices of the Standing Committees shall deliver the Deliberative Opinion Reports to the general offices of the Governments, Courts and Procuratorates for study and disposal by the Governments, Courts and Procuratorates. At the same time, they shall be circulated by relevant working offices of the Standing Committees to the Deputies at the same level and made public to the society through the window websites of the Standing Committees and other news media.

Article 15 Within three months as of receipt of the Deliberative Opinion Reports, the general offices of the Governments, Courts and Procuratorates shall submit the plans for the study and disposal of the deliberative opinions of the Standing Committees to relevant Special Committees or working offices of the Standing Committee within □and within one year, put forward written reports to the Standing Committees after submitting the study and disposal of the deliberative opinions to relevant Special Committees or working offices of the Standing Committees to solicit opinions. Upon decision of the Meetings of Chairmen, the reports shall be printed and issued to the members of the Standing Committees by relevant working offices of the Standing Committees, circulated to the Deputies at the same level, and made public to the society through the window websites of the Standing Committees and other news media.

Relevant Special Committees or working offices of the Standing Committees may superintend the study and disposal work by the Governments, Courts and Procuratorates, and put forward the reports on such superintendent which shall be printed and issued to the members of the Standing Committees upon decision of the Meetings of Chairmen.

Where the Meetings of Chairmen deem necessary, they may decide to submit the reports on implementation of the deliberative opinions of the Standing Committees by the Governments, Courts and Procuratorates to the Standing Committees for deliberation.

Article 16 The working procedures for implementation of these Measures shall be formulated by the General Offices of the Standing Committees.

Article 17 These Measures shall be effective as of January 1, 2008.

北京市人民代表大会常务委员会讨论、 决定重大事项的规定

(2017年12月1日北京市第十四届人民代表大会常务委员会
第四十二次会议通过)

第一条 为了保障和规范北京市人民代表大会常务委员会(以下简称市人大常委会)依法行使讨论、决定重大事项的职权,促进决策科学化、民主化,根据宪法、《中华人民共和国地方各级人民代表大会和地方各级人民政府组织法》《中华人民共和国各级人民代表大会常务委员会监督法》和其他有关法律的规定,结合本市实际情况,制定本规定。

第二条 市人大常委会讨论、决定本行政区域内各方面工作的重大事项,适用本规定。

第三条 市人大常委会讨论、决定重大事项,应当坚持党的领导、人民当家作主、依法治国有机统一,坚持民主集中制,围绕国家和本市工作大局,依法行使职权,维护人民群众的根本利益。

第四条 下列重大事项,应当由市人大常委会讨论、决定:

- (一) 为保证宪法、法律、行政法规和全国人民代表大会及其常务委员会决议、决定在本市遵守和执行的重大措施;
- (二) 中共北京市委根据工作需要提出由市人大常委会讨论、决定的重大事项;
- (三) 本市国民经济和社会发展规划、计划的调整;
- (四) 市级预算的调整和市级决算;
- (五) 本市城市总体规划的制定、修改;

Procedural Rules for the Standing Committee of Beijing Municipal People's Congress to Deliberate and Determine Important Matters

(Adopted by the 42nd Session of the Standing Committee of the 14th
Beijing Municipal People's Congress on December 1, 2017)

Article 1 These rules are formulated in accordance with the Constitution, the Law on Organizing People's Congresses and People's Governments at Various Levels and the Law on Supervisory Functions of the Standing Committees of People's Congresses at Various Levels as well as provisions of other laws and in light of the actual conditions of this municipality with a view to ensuring that the Standing Committee of Beijing Municipal People's Congress (hereinafter referred to as "BMPC Standing Committee") exercises its functions to deliberate and determine important matters according to law and makes decisions in a scientific and democratic manner.

Article 2 These rules are applicable to circumstances where the BMPC Standing Committee deliberates and determines important matters falling into the administrative territory of this municipality.

Article 3 In deliberating and determining important matters, the BMPC Standing Committee shall integrate the leadership of the Communist Party of China, the running of the country by the people and law-based governance, uphold democratic centralism and perform their powers and responsibilities in view of the overall work situation of the state and the municipality in order to safeguard the fundamental interest of the people.

Article 4 The following matters of importance shall be deliberated and determined by the BMPC Standing Committee:

- (1) important measures aimed to ensure compliance and enforcement within the territory of this municipality of the Constitution, laws and administrative regulations as well as resolutions and decisions of the National People's Congress and its Standing Committee;
- (2) important matters proposed out of the needs of work by Beijing Municipal Committee of the CPC to be deliberated and determined by the BMPC Standing Committee;
- (3) adjustments to the municipality's national economic and social development planning and plans;
- (4) adjustments to the municipal government budgets and final accounts;
- (5) formulation and revision of the master urban planning of the municipality;

(六) 授予市级荣誉称号；

(七) 加强本市民主法治建设的重大措施；

(八) 关系本市改革发展稳定大局和群众切身利益的重大改革举措；

(九) 本市重大民生工程；

(十) 本市重大建设项目；

(十一) 其他应当由市人大常委会讨论、决定的重大事项。

第五条 法律、法规对市人大常委会讨论、决定重大事项作出规定的，从其规定。

第六条 市人大常委会主任会议、市人民政府、市人民代表大会各专门委员会以及市人大常委会组成人员 5 人以上联名，可以提出需要由市人大常委会作出决议、决定的重大事项的议案。

市人大常委会主任会议、市人民政府、市高级人民法院、市人民检察院、市人民代表大会各专门委员会可以向市人大常委会提出有关重大事项的报告。

第七条 本市建立讨论、决定重大事项议题协调机制，沟通协商重大事项议题。

提请市人大常委会讨论、决定重大事项的议题，一般应当在每年年初向市人大常委会提出，通过市人大常委会党组报中共北京市委同意后，由市人大常委会主任会议列入常委会年度工作计划。

未列入市人大常委会年度工作计划，确需提请市人大常委会讨论、决定的重大事项议题，有关国家机关可以向市人大常委会提出，通过市人大常委会党组报中共北京市委同意后，由市人大常委会主任会议列为常委会会议议题。

第八条 有关国家机关应当依法及时主动提出应当由市人大常委会讨论、决定的重大事项议题，不得超越法定职权作出决定。

第九条 提请市人大常委会讨论、决定的重大事项议案或者报告，应当真实、准确，包括以下主要内容：

(一) 该重大事项的基本情况和需要解决的问题；

(二) 该重大事项的法律、法规和政策依据；

- (6) conferring of honors and titles at the municipal level;
- (7) important measures designed to enhance democracy and rule of law of the municipality;
- (8) important reform measures bearing on the municipal efforts to strive for reform, development and stability and on the immediate interest of the people;
- (9) important livelihood projects of the municipality;
- (10) important development projects of the municipality; and
- (11) other important matters to be deliberated and determined by the BMPC Standing Committee.

Article 5 Where laws or regulations provide procedural rules for the BMPC Standing Committee to deliberate or determine important matters, such provisions shall prevail.

Article 6 The BMPC Standing Committee chairman's meeting, the municipal people's government, the various special committees of the BMPC and more than 5 members of the BMPC Standing Committee can jointly make proposals requiring the BMPC Standing Committee to make decisions or resolutions on important matters.

The Standing Committee chairman's meeting, the municipal people's government, the municipal higher people's court, the municipal people's procuratorate and the various special committees of the BMPC can respectively make reports of important matters to the BMPC Standing Committee.

Article 7 This municipality shall establish coordination mechanisms to exchange and negotiate on proposals involving important matters.

Proposals requesting the BMPC Standing Committee to deliberate and determine important matters shall generally be made to the Standing Committee at the beginning of each year. The Party's leading group at the Standing Committee will then report the proposals to Beijing Municipal Committee of the CPC for examination. With the consent of the CPC's Beijing Municipal Committee, the proposals can finally be included into the annual work agenda of the Standing Committee by the chairman's meeting.

With respect to important matters failing to be incorporated into the annual work agenda of the BMPC Standing Committee but indeed requiring deliberation and determination on the part of the BMPC Standing Committee, competent government departments can still make proposals to the BMPC Standing Committee. The Party's leading group at the BMPC Standing Committee will then submit the proposals to Beijing Municipal Committee of the CPC for examination. With the consent of the latter, the Standing Committee chairman's meeting can then put the proposals on the agenda of the meeting of the BMPC Standing Committee.

Article 8 Relevant state organs shall, in a timely manner and according to law, make proposals that request the BMPC Standing Committee to deliberate and determine important matters; they shall not make decisions beyond their terms of reference.

Article 9 Proposals or reports requesting the BMPC Standing Committee to deliberate and determine important matters shall be true and accurate and include mainly the following content:

- (1) basics of the important matters in question and problems in need of solutions;
- (2) legal, regulatory and policy bases of the matters;

（三）该重大事项的决策方案及必要性、可行性说明；

（四）与该重大事项有关的其他资料。

列为市人大常委会会议议题的重大事项，应当在会议举行的二十日前向市人大常委会报送议案或者报告。

第十条 市人大常委会主任会议提出的重大事项的议案或者报告，由市人大常委会会议讨论、决定。

市人民政府、市高级人民法院、市人民检察院、市人民代表大会各专门委员会提出的重大事项的议案或者报告，由市人大常委会主任会议决定提请市人大常委会会议讨论、决定；或者先交由市人民代表大会有关专门委员会、市人大常委会有关工作机构初步审查，提出报告，再由市人大常委会主任会议提请市人大常委会会议讨论、决定。

市人大常委会组成人员 5 人以上联名提出的重大事项的议案，由市人大常委会主任会议决定是否提请市人大常委会会议讨论、决定；或者先交由市人民代表大会有关专门委员会、市人大常委会有关工作机构初步审查，提出报告，再由市人大常委会主任会议决定是否提请市人大常委会会议讨论、决定。

第十一条 市人大常委会主任会议决定提请市人大常委会讨论、决定的重大事项议题，市人大常委会应当在三个月内予以讨论、决定；对于情况紧急的重大事项，市人大常委会应当及时讨论、决定。

第十二条 市人大常委会讨论、决定有关重大事项时，应当由提案人、提请机关的主要负责人或者由其委托的相关负责人向市人大常委会会议作说明或者报告，并听取意见，回答询问。

第十三条 市人大常委会讨论、决定重大事项，应当加强调查研究，广泛听取人大代表、有关机关、人民群众和社会各方面的意见；必要时可以举行论证会、听证会，或者通过媒体向社会公开征求意见。

对于专业性、技术性强的重大事项，市人大常委会应当组织专家学者、专业机构进行论证和评估，或者要求相关政府部门、有关方面进行补充论证。

(3)proposed solutions for the matters and explanations for necessity and feasibility of such solutions; and

(4)other information concerning the matters.

With respect to important matters put on the meeting agenda of the BMPC Standing Committee, corresponding proposals or reports shall be submitted to the Standing Committee of the BMPC 20 days in advance of the meeting.

Article 10 Proposals or reports made by the BMPC Standing Committee chairman's meeting with respect to important matters shall be deliberated and determined by the Standing Committee of the BMPC.

For the proposals or reports made by the municipal people's government, the municipal higher people's court, the municipal people's procuratorate, or the various special committees of the municipal people's congress with regard to important matters, the BMPC Standing Committee chairman's meeting shall decide whether or not to submit them to the BMPC Standing Committee for deliberation and determination; otherwise, the chairman's meeting can first have special committees of the BMPC or concerned work agencies of the BMPC Standing Committee make preliminary examination over the matters in question and put forward examination reports on them and then request the BMPC Standing Committee to deliberate and determine on those matters.

For the proposals made jointly by more than 5 members of the BMPC Standing Committee with respect to important matters, the Standing Committee chairman's meeting shall decide whether or not to submit them to the BMPC Standing Committee for deliberation and determination; otherwise, the chairman's meeting can first have special committees of the BMPC or concerned work agencies of the BMPC Standing Committee make preliminary examination over the matters in question and put forward examination reports on them and then decide whether or not to request the BMPC Standing Committee to deliberate and determine on those matters.

Article 11 With respect to the proposals made by the BMPC Standing Committee chairman's meeting for important matters to be deliberated and determined by the BMPC Standing Committee, the BMPC Standing Committee shall deliberate and determine on them within a timeframe of three months; with regard to urgent matters in particular, the Standing Committee shall deliberate and determine on them in a time manner.

Article 12 When the BMPC Standing Committee deliberates and determines important matters, the person making the proposal, the person in charge of the organ making the proposal or the person entrusted by the abovementioned organ shall make a report or explanations to, hear opinions from and respond to enquiries of the BMPC Standing Committee.

Article 13 In a bid to deliberate and determine important matters, the BMPC Standing Committee shall enhance investigation and research, hear opinions of a wide range of stakeholders including delegates of the people's congress, relevant government departments, the general public and all social communities, etc., and where necessary, hold hearing or argumentation sessions or solicit public opinions through media.

With respect to highly professional or technical matters, the BMPC Standing Committee shall organize experts, scholars or professional organizations to undergo evaluation or

第十四条 市人大常委会讨论、决定重大事项重点加强合法性审查，确保不同宪法、法律、法规和全国人民代表大会及其常务委员会决议、决定相抵触。

第十五条 有关重大事项的决议、决定草案，应当由市人大常委会主任会议、市人民代表大会有关专门委员会负责提出，并向市人大常委会会议作出说明。

第十六条 对于讨论中的重要分歧意见，或者涉及重大体制和重大政策调整的决议、决定草案，应当通过市人大常委会党组及时向中共北京市委报告。

第十七条 市人大常委会讨论、决定重大事项作出的决议、决定或者提出的审议意见，应当及时在市人大常委会公报、市人大常委会网站和《北京日报》等媒体上予以公布。

第十八条 市人大常委会作出的决议、决定或者提出的审议意见，有关国家机关应当执行、办理，并在规定的时间内向市人大常委会报告执行、办理情况。不能在规定时间内报告的，经市人大常委会主任会议同意，可以分阶段报告。

第十九条 市人大常委会通过执法检查、听取审议工作报告、专题询问、代表视察、专题调研等形式，对有关重大事项决议、决定的执行情况进行监督；对不执行决议、决定或者执行决议、决定不力的，通过询问、质询、特定问题调查等方式加强监督。

市人民代表大会有关专门委员会或者市人大常委会有关工作机构组织实施监督工作。

第二十条 市人大常委会讨论、决定重大事项的主要情况，应当在每年的市人大常委会工作报告中向市人民代表大会会议报告。

法律、法规规定应当由市人民代表大会讨论、决定的重大事项，或者市人大常委会认为需要提交市人民代表大会讨论、决定的重大事项，应当依照法定程序提交市人民代表大会讨论、决定。

第二十一条 违反本规定第四条和第八条，对依法应当由市人大常委会讨论、决定的重大事项，有关国家机关超越法定职权擅自作出决定的，应当责令其限期改正或者依法予以撤销，并依法追究有关国家机关主要负责人的责任；对应当报告的重大事

argumentation procedures or require relevant government departments or stakeholders to do so as a supplementary measure.

Article 14 In deliberating and determining important matters, the BMPC Standing Committee shall emphatically strengthen legitimacy review to ensure that its decisions are not in conflict with the Constitution, laws, regulations or resolutions or determinations of the National People's Congress or its Standing Committee.

Article 15 The BMPC Standing Committee chairman's meeting or the BMPC's special committee concerned shall be responsible for drafting the resolutions or determinations for important matters and for making explanations to the BMPC Standing Committee accordingly.

Article 16 With respect to major disputes arising in deliberation or draft resolutions or determinations involving major institutional or policy adjustments, the Party's leading group at the BMPC Standing Committee shall report to the CPC Beijing Municipal Committee in a timely manner.

Article 17 Resolutions, determinations or opinions of the BMPC Standing Committee with respect to important matters deliberated or determined shall be disclosed in a timely manner through the gazette and official website of the BMPC Standing Committee and such media as Beijing Daily.

Article 18 Relevant state organs shall comply with and carry out the resolutions, determinations or opinions made by the BMPC Standing Committee with respect to important matters and report situations of their execution or handling to the latter in the prescribed timeframe or in the case that they cannot do so make such report stage by stage with the consent of the BMPC Standing Committee chairman's meeting.

Article 19 The BMPC Standing Committee shall exercise supervision over implementation of the resolutions or determinations it makes with respect to important matters by conducting law enforcement inspections, hearing reports, making special inquiries, sending delegates to inspect and undertaking thematic research, etc. In circumstances where its resolutions or determinations are not earnestly executed or not executed at all, it shall tighten supervision by way of questioning, inquiry and special investigation, etc.

Special committees of the BMPC or relevant work agencies of the BMPC Standing Committee shall be responsible for organizing and implementing the supervision work.

Article 20 Key information on the important matters deliberated and determined by the BMPC Standing Committee shall be reported to the meeting of the BMPC through the annual work report of the BMPC Standing Committee.

Important matters that laws or regulations provide for the BMPC to deliberate and determine or important matters that the BMPC Standing Committee deems necessary for the BMPC to deliberate and determine shall be submitted to the BMPC for deliberation and determination according to statutory procedures.

Article 21 In the case that relevant state organs, in violation of Article 4 and Article 8 of these provisions, exceed their terms of reference to determine on important matters that should have been deliberated and determined by the BMPC Standing Committee according to law, they shall be ordered to correct their misconduct within a stipulated time limit or

项未报告的，责令其限期报告。

违反本规定第十八条，未按规定报告执行、办理情况的，应当责令其限期改正；对市人大常委会作出的决议、决定不执行或者执行不力造成严重后果的，应当责令其限期改正，并依法追究有关国家机关主要负责人的责任。

第二十二条 本市各区人民代表大会常务委员会可以根据本地区实际情况，参照本规定制定本区讨论、决定重大事项的规定。

第二十三条 本规定所称“讨论、决定”，包括市人大常委会就提请的重大事项听取委员、代表的意见，审查、审议重大事项的议案或者报告，提出审议意见，以及作出决议、决定等情况。

第二十四条 本规定自2017年12月1日起施行。1996年10月17日市第十届人大常委会第三十一次会议通过的《关于市人民政府向市人大常委会常务委员会报告重大事项的若干规定》同时废止。

have their determination revoked according to law; moreover, persons in charge of the state organs concerned shall be held to account according to law. On the other hand, in the case that important matters fail to be reported as required, they shall be reported within a prescribed timeframe.

In the case that state organs, in violation of Article 18 of these provisions, fails to report their execution or handling of the determinations of the BMPC Standing Committee as required, they shall be ordered to correct their misconduct within a prescribed timeframe. In the case that they fail to execute determinations of the BMPC Standing Committee earnestly or not at all and cause severe consequences, they shall be ordered to correct their misconduct within a stipulated timeframe and their principals shall be held to account according to law.

Article 22 Standing Committees of the district people's congresses can formulate provisions governing their deliberation and determination of important matters with reference to these provisions and in view of the actual conditions of their respective territories.

Article 23 The phrase "deliberate and determine" or its noun form "deliberation and determination" used in these provisions includes the following circumstances: hearing opinions of delegates or members of the Standing Committee with respect to important matters; reviewing or deliberating proposals or reports concerning important matters; issuing opinions upon deliberation; making resolutions or decisions, etc.

Article 24 These provisions shall take effect as of December 1, 2017. Meanwhile, Several Provisions on the Municipal People's Government Reporting Important Matters to the Standing Committee of the Municipal People's Congress, which was adopted by the 31st Session of the Standing Committee of the 10th BMPC on October 17, 1996, shall be rescinded.

（三）基层组织

北京市实施《中华人民共和国 城市居民委员会组织法》办法

（1991年12月21日北京市第九届人民代表大会常务委员会第三十一次会议通过 根据2019年11月27日北京市第十五届人民代表大会常务委员会第十六次会议修改）

第一条 为了实施《中华人民共和国城市居民委员会组织法》，结合本市实际情况，制定本办法。

第二条 本办法适用于本市行政区域内的居民委员会。

第三条 居民委员会是居民自我管理、自我教育、自我服务的基层群众性自治组织。

第四条 本市各级人民政府和街道办事处对居民委员会的工作给予指导、支持和帮助。居民委员会协助本市各级人民政府和街道办事处开展工作。

第五条 居民委员会的任务：

（一）宣传宪法、法律、法规、规章和国家的政策，维护居民的合法权益，教育居民履行依法应尽的义务，爱护公共财产，开展多种形式的社会主义精神文明建设活动；

（二）办理本居住地区居民的公共事务和公益事业；

（三）调解民间纠纷；

（四）协助维护社会治安；

（五）协助人民政府和街道办事处做好与居民利益有关的公共卫生、计划生育、社会福利、优抚救济、青少年教育保护等工作；

（六）向人民政府和街道办事处反映居民的意见、要求和提出建议。

iii. Grassroots Organizations

Measures of Beijing Municipality for Implementing the Organic Law of the Urban Residents' Committees of the People's Republic of China

(Adopted at the 31st Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on December 21, 1991, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

Article 1 The Measures are formulated for the purpose of implementing the Organic Law of the Urban Residents' Committees of the People's Republic of China in light of actual circumstances of this Municipality.

Article 2 The Measures shall apply to the residents' committees within the administrative area of this Municipality.

Article 3 A residents' committee shall be a mass organization for self-government at the grass-roots level, in which residents manage their own affairs, educate themselves, and serve their own needs.

Article 4 The people's governments at all levels and sub-district offices of this Municipality shall provide guidance, support and help to the residents' committees in their work. The residents' committees shall assist the people's governments at all levels and sub-district offices of this Municipality in their work.

Article 5 The tasks of the residents' committees shall include:

(1) to publicize the Constitution, laws, regulations, rules and state policies, safeguard the legitimate rights and interests of residents, educate residents to fulfill their statutory obligations, protect public property, and carry out activities for the development of socialist culture and ideology in various forms;

(2) to handle public affairs and public welfare services for residents in the local residential areas;

(3) to mediate disputes among residents;

(4) to assist in the maintenance of public security;

(5) to assist the people's governments and sub-district offices in public health, family planning, social welfare, special care and relief, youth education and protection, and other work related to the interests of residents; and

(6) to reflect the residents' opinions and demands and make suggestions to the people's governments and sub-district offices.

第六条 居民委员会应当开展便民利民的社区服务活动，可以兴办有关的生产生活服务事业。生产生活服务事业的具体管理办法，由市人民政府制定。

第七条 居民委员会管理本居民委员会的财产。任何部门、单位和个人不得侵犯居民委员会的财产所有权。

第八条 多民族居住地区的居民委员会，应当教育居民互相帮助，互相尊重，加强民族团结。

第九条 居民委员会根据居民居住状况，按照便于居民自治的原则，一般在一百户至七百户的范围内设立。特殊情况下，可以在不足一百户或者超过七百户的范围内设立。

居民委员会的设立、撤销、规模调整，由所在地的街道办事处或者乡、民族乡、镇人民政府提出，报区人民政府决定。

第十条 居民委员会由主任、副主任和委员共五至九人组成。

因特殊情况需要增加或者减少居民委员会成员人数的，由所在地的街道办事处或者乡、民族乡、镇人民政府提出，报区人民政府批准。

多民族居住地区的居民委员会中应当有人数较少的民族的成员。

第十一条 居民委员会主任、副主任和委员，由本居住地区全体有选举权的居民或者由每户派代表选举产生；根据居民意见，也可以由每个居民小组选举代表二至三人选举产生。居民委员会每届任期五年，其成员可以连选连任。

居民委员会的选举工作，在区、乡、镇人民政府和街道办事处的指导下进行。居民委员会成立选举领导小组，主持本居民委员会的选举工作。

第十二条 年满十八周岁的本居住地区居民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是依照法律被剥夺政治权利的人除外。

第十三条 居民委员会成员候选人，由有选举权的居民十人以上联合提名，或者由户代表五人以上联合提名；也可以由每个居民小组选举的代表联合提名。

Article 6 The residents' committees shall carry out community service activities for the convenience and benefit of the people, and may set up relevant production and life service undertakings. The specific measures for the administration of production and life service undertakings shall be formulated by the Municipal People's Government.

Article 7 A residents' committee shall manage its own property, and no department, unit or individual may infringe upon its right of ownership of property.

Article 8 In an area where people from more than one nationality live, the residents' committee shall educate the residents in mutual assistance and mutual respect to enhance unity among different nationalities.

Article 9 A residents' committee shall generally be established for an area inhabited by 100 to 700 households on the basis of the distribution of residents and on the principle of facilitating their self-government. Under special circumstances, a residents' committee may be established for an area inhabited by less than 100 or more than 700 households.

The establishment, cancellation or size adjustment of a residents' committee shall be proposed by the sub-district office or the people's government at the township, nationality township or town level of the place where it is located, and reported to the district people's government for decision.

Article 10 A residents' committee shall be composed of 5 to 9 members, including a chairman, vice chairmen and members.

If it is necessary to increase or decrease the number of members of a residents' committee under special circumstances, the matter shall be proposed by the sub-district office or the people's government at the township, nationality township or town level of the place where it is located, and reported to the district people's government for approval.

In an area where people from more than one nationality live, the residents' committee shall include a member or members from the nationality or nationalities with a smaller population.

Article 11 The chairman, vice-chairmen and members of a residents' committee shall be elected by all the residents of a residential area who have the right to vote or by the representatives from all the households; and, on the basis of the opinions of the residents, they may also be elected by the elected representatives of residents groups numbering 2 to 3 from each. The term of office of the residents committee shall be 5 years, and its members may be reelected.

Elections for the residents' committees shall be conducted under the guidance of the district, county, township or town people's governments and sub-district offices. A residents' committee shall establish an election leading group to host its election work.

Article 12 Any resident of a residential area who has reached the age of 18 shall have the right to vote and the right to be elected, regardless of his nationality, race, sex, occupation, family background, religious belief, educational background, property status and length of residence, with the exception of persons who have been deprived of political rights in accordance with the law.

Article 13 Candidates for members of a residents' committee shall be jointly nominated by at least 10 residents with the right to vote, or by at least 5 household representatives; they may also be jointly nominated by representatives elected by each residents group.

候选人一般应多于应选名额一至二人，实行差额选举；如果提名的候选人与应选名额相等，也可以等额选举。

第十四条 居民委员会成员可以向居民委员会提出辞职。居民委员会可以接受个别成员的辞职。居民委员会对其出缺的个别成员，可以从本地区居民中聘请代理人员，并提请居民会议补选。

第十五条 居民会议由十八周岁以上的居民组成。

居民会议可以由全体十八周岁以上的居民或者每户派代表参加，也可以由每个居民小组选举代表二至三人参加。

居民会议必须有全体十八周岁以上的居民、户的代表或者居民小组选举的代表的过半数出席，才能举行。会议的决定，由出席人的过半数通过。

第十六条 居民委员会向居民会议负责并报告工作。

居民会议由居民委员会召集和主持。居民会议每年至少举行二次。有五分之一以上的十八周岁以上的居民、五分之一以上的户或者三分之一以上的居民小组提议，应当召集居民会议。

第十七条 居民会议的任务：

- （一）制定居民公约；
- （二）审议居民委员会的工作计划和工作报告；
- （三）决定兴办本居住地区的公益事业；
- （四）撤换或者补选居民委员会成员；
- （五）决定涉及本地区全体居民利益的其他重要问题。

第十八条 居民公约须报街道办事处或者乡、民族乡、镇人民政府备案，由居民委员会组织、监督实施。居民应当执行居民会议的决定，遵守居民公约。

居民公约的内容不得与宪法、法律、法规、规章和国家的政策相抵触。

第十九条 居民委员会决定问题，采取少数服从多数的原则。

居民委员会进行工作，应当采取民主和说服教育的方法，不得强迫命令。

Generally, there shall be one or two more candidates than the number of persons to be elected, and the competitive election shall be conducted; if the number of candidates nominated is equal to the number of persons to be elected, a non-competitive election may be conducted.

Article 14 Members of a residents' committee may submit the resignation to the residents' committee. The residents' committee may accept the resignation of individual members. If the seat of an individual member becomes vacant, the residents' committee may choose a person from among the residents in its area to act on his behalf, and shall propose to the residents' assembly for by-election.

Article 15 The residents' assembly shall be composed of residents at or above the age of 18.

The residents' assembly may be attended by all the residents at or above the age of 18 or by the representatives from all the households; it may also be attended by the elected representatives of residents groups numbering 2 to 3 from each.

The residents' assembly may be held only when it is attended by more than half of the total number of the residents at or above the age of 18, or of the representatives of the households, or of the representatives elected by the residents groups. Decisions of the residents' assembly shall be adopted by a simple majority of all the people present.

Article 16 A residents' committee shall be responsible to and report on its work to the residents' assembly.

The residents' assembly shall be convened and presided over by the residents' committee. The residents' assembly shall be held at least twice a year. The residents' assembly shall be convened when proposed by more than one-fifth of the residents at or above the age of 18, or by more than one-fifth of the households, or by more than one-third of the residents groups.

Article 17 The tasks of the residents' assembly shall include:

- (1) to formulate joint pledges of the residents;
- (2) to deliberate on the work plan and work report of the residents' committee;
- (3) to decide to establish public welfare undertakings in its residential area;
- (4) to replace or elect members of the residents' committee by by-election; and
- (5) to decide on other important issues concerning the interests of all the residents in its residential area.

Article 18 The joint pledges of the residents shall be submitted to sub-district offices or the people's government at the township, nationality township or town level for the record, and shall be implemented under the organization and supervision by the residents' committee. Residents shall implement the decisions of the residents' assembly and abide by the joint pledges of the residents.

The contents of the joint pledges of the residents shall not conflict with the Constitution, laws, regulations, rules and state policies.

Article 19 In making decisions, a residents' committee shall apply the principle whereby the minority is subordinate to the majority.

In its work, a residents' committee shall adopt a democratic approach and shall not resort to coercion or command.

第二十条 居民委员会成员应当遵守宪法、法律、法规、规章和国家的政策，办事公道，发扬奉献精神，热心为居民服务。

第二十一条 居民委员会根据需要设人民调解、治安保卫、公共卫生、计划生育、社会福利、青少年教育保护等委员会。居民委员会成员可以兼任下属的委员会的主任或者副主任。

居民不足二百户的居民委员会可以不设下属的委员会，由居民委员会的成员分工负责有关工作。

第二十二条 居民委员会可以根据居民居住状况，一般每十五户至五十户设立一个居民小组。居民小组的组长由本组居民推选。

第二十三条 依照法律被剥夺政治权利的人编入居民小组，居民委员会应当对他们进行监督和教育。

第二十四条 居民委员会办理本居住地区的公益事业所需的费用，经居民会议讨论决定，可以根据自愿原则向居民筹集，也可以向本居住地区的受益单位筹集，但是必须经受益单位同意；收支账目应当及时公布，接受居民监督。

第二十五条 居民委员会的工作经费和居民委员会成员的生活补贴费应当得到保证。

居民委员会的工作经费和居民委员会成员的生活补贴费的范围、标准由市人民政府规定。所需费用由市和区人民政府负责解决，街道办事处或者乡、民族乡、镇人民政府可以给予适当补贴；经居民会议同意，也可以从居民委员会的经济收入中给予适当补助。

第二十六条 居民委员会的办公用房，由当地人民政府统筹解决。新建、改建居住区的居民委员会办公用房，应当纳入城市建设规划，并按照居住区公共设施配套建设的有关规定建设。

居民委员会为本地区居民兴办公益事业和开展便民利民的社区服务活动需要租用公有房屋的，房屋管理部门应当提供方便并予以照顾。

Article 20 Members of a residents' committee shall observe the Constitution, laws, regulations, rules and state policies, be fair and just in handling matters, carry forward the spirit of dedication, and serve the residents warmheartedly.

Article 21 A residents' committee shall, when necessary, establish sub-committees for people's mediation, public security, public health, family planning, social welfare, youth education and protection, etc. A member of a residents' committee may concurrently serve as the chairman or deputy chairman of a sub-committee.

A residents' committee with less than 200 households in its area may dispense with the sub-committees; instead, members of the residents' committee shall have a division of responsibilities for various types of work.

Article 22 A residents' committee may, on the basis of the distribution of residents, set up a residents group for every 15 to 50 households generally. The head of the residents group shall be elected by its residents.

Article 23 Persons who have been deprived of political rights in accordance with the law shall be included in residents groups. The residents' committee shall exercise supervision over them and give them education.

Article 24 The funds needed by a residents' committee for managing public welfare services in the residential area, upon decision of the residents assembly through discussion, may be raised from the residents on a voluntary basis, and may also be raised from beneficiary units in the residential area, subject to approval by such units; the accounts of revenues and expenditures shall be made public without delay for supervision by the residents.

Article 25 The funds needed for the work of a residents' committee and the financial subsidies for members of the residents' committee shall be guaranteed.

The scope and standard of the funds needed for the work of a residents' committee and of the financial subsidies for members of the residents' committee shall be prescribed by the Municipal People's Government. The funds needed shall be appropriated by the municipal, district and county people's governments, and sub-district offices or the people's governments at the township, nationality township or town level may give appropriate subsidies; with the consent of the residents' assembly, appropriate subsidies may be given from the economic income of the residents' committee.

Article 26 The office premises for a residents' committee shall be made available by the local people's government through overall planning. The office premises for a residents' committee in new or rebuilt residential areas shall be incorporated into the urban construction planning and constructed in accordance with relevant provisions on the construction of supporting public facilities in residential areas.

Where a residents' committee needs to rent public houses to provide public welfare services for its residents and carry out community service activities for the convenience and benefit of the people, the housing management department shall provide convenience and preferential treatment.

第二十七条 机关、团体、部队、企业事业组织，不参加所在地的居民委员会，但是应当支持所在地的居民委员会的工作。所在地的居民委员会讨论同上述单位有关的问题，需要他们参加会议时，他们应当派代表参加，并且遵守居民委员会的有关决定和居民公约。

前款所列单位的职工及家属、军人及随军家属，参加居住地区的居民委员会；家属聚居区应当单独成立家属委员会，承担居民委员会的工作，在区人民政府或者街道办事处、乡、民族乡、镇人民政府及本单位的指导下进行工作。家属委员会的工作经费、办公用房和家属委员会成员的生活补贴费，由所在单位解决。在家属委员会工作的在职人员，享受与所在单位其他职工同等的待遇。

第二十八条 本市各级人民政府有关部门，需要居民委员会或者它的下属委员会协助进行的工作，应当经区人民政府或者街道办事处、乡、民族乡、镇人民政府同意并统一安排。

未经区人民政府或者街道办事处、乡、民族乡、镇人民政府同意而要求居民委员会协助工作的，居民委员会可以拒绝。

第二十九条 本市各级人民政府应当对积极开展工作成绩显著的居民委员会及其成员，对支持、帮助居民委员会开展工作并有突出贡献的单位和个人给予表彰。

第三十条 本办法自公布之日起施行。

Article 27 State organs, organizations, armed forces, enterprises and institutions shall not join the residents' committees in their localities, but they shall support the work of these residents' committees. When the residents' committees in their localities discuss problems related to them and their presence becomes necessary, these units shall send representatives to the meetings. In the meantime, these units shall abide by the relevant decisions of the residents' committees and the joint pledges of the residents.

The staff and workers of the units specified in the preceding paragraph and their family members, and servicemen and dependents living with them shall join the residents' committees in their residential areas; in areas where such families live in compact communities, family committees shall be established separately to assume the responsibilities of the residents' committees and conduct their work under the guidance of the district people's governments or sub-district offices, the people's governments at the township, nationality township or town level and the units to which they belong. The funds needed for the work of the family committees, their office premises and the financial subsidies for their members shall be provided by the units to which they belong. The on-the-job staff working in the family committees shall enjoy the same treatment as other staff and workers of the units to which they belong.

Article 28 If relevant departments of the people's governments at all levels of this Municipality need the cooperation of a residents' committee or one of its sub-committees, they shall seek the approval of the district people's governments or of sub-district offices and the people's governments at the township, nationality township or town level, which shall make unified arrangements.

Without the approval of the district people's governments or of sub-district offices and the people's governments at the township, nationality township or town level, a residents' committee may refuse any request for cooperation.

Article 29 The people's governments at all levels of this Municipality shall commend the residents' committees and their members that actively carry out their work and have made remarkable achievements, as well as units and individuals that support and assist the residents' committees in carrying out their work and have made outstanding contributions.

Article 30 The Measures shall come into force as of the date of promulgation.

北京市村民委员会选举办法

(2000年9月22日北京市第十一届人民代表大会常务委员会第二十一次会议通过 2012年9月28日北京市第十三届人民代表大会常务委员会第三十五次会议修订 根据2019年11月27日北京市第十五届人民代表大会常务委员会第十六次会议修改)

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第一章 总 则

第一条 为规范村民委员会选举，保障村民依法行使民主权利，根据《中华人民共和国村民委员会组织法》，结合本市实际，制定本办法。

第二条 村民委员会主任、副主任和委员，由本村有选举权的村民直接选举产生。任何组织或者个人不得指定、委派或者撤换村民委员会成员。

第三条 村民委员会由主任、副主任和委员共三至七人组成，至少有一名妇女成员。村民委员会成员的具体人数和妇女成员所担任的职位由村民会议或者村民代表会议决定。

Measures of Beijing Municipality for the Election of Villagers' Committees

(Adopted at the 21st Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on September 22, 2000, revised at the 35th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on September 28, 2012, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of regulating the election of villagers' committees and ensuring the villagers lawfully exercise their rights to democracy in accordance with the Organic Law of the Villagers' Committees of the People's Republic of China and in light of the actual circumstances of this Municipality.

Article 2 Directors, vice-directors and members of villagers' committees shall be elected directly by their own villages' villagers with the voting rights. No organization or individual may appoint, assign or replace any member of a villagers committee.

Article 3 A villagers' committee shall comprise three to seven members with at least one female, including a director, a vice-director and other members. The specific number of members and the position of the female members shall be decided by the villagers' assembly or meeting of villagers' representatives.

第四条 村民委员会每届任期五年，届满应当举行换届选举。村民委员会成员可以连选连任。

第五条 村民委员会的换届选举工作由市人民政府统一部署。区和乡、民族乡、镇人民政府负责组织和指导选举工作的具体实施。

第六条 中国共产党在农村的基层组织，按照《中国共产党章程》，在村民委员会选举工作中发挥领导核心作用，依照宪法和有关法律、法规，支持和保障村民直接行使民主权利。

第七条 村民委员会的选举经费由村自行解决，确有困难的，乡、民族乡、镇人民政府应当给予适当补助。

各级人民政府组织指导村民委员会选举工作所需经费由同级财政安排。

第二章 选举工作机构

第八条 村民委员会选举期间，市和区人民政府成立负责村民委员会选举工作的机构，组织领导下级人民政府指导村民委员会选举工作。

乡、民族乡、镇人民政府成立村民委员会选举工作指导机构，负责制定本辖区村民委员会选举工作实施方案，部署选举工作，动员村民依法参加选举，协助确认登记参加选举的村民资格等工作。

第九条 村民委员会的选举工作由村民选举委员会主持。村民选举委员会由主任和委员共五至九人组成，由村民会议或者村民代表会议、各村民小组会议推选产生。

村民选举委员会成员名单应当及时向村民公告，并报乡、民族乡、镇人民政府备案。

第十条 村民选举委员会履行下列职责：

- （一）宣传选举的目的、意义和有关法律、法规；
- （二）制定选举工作实施方案；
- （三）确定和培训选举工作人员；
- （四）审查、登记并公布参加选举的村民名单；

Article 4 The term of office of the villagers' committee shall be 5 years, and an election shall be held at the end of each term. A committee member may serve consecutive terms when re-elected.

Article 5 Re-election of villagers' committees shall be arranged by the Municipal People's Government in a unified manner. The people's governments of districts or counties and townships, ethnic townships or towns shall be responsible for organizing and guiding the specific implementation of the election.

Article 6 Rural primary-level organizations of the Chinese Communist Party shall, in accordance with the Constitution of the Chinese Communist Party, play a leading role in the election of villagers' committees, and in accordance with the Constitution as well as relevant laws and regulations, support and ensure villagers to directly exercise their rights to democracy.

Article 7 Funds for election of villagers' committees shall be raised by the villages themselves; for villages with actual difficulties, the people's governments of townships, ethnic townships or towns shall provide appropriate subsidies.

Funds needed for organizing and guiding the election of villagers' committees by the people's governments at various levels shall be arranged in the budget of the corresponding level.

Chapter II Election Working Bodies

Article 8 During election of villagers' committees, the people's governments at the municipal and the district level shall establish working bodies responsible for election of villagers' committees to organize and lead the people's governments at the lower levels to guide the election of villagers' committees.

The people's governments of townships, ethnic townships and towns shall establish guiding bodies for election of villagers' committees, responsible for formulating the implementation plans for election of villagers' committees within their jurisdiction, making arrangements for election, mobilizing villagers to participate in election in accordance with law, and assisting with the confirmation of the qualifications of villagers registered for participation in election.

Article 9 The election of villagers' committees shall be presided over by villagers' electoral committees. A villagers' electoral committee, comprised of five to nine persons including a director and members, shall be elected by a villagers' assembly, meeting of villagers' representatives or meetings of various groups of villagers.

The name lists of villagers' electoral committee members shall be timely announced to the villagers, and submitted to the people's governments of townships, ethnic townships or towns for the record.

Article 10 A villagers' electoral committee shall perform the following functions and duties:

- (1) to publicize the purposes and meaning of election as well as relevant laws and regulations;
- (2) to formulate the implementation plan for election;
- (3) to decide and train the working staff for election;
- (4) to examine, register and publish the name list of villagers participating in election;

（五）组织提名村民委员会成员候选人，审查候选人资格，确定并公布候选人名单，组织宣传介绍候选人；

（六）确定并公告选举日期、投票方式、投票地点和投票时间；

（七）主持选举大会，组织选举投票、公开计票，认定疑难选票，确认选举效力，公布选举结果，并报乡、民族乡、镇人民政府备案；

（八）受理有关选举工作的申诉；

（九）主持村民委员会的工作移交；

（十）总结选举工作，整理、建立选举工作档案；

（十一）办理其他选举工作事项。

村民选举委员会遵循少数服从多数的议事原则。

村民选举委员会履行职责，从组成之日起至完成村民委员会工作交接之日止。

第十一条 村民选举委员会成员不依法履行职责的，经村民会议、村民代表会议或者推选其为村民选举委员会成员的村民小组会议讨论决定，予以免职。乡、民族乡、镇村民委员会选举工作指导机构对不依法履行职责的村民选举委员会成员，可以提出免职建议。

村民选举委员会成员被提名为村民委员会成员候选人，应当退出村民选举委员会。

村民选举委员会因故出现缺额，按照原推选结果依次递补；没有候补人选的，也可另行推选。

第三章 参加选举村民的登记

第十二条 年满十八周岁的村民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权；但是，依照法律被剥夺政治权利的人除外。

村民的年龄计算到选举日为止。

第十三条 村民委员会选举前，应当对下列人员进行登记，列入参加选举村民名单：

(5) to organize the nomination of candidates for villagers' committee, examine the qualifications of candidates, decide and publish the name list of candidates, and organize the publicity and introduction of candidates;

(6) to decide and announce the election date as well as the manner, place and time of voting;

(7) to preside over the election meeting, organize the voting and public counting of votes, identify suspect votes, confirm the validity of election, publish the election result and report to the people's government of the township, ethnic township or town for the record;

(8) to accept the complaints related to election;

(9) to preside over the handover of duties by the villagers' committee;

(10) to summarize the election, sort out and establish the files for election; and

(11) to handle other matters related to election.

A villagers' electoral committee shall adopt the principle that the minority should be subordinate to the majority in the discussion of official business.

A villagers' electoral committee shall perform its functions and duties from the date of its establishment to the date when the handover of duties of the villagers committee is completed.

Article 11 Any member of a villagers' electoral committee who fails to perform his functions and duties in accordance with law shall be removed upon decision through discussion by the villagers' assembly, meeting of villagers' representatives or meeting of the group of villagers electing him. The guiding body for election of villagers' committees of a township, ethnic township or town may put forward suggestions on removing any member of a villagers' electoral committee who fails to perform his functions and duties in accordance with law.

Where a member of a villagers' electoral committee is nominated as a candidate for a villagers' committee member, he shall step down from the villagers' electoral committee.

Where there is any vacancy in a villagers' electoral committee for some reasons, the vacancy shall be filled based on the results of the original election; where there is no alternate member, a new election may be held.

Chapter III Registration of Villagers Participating in Election

Article 12 Any villager aged 18 or above shall have the right to vote and stand for election, regardless of his ethnic status, race, gender, profession, family background, religious belief, education, assets and years of residence in the village, with the exception of those deprived of political rights in accordance with law.

The age of villagers shall be calculated until the election date.

Article 13 Prior to the election of a villagers' committee, the following persons shall be registered and included in the name list of villagers registered for participation in election:

（一）户籍在本村并且在本村居住的村民；

（二）户籍在本村，不在本村居住，本人表示参加选举的村民；

（三）原为本村农业户籍，现已转为非农业户籍，但仍在本村居住或者工作，并且未参加居民委员会选举，经村民会议或者村民代表会议同意参加选举的人员；

（四）户籍不在本村，在本村居住或者工作一年以上，本人申请参加选举，并且经村民会议或者村民代表会议同意参加选举的公民。

已在户籍所在地或者居住地登记参加选举的人员，不得再参加其他地方村民委员会选举。

第十四条 村民有下列情形之一的，经村民选举委员会确认，不列入参加选举的村民名单：

（一）丧失行为能力的；

（二）依照法律被剥夺政治权利的；

（三）登记期间，经公告、电话、信函等多种方式确实无法取得联系的。

选举日前，以上情形消失的，经村民选举委员会确认，应当列入参加选举的村民名单。

第十五条 登记参加选举的村民名单应当在选举日的二十日前由村民选举委员会张榜公布。村民对登记参加选举的村民名单有异议的，应当自名单公布之日起五日内向村民选举委员会提出申诉；村民选举委员会应当自收到申诉之日起三日内作出书面处理决定，并公布处理结果。

对登记参加选举的村民，由村民选举委员会发给参选证。

第四章 候选人的产生

第十六条 村民委员会成员候选人，由登记参加选举的村民直接提名产生。村民选举委员会应当组织召开候选人提名会议，投票产生候选人。提名会议应当有登记参加选举的村民过半数参加。

- (1) villagers who live and have their registered permanent residence in the village;
- (2) villagers whose registered permanent residence is in the village but who do not reside in the village and have expressed a desire to participate in the election;
- (3) those who once had rural registered permanent residence in the village and have already been transferred to non-rural registered permanent residence, but still live or work in the village and have not participated in the election of any residents' committee, and whose participation in the election has been permitted by the villagers' assembly or meeting of villagers' representatives; and
- (4) citizens whose registered permanent residence is not in the village, but who have lived or worked in the village for more than one year and applied for participation in the election themselves, and whose participation in the election has been permitted by the villagers' assembly or meeting of villagers' representatives.

The persons who have been registered for an election at the places of their registered permanent residence or their residences shall not participate in the election of villagers' committees in other places.

Article 14 Villagers in one of the following circumstances are not listed in the name list of villagers' participating in election with the confirmation of the villagers' electoral committee:

- (1) villagers who have lost the capacity of conduct;
- (2) villagers who have been deprived of political rights in accordance with law; or
- (3) villagers who really can not be contacted by multiple means including announcement, telephone and letter during the registration period.

Where the above circumstances no longer exist before the election date, relevant villagers shall be listed in the name list of villagers participating in election with the confirmation of the villagers' electoral committee.

Article 15 The name list of villagers registered for participation in election shall be announced in a bulletin by the villagers' electoral committee 20 days before the election date. Any objection to the name list of villagers registered for participation in election shall be raised with the villagers' electoral committee within five days from the date the name list is announced; the villagers' electoral committee shall make a decision and announce the handling results within three days of receiving the objection.

The villagers registered for participation in election shall be issued the voters' certificates by the villagers' electoral committee.

Chapter IV nomination of candidates

Article 16 The candidates for villagers' committee members shall be directly nominated by the villagers registered for participation in election. The villagers' electoral committees shall organize the meeting for nomination of candidates and the candidates shall be determined through voting. The nomination meeting shall be participated by more than half of the villagers registered for participation in election.

村民委员会主任、副主任、委员候选人应当分别多于应选名额一至二人，按照获得提名得票多少的顺序确定。

每个登记参加选举的村民提名的候选人人数，不得超过应选名额。

第十七条 村民提名村民委员会成员候选人，应当从全体村民利益出发，推荐奉公守法、品行良好、公道正派、热心公益、具有一定文化水平和工作能力的村民为候选人。

第十八条 具有《中华人民共和国村民委员会组织法》第十八条规定情形的，不提名为村民委员会成员候选人。

前款规定以外的严重违法法律、法规，或者被依法限制人身自由客观上不能履行村民委员会成员职责的村民，经村民会议或者村民代表会议决定，不提名为村民委员会成员候选人。

第十九条 村民选举委员会应当在选举日前组织村民委员会成员候选人与村民见面，向登记参加选举的村民介绍候选人情况，由候选人介绍履行职责的设想，回答村民提出的问题。

第二十条 村民委员会成员候选人名单应当在选举日的五日前，按照获得提名票数多少的顺序张榜公布。

第五章 投票选举

第二十一条 村民选举委员会应当在选举日前做好以下准备工作：

- （一）制定投票办法，公布投票选举的具体时间和地点；
- （二）准备选票和票箱，布置选举大会会场和投票站，设立发票处和秘密写票处；
- （三）确定和培训监票人、唱票人、计票人、代书人及其他选举工作人员；
- （四）其他选举事务工作。

村民委员会成员候选人及其配偶、直系亲属不得担任监票人、唱票人、计票人、代书人和其他选举工作人员。

The number of candidates for the director, vice-director and members of a villagers' committee shall be respectively one to two greater than the number to be elected, and the candidates shall be determined on the basis of the votes they win.

The number of candidates nominated by each villager registered for participation in election shall not exceed the number to be elected.

Article 17 Villagers shall nominate, based on the interests of the village, dedicated, law-biding, decent and impartial villagers who have a passion for public service and possess a certain standard of literacy and work ability as candidates for villagers' committee members.

Article 18 The villagers in any of the circumstances stipulated in Article 18 of the Organic Law of the Villagers' Committees of the People's Republic of China shall not be nominated as the candidates for villagers' committee members.

The villagers besides those stipulated in the preceding paragraph who have seriously violated laws and regulations or whose personal freedom has been restricted in accordance with law resulting in being objectively unable to perform the functions and duties as villagers' committee members shall not be nominated as the candidates for villagers' committee members upon decision of the villagers' assembly or meeting of villagers' representatives.

Article 19 The villagers electoral committees shall organize the meetings between candidates for villagers' committee members and villagers before the election date to introduce the candidates to the villagers registered for participation in election, where the candidates present their plans for fulfilling their prospective duties and answer the villagers' questions.

Article 20 The name list of candidates for villagers' committee members shall be published five days before the election date in a bulletin in the order of the nomination votes they have won.

Chapter V Election by Voting

Article 21 The villagers' electoral committees shall have completed the following preparations before the election date:

- (1) to formulate the voting manners, announce the specific time and place for election by voting;
- (2) to get ballots and ballot box ready, arrange the venues of election meetings and polling stations, and set up places for distributing ballots and booths for writing ballots in secrecy;
- (3) to decide and train the scrutineers, tellers, ballot-counters, scriveners and other working staff for election; and
- (4) other election related affairs.

The candidates for villagers' committee members and their spouses or other directly related family members shall not act as the scrutineers, tellers, ballot-counters, scriveners and other working staff for election.

第二十二条 选举村民委员会，可以采取一次投票选举主任、副主任和委员的方式；也可以采取分次投票选举主任、副主任和委员的方式。具体选举方式，由村民选举委员会根据多数登记参加选举村民的意见在选举方案中确定。

第二十三条 投票选举时，应当由村民选举委员会主持召开选举大会。村民选举委员会应当根据村民居住状况和便于组织选举的原则，设立中心投票会场和若干投票站。对老年人、残疾人等因行动困难不便到会场或者投票站投票的，可以设立流动票箱。每个投票站或者流动票箱必须有三名以上监票人负责。

第二十四条 选举现场应当设立代书处。

投票时，村民自己不能填写选票的，可以委托代书人代写。代书人不得违背委托人的意愿。

任何人不得强制村民委托代书人填写选票。

村民及代书人填写选票，其他人不得围观和干预。

第二十五条 登记参加选举的村民，选举期间外出不能参加投票的，可以书面委托本村具有选举权的近亲属代为投票，委托投票手续应当在投票选举日前办理。

每一村民接受委托投票不得超过三人。受委托人应当按照委托人的意愿填写选票和投票。村民委员会成员候选人不得接受他人委托代为投票。

村民选举委员会应当公布委托人和受委托人的名单，并在发票时查验委托书。

第二十六条 村民委员会选举采取无记名投票方式。登记参加选举的村民对候选人可以投赞成票、反对票或者另选他人，也可以弃权。

第二十七条 投票选举前，村民选举委员会应当核实参加选举的人数；投票结束后，所有投票箱应当立即集中到选举大会会场，当众开箱，公开唱票、计票，当场公布选举结果。

第二十八条 选举村民委员会，有登记参加选举的村民过半数投票，选举有效。

每次选举所投的票数，等于或者少于投票人数的有效，多于投票人数的无效；每一选票所选的人数，等于或者少于应选名额的有效，多于应选名额的无效。选票无法辨认的，经村民选举委员会认定，作废票处理。废票计入选票总数。

Article 22 For election of a villagers' committee, the director, vice-director and other members may be elected by voting in one time or in separate times. The specific way of election shall be decided in the election plan by the villagers' electoral committee according to the majority of villagers registered for participation in election.

Article 23 The villagers' electoral committees shall hold and preside over the election meetings for the election by voting. The villagers' electoral committees shall set up the central polling venues and several polling stations based on the residential distribution of villagers and the principle of facilitating the organization of election. Mobile ballot boxes may be used for the elder or disabled persons for whom it is inconvenient to cast ballots at the central polling venue or polling stations due to their difficulties in moving around. There must be more than three scrutineers responsible for each polling station or mobile ballot box.

Article 24 Places for scriveners shall be set up at the scene of election.

When voting, a villager unable to fill out the ballot by himself may entrust a scrivener to write ballot on his behalf. The scrivener shall not go against the will of the entrusting villager.

No villager shall be forced to entrust a scrivener to write ballot on his behalf.

No other persons shall surround and watch or intervene when a villager or scrivener is writing his ballot.

Article 25 Where a villager registered for participation in election is not at home and unable to participate in the voting during the election period, he may entrust in writing one of his close relatives who has the right to vote and lives in the village to vote on his behalf, and the entrustment formalities shall be handled before the election date.

Each villager shall not accept entrustment from more than three persons. The entrusted villager shall write the ballot and cast the vote according to the will of the entrusting person. The candidates for villagers' committee members shall not accept other persons' entrustment to cast a vote.

The villagers' electoral committee shall announce the name list of the entrusting and entrusted villagers, and check the letter of entrustment when distributing ballots.

Article 26 The election of a villagers' committee shall be carried out in the form of secret ballot. The villagers registered for participation in election may vote for or against the candidates, or vote for others or abstain from voting.

Article 27 The villagers' electoral committee shall check the number of villagers participating in election before the election begins. After the conclusion of voting, all the ballot boxes shall be immediately gathered to the venue of election meeting and opened in public, ballots are told and counted in public, with election results announced at the election scene.

Article 28 The election of a villagers' committee shall be valid if more than half of the villagers registered for participation in election have cast their votes.

The election is valid if the number of the votes cast in each time is equal to or smaller than that of voters, and invalid if the number of the votes is greater than that of voters; the ballot is valid if the number of candidates it chose is equal to or smaller than that to be elected, and invalid if the number of candidates it chose is greater than that to be elected. The ballots unable to be identified are deemed invalidated upon recognition by the villagers'

第二十九条 候选人获得参加投票的村民过半数的选票，始得当选。获得过半数选票的候选人人数多于应选名额时，以得票多者当选。如遇票数相同，无法确定当选人时，应当就得票相同的候选人再次投票，以得票多者当选。

第三十条 当选的村民委员会成员人数少于应选名额时，应当在十五日内就不足的名额另行选举。

另行选举时，根据第一次投票时得票多少的顺序，差额确定候选人。候选人以得票多者当选，但得票数不得少于已投选票总数的三分之一。

另行选举后，当选人数超过三人并已选出村民委员会主任，但仍不足应选名额时，经村民会议或者村民代表会议决定，可以不再另行选举。

第三十一条 村民选举委员会确认选举有效后，当场公布选举结果，并报乡、民族乡、镇人民政府备案。

第三十二条 村民委员会应当自新一届村民委员会产生之日起十日内，向新一届村民委员会完成公共财物、集体财务账目、债权债务凭证、档案资料、印章等工作移交。工作移交由村民选举委员会主持，由乡、民族乡、镇人民政府监督。

第六章 罢免、辞职和补选

第三十三条 村民委员会成员受村民监督。

本村五分之一以上有选举权的村民或者三分之一以上的村民代表联名，可以提出罢免村民委员会成员的要求。罢免要求和理由应当以书面形式同时向村民委员会和村务监督委员会提出。村民委员会应当在接到罢免要求之日起三十日内，就罢免理由和联名情况进行调查核实，并依法召集登记参加选举的村民进行无记名投票表决。村务监督委员会应当对村民委员会成员的罢免工作进行监督。

村民委员会逾期不召集登记参加选举的村民投票表决罢免要求的，乡、民族乡、镇人民政府可以督促村民委员会召集；经督促仍不召集的，乡、民族乡、镇人民政府

electoral committee. The invalidated ballots shall be counted in the total number of ballots.

Article 29 A candidate shall be elected only if he receives more than half of the votes cast by the villagers participating in voting. When the number of the candidates who have won more than half of the votes exceeds the number to be elected, those who have won more votes shall be elected. If the votes are equal and it is impossible to determine who shall be elected, votes shall be cast again for those candidates who have won equal votes and those who win more votes shall be elected.

Article 30 Where the number of the elected members of a villagers' committee is less than that to be elected, another election shall be held for the vacant positions within fifteen days.

For another election, the candidates shall be decided on the basis of the order of votes won in the first voting and following the principle of differential election. The candidates who receive more votes shall be elected, provided that they receive more than one-third of the total number of the votes cast.

After another election, where the number of those elected is more than three but is still less than the number to be elected and the director of the villagers' committee has already been elected, another election may not be held again upon decision by the villagers' assembly or meeting of villagers' representatives.

Article 31 After the villagers' electoral committee confirms that the election is valid, it shall announce the election result on the spot and report to the people's government of the township, ethnic township or town for the record.

Article 32 A villagers' committee shall, within ten days from the date a new villagers' committee is elected, handover its duties to the new villagers' committee concerning public properties, collective accounting books, vouchers of creditor's rights and debts, archives, files and seals. The handover shall be presided over by the villagers' electoral committee and supervised by the people's government of the township, ethnic township or town.

Chapter VI Removal, Resignation and By-election

Article 33 Members of a villagers' committee shall be subject to the supervision by villagers.

A request to remove a member of a villagers' committee from office may be raised collectively by at least one-fifth of villagers with voting rights or one-third of villagers representatives in the village. The request and grounds for removal shall be submitted to the villagers' committee and the village affairs supervision committee in writing. The villagers' committee shall, within 30 days after receiving the request for removal, investigate and verify the grounds for removal and the collective request, and convene the villagers registered for participation in election in accordance with law to make a decision in the form of secret ballot. The village affairs supervision committee shall supervise over the removal of villagers' committee members.

Where the villagers' committee fails to convene the villagers registered for participation in election to vote on the request for removal within the prescribed time limit, the people's government of the township, ethnic township or town may urge the villagers' committee to do so; where the villagers' committee still fails to do so after being urged, the people's

可以召集登记参加选举的村民投票表决。

乡、民族乡、镇人民政府对严重违反国家法律、法规受到处罚的村民委员会成员，可以向村民委员会提出罢免建议。

第三十四条 登记参加选举的村民讨论表决罢免要求时，被提出罢免的村民委员会成员有权出席会议并提出申辩意见。

罢免村民委员会成员，须有登记参加选举的村民过半数投票，并须经参加投票的村民过半数通过。表决的程序和方法适用本办法规定的选举程序和方法。表决结果当日公布，并报乡、民族乡、镇人民政府备案。

罢免未获通过的，届期内以同一事实和理由再次提出罢免要求的，村民委员会可以不再核处理，但应当说明理由。

第三十五条 村民委员会成员要求辞职的，应当以书面形式向村民委员会提出，由村民委员会召集村民会议或者村民代表会议讨论决定，并予以公告。

第三十六条 村民委员会成员因罢免、辞职、职务终止等原因出现缺额，可以由村民会议或者村民代表会议进行补选。补选结果当日公布，并报乡、民族乡、镇人民政府备案。补选程序参照《中华人民共和国村民委员会组织法》和本办法有关规定办理。

补选的村民委员会成员，其任期到本届村民委员会任期届满为止。

第七章 监督管理

第三十七条 本市区、乡、民族乡、镇人民代表大会和市、区人民代表大会常务委员会对村民委员会选举进行监督、检查，保证《中华人民共和国村民委员会组织法》和本办法在本行政区域内的贯彻实施。

第三十八条 对下列行为，村民有权向乡、民族乡、镇的人民代表大会和人民政府或者区的人民代表大会常务委员会和人民政府及其有关主管部门举报，乡、民族乡、镇或者区人民政府应当及时调查并依法处理；违反治安管理规定的，由公安机关依法处理；构成犯罪的，依法追究刑事责任：

government of the township, ethnic township or town may convene the villagers registered for participation in election to vote.

The people's governments of townships, ethnic townships or towns may put forwards suggestions to the villagers' committees on the removal of their members who have been punished for serious violation of laws and regulations of the State.

Article 34 When the villagers registered for participation in election discuss and vote on the request for removal, the member of the villagers' committee subject to such a request shall have the right to be present in the meeting and argue his case.

Any request to remove a member of a villagers' committee must be voted on by more than half of the villagers registered for participation in election and approved by more than half of the villagers participating in voting. The election procedures and methods stipulated in these Measures shall apply to the procedures and methods for determination by voting. The result of determination by voting shall be announced on the same day and reported to the people's government of the township, ethnic township or town for the record.

Where the removal is not approved and the request for removal is put forward again with the same facts and grounds within the same term of office, the villagers' committee may not investigate and handle the request again, but shall give reasons.

Article 35 A member of a villagers' committee requesting to resign from office shall submit his request in writing to the villagers' committee, and the villagers' committee shall convene a villagers' assembly or meeting of villagers' representatives to make a decision upon discussion and announce the result.

Article 36 A vacancy in the villagers' committee members for such reasons as removal, resignation or termination of office may be filled through a by-election at the villagers' assembly or meeting of villagers' representatives. The result of by-election shall be announced on the same day and reported to the people's government of the township, ethnic township or town for the record. The procedures of by-election shall be handled with reference to relevant provisions of the Organic Law of the Villagers Committees of the People's Republic of China and these Measures.

The term of office of a member of a villagers' committee elected for filling vacancy shall expire at the end of the term of the serving villagers' committee.

Chapter VII supervision and Administration

Article 37 The people's congresses of districts or counties and townships, ethnic townships or towns in this Municipality and the standing committees of the people's congresses at the municipal and the district level shall carry out supervision and inspection of election of villagers' committees, and ensure the implementation of the Organic Law of the Villagers Committees of the People's Republic of China and these Measures within their respective areas.

Article 38 Any villager shall have the right to report any of the following behaviors to the people's congress and people's government of a township, ethnic township or town in this Municipality, or the standing committee of the people's congress, people's government and their relevant competent departments at the district level, the people's government of the township, ethnic township or town, or the district shall timely make investigation

（一）以暴力、威胁、欺骗、诬告、诽谤等不正当手段，妨害村民行使选举权和被选举权，破坏村民委员会选举的；

（二）直接或者指使他人，以财物或者其他利益贿赂登记参加选举的村民、选举工作人员或者其他有关人员的；

（三）伪造选举文件，涂改、伪造、毁坏选票或者虚报选票数的；

（四）擅自调整、变更村民委员会成员候选人或者指定、委派、撤换村民委员会成员的；

（五）对控告、检举村民委员会选举中违法行为或者提出罢免村民委员会成员要求的人进行压制、打击报复的；

（六）无正当理由拖延村民委员会换届选举的；

（七）其他干扰、妨碍选举工作正常进行的。

以暴力、威胁、欺骗、贿赂、伪造选票、虚报选举票数等不正当手段当选村民委员会成员的，乡、民族乡、镇或者区人民政府调查确认后，宣布当选无效。

第八章 附 则

第三十九条 辖区范围内有村的街道办事处，在村民委员会选举中履行本办法规定的应当由乡、民族乡、镇人民政府履行的职责。

第四十条 本办法自 2012 年 11 月 1 日起施行。

and deal with it in accordance with law; whoever violates the provisions on public security administration shall be dealt with by the public security organ in accordance with law; where a crime is constituted, criminal liability shall be investigated for in accordance with law:

(1) to undermine villagers' rights to vote and stand for election and disrupt the election of a village committee by such improper means as violence, threat, fraud, false charge or slander;

(2) to directly or instigate others to bribe the villagers registered for participation in election, working staff for election or other relevant personnel with properties or other interests;

(3) to falsify electoral documents, alter, falsify or damage ballots, or make a false report on the number of ballots;

(4) to adjust or change the candidates for a villagers' committee member without authorization, or designate, appoint or replace a villagers' committee member;

(5) to suppress or retaliate the person who make complaints or reports of the illegalities in the election of a villagers' committee or who requests for removal of a villagers' committee member;

(6) to postpone the election of a villagers' committee without appropriate reasons; and

(7) other behaviors that disturb or obstruct the normal progress of election.

Where any person is elected as a member of a villagers' committee by such improper means as violence, threats, fraud, bribes, falsification of ballots or false report on the number of ballots, the people's government of the township, ethnic township or town, or the district shall declare his election invalid after investigation and confirmation.

Chapter VIII Supplementary Provisions

Article 39 The sub-district offices within whose administrative areas there are villages shall perform the functions and duties stipulated in these Measures that shall be performed by the people's governments of townships, ethnic townships or towns.

Article 40 These Measures shall be effective as of November 1, 2012.

北京市实施《中华人民共和国村民委员会组织法》的若干规定

(2001年8月3日北京市第十一届人民代表大会常务委员会第二十八次会议通过 2012年9月28日北京市第十三届人民代表大会常务委员会第三十五次会议修订)

第一条 为实施《中华人民共和国村民委员会组织法》，根据本市实际，制定本规定。

第二条 本市按照党的领导、人民当家作主、依法治国有机统一的要求，依法推进村民自治制度建设，促进农村经济社会发展。

第三条 村民委员会是村民自我管理、自我教育、自我服务的基层群众性自治组织，实行民主选举、民主决策、民主管理、民主监督。

村民委员会办理本村的公共事务和公益事业，调解民间纠纷，协助维护社会治安，向人民政府反映村民的意见、要求和提出建议。

村民委员会向村民会议、村民代表会议负责并报告工作。

村民委员会实行少数服从多数的民主决策机制和公开透明的工作原则，建立健全各种工作制度。

第四条 中国共产党在农村的基层组织，按照《中国共产党章程》以及《中国共产党农村基层组织工作条例》进行工作，发挥领导核心作用，领导和支持村民委员会行使职权；依照宪法和法律，支持和保障村民开展自治活动、直接行使民主权利，推进农村基层民主。

第五条 乡、民族乡、镇人民政府指导、支持和帮助村民委员会建立健全各项自治制度，依法开展自治活动，但不得干预依法属于村民自治范围内的事项，不得侵占

Several Provisions of Beijing Municipality on Implementing the Organic Law of the Villagers’ Committees of the People’s Republic of China

(Adopted at the 28th Meeting of the Standing Committee of the 11th People’s Congress of Beijing Municipality on August 3, 2001, and revised at the 35th Meeting of the Standing Committee of the 13th People’s Congress of Beijing Municipality on September 28, 2012)

Article 1 These Provisions are formulated for the purpose of implementing the Organic Law of the Villagers’ Committees of the People’s Republic of China and in light of the actual circumstances of this Municipality.

Article 2 This Municipality shall, according to the requirement of organically integrating the Party’s leadership, the people being masters of their own country and ruling the country by law, carry forward the construction of systems for villagers’ self-governance in accordance with law so as to promote the economic and social development in the countryside.

Article 3 Villagers’ committees are grassroots, mass organizations of self-governance that are self-managed, self-educated and self-served by villagers, and that carry out democratic election, democratic decision making, democratic management and democratic oversight.

Villagers’ committees shall handle the public affairs and public welfare undertakings of their own villages, mediate disputes among villagers, help maintain order in communities, and convey villagers’ opinions and requests and put forward their suggestions to the people’s governments.

Villagers’ committees shall be responsible to villagers’ assemblies and meetings of villagers’ representatives and report to them.

Villagers’ committees shall implement the democratic decision-making mechanism that the majority rules, adopt the working principle of openness and transparency, and establish and improve various work systems.

Article 4 Rural primary-level organizations of the Chinese Communist Party shall operate in accordance with the Constitution of the Chinese Communist Party and the Regulations on the Work of Rural Primary-level Organizations of the Chinese Communist Party, play a leading role in guiding and supporting villagers’ committees in fulfilling their duties; and, in accordance with the Constitution and laws, support and ensure villagers to carry out self-governance and exercise their rights to democracy directly so as to promote the primary-level democracy in the countryside.

Article 5 The people’s governments of townships, ethnic townships or towns shall provide guidance, support and assistance to villagers’ committees to establish and improve various systems for self-governance and carry out self-governance activities in

或者自行处置村集体财产。

村民委员会协助乡、民族乡、镇人民政府开展工作。

第六条 村民委员会应当尊重并支持集体经济组织依法独立进行经济活动的自主权，维护以家庭承包经营为基础、统分结合的双层经营体制，保障集体经济组织和村民、承包经营户、联户或者合伙的合法财产权和其他合法权益。

第七条 村民委员会根据需要设人民调解、治安保卫、公共卫生与计划生育、文化体育、妇女儿童等委员会。村民委员会成员可以兼任下属委员会的成员。人口少的村的村民委员会可以不设下属委员会，由村民委员会成员分工负责有关工作。

村民委员会设立下属委员会的，应当在村民委员会选举结果公布后十五日内由村民会议或者村民代表会议推选产生下属委员会成员。

第八条 村民委员会可以根据村民居住状况、集体土地所有权关系等分设若干村民小组。

第九条 村民委员会应当宣传贯彻宪法、法律、法规和国家政策，维护村民合法权益；教育和推动村民履行纳税、服兵役、拥军优属、抢险救灾、计划生育等法律规定的义务，爱护公共财产，开展爱国卫生运动。

多民族村民居住的村，村民委员会应当教育和引导村民加强民族团结，互相帮助，互相尊重。

第十条 村民委员会应当依法调解民间纠纷，维护生产、生活秩序；协助政府做好流动人口的服务和管理工作。

第十一条 村民委员会应当发展文化教育，开展健康有益的文体娱乐活动，提高村民思想道德素质和科学文化水平，树立社会主义新风尚，促进村和村之间的团结、互助，开展多种形式的社会主义精神文明建设活动。

第十二条 村民委员会应当支持和组织村民依法发展各种形式的合作经济和其他经济，承担本村生产的服务和协调工作，促进农村生产建设和经济发展，引导村民合理利用自然资源，保护和改善生态环境。

accordance with law, but shall not interfere with matters that within the scope of villagers' self-governance as prescribed by law or infringe upon or make unauthorized disposal of the villages' collective properties.

Villagers' committees shall assist the people's governments of townships, ethnic townships or towns in their work.

Article 6 Villagers' committees shall respect and support the rights of collective economic organizations to independently conduct economic activities in accordance with law, uphold the dual-layer management system that combines unified and separate operations on the basis of the household contract system, and ensure legitimate property rights and other rights and interests of collective economic organizations, villagers, contracted households, cooperative households and partnerships.

Article 7 Villagers' committees shall, in accordance with their actual need, set up subcommittees for people's mediation, public security and defense, health care and family planning, culture and sports, women and children, etc.. Members of villagers' committees may also be members of subcommittees. In villages with small population, villagers' committees need not set up subcommittees, and the relevant work may be divided among committee members.

Where a villagers' committee sets up sub-committees, the members of subcommittees shall be elected by the villagers' assembly or meeting of villagers' representatives within 15 days after the election result of the villagers' committee is announced.

Article 8 Villagers' committees may set up several groups of villagers based on the distribution of villagers and the ownership relationship of collective land.

Article 9 Villagers' committees shall propagate and implement the Constitution, laws, regulations and State policies, safeguard villagers' legitimate rights and interests; educate and promote villagers to fulfill such obligations stipulated by laws as paying taxes, enlisting for military service, supporting the army and giving preferential treatment to families of army men and martyrs, providing emergency service and disaster relief and carrying out family planning, protect public properties, and develop patriotic health campaign.

Villagers' committees in villages composed of inhabitants of different nationalities shall educate and guide villagers in how to promote solidarity, mutual respect and collaboration.

Article 10 Villagers' committees shall mediate the civil disputes and maintain the production and living order; and assist the governments to bring to success the work of serving and administrating the migrant population.

Article 11 Villagers' committees shall develop the cultural education and carry out healthy and beneficial cultural, sports and entertainment activities so as to improve the villagers' ideological and moral quality as well as scientific and cultural level, establish socialist new customs, promote solidarity and collaboration among villages and conduct various activities to develop a spirit and culture of socialism.

Article 12 Villagers' committees shall support and organize the development of various cooperative and other economic undertakings among villagers in accordance with law, take responsibility for facilitating and coordinating the villages' production in order to promote rural production and economic development, and guide villagers in rationally utilizing natural resources and protecting and improving the ecological environment.

第十三条 村民委员会应当组织开展公益服务和便民利民服务，鼓励和引导村民建立服务性、公益性和互助性社会组织，并支持其依法开展活动，推动农村社区建设。

第十四条 村民委员会成员的任期和离任经济责任审计，由乡、民族乡、镇人民政府负责组织，区、县人民政府农村集体经济审计机构根据实际情况也可以组织审计，审计结果应当按照国家和本市规定及时向村民公布。

第十五条 村民会议由本村十八周岁以上的村民组成。

村民会议每年至少召开一次，由村民委员会召集，并应当提前十日通知村民。

召开村民会议，应当有本村十八周岁以上村民的过半数，或者有本村三分之二以上的户的代表参加，村民会议所作决定应当经到会人员的过半数通过。

召开村民会议，根据需要可以邀请驻本村的企业、事业单位和群众组织派代表列席。

第十六条 一百户以上或者居住分散的村，可以设立村民代表会议，讨论决定村民会议授权的事项。村民代表会议由村民委员会成员和村民代表组成，村民代表应当占村民代表会议组成人员的五分之四以上，妇女村民代表应当占村民代表会议组成人员的三分之一以上。

第十七条 村民会议根据法律、法规和相关政策，结合本村实际情况，制定和修改村民自治章程、村规民约。

村民自治章程应当包括本村村民会议、村民代表会议开展民主决策的基本规则，民主管理和民主监督的基本工作制度，公益事业服务和公共事务管理，以及村民自治的其他重大事项。

村民委员会应当在广泛征集村民意见的基础上，提出制定或者修改村民自治章程、村规民约的建议。村民自治章程、村规民约经村民会议讨论通过后，由村民委员会报乡、民族乡、镇人民政府备案。

第十八条 村民会议审议村民委员会的年度工作报告，评议村民委员会成员的工作；有权撤销或者变更村民委员会不适当的决定；有权撤销或者变更村民代表会议不

Article 13 Villagers' committees shall organize the provision of public welfare services and services for the convenience and benefit of the villagers, encourage and guide villagers to set up social organizations for service provision, public welfare and mutual assistance and support such organizations to carry out activities in accordance with law and promote the development of rural communities.

Article 14 The people's governments of townships, ethnic townships or towns shall be responsible for organizing the audit of economic accountability on members of villagers' committees during and after term of office, and the audit organ for rural collective economy of the people's governments at the district or county level may also organize such audit according to the actual circumstances. Such audit results shall be timely made public to the villagers in accordance with the provisions of the State and this Municipality.

Article 15 Villagers' assemblies shall be composed of all villagers aged 18 and over.

The villagers' assembly shall be convened at least once a year, which shall be convened by the villagers' committee and notified to the villagers 10 days in advance.

Villagers' assemblies must be attended by more than half of the villagers aged 18 and over or representatives from over two thirds of the households, and any decision at such meeting shall be subject to a simple majority vote.

Enterprises, institutions and nongovernmental organizations located in villages may be invited to sit in on villagers' assemblies according to needs.

Article 16 Villages with more than 100 households or widely dispersed population may set up meetings of villagers' representatives to discuss and decide on matters authorized by villagers' assemblies. Meetings of villagers' representatives shall be composed of members of villagers' committees and villagers' representatives, with the latter accounting for more than four fifths of the total component members of the meetings of villagers' representatives and female villagers' representatives shall constitute more than one third of the total component members.

Article 17 Villagers' assemblies may formulate and amend villagers' rules of self-governance or village regulations in accordance with laws, regulations and relevant policies and in light of the actual circumstances of the villages.

Villagers' rules of self-governance shall include such major items of villagers' self-governance as the basic rules for democratic decision-making by villagers' assemblies or meetings of villagers' representatives, the basic working systems for democratic management and democratic oversight, the services of public welfare undertakings and administration of public affairs.

Villagers' committees shall, on the basis of extensively soliciting the villagers' opinions, put forward the suggestions on formulation and amendment of villagers' rules of self-governance or village regulations. The villagers' rules of self-governance or village regulations shall, after being adopted through discussion at the villagers' assemblies, be submitted by the villagers' committees to the people's governments of townships, ethnic townships or towns for the record.

Article 18 Villagers' assemblies shall review the annual work reports of villagers' committees and appraise the work of members of villagers' committees; and have the power to withdraw or change the decisions of villagers' committees or meetings of villagers'

适当的决定。

村民会议可以授权村民代表会议审议村民委员会的年度工作报告，评议村民委员会成员的工作，撤销或者变更村民委员会不适当的决定。

第十九条 涉及村民利益的下列事项，经村民会议或者村民会议授权村民代表会议讨论决定，方可办理：

- （一）本村享受误工补贴或者村财务开支的人员，以及补贴或者报酬标准；
- （二）本村公益事业的兴办和筹资筹劳方案及建设承包方案；
- （三）村公益事业专项补助资金的使用方案；
- （四）村日常运行经费的使用方案；
- （五）按照国家和本市规定应当由村民会议讨论决定的事项。

村民会议授权村民代表会议讨论决定的具体事项应当在村民自治章程中规定。

第二十条 村民代表会议由村民委员会召集。村民代表会议每季度至少召开一次。特殊情况或者有五分之一以上的村民代表提议，应当在一周内召集村民代表会议。村民代表会议有三分之二以上的组成人员参加方可召开，所作决定应当经到会人员的过半数同意。

召开村民代表会议，根据需要可以邀请驻本村的企业、事业单位和群众组织派代表列席会议。

第二十一条 村民代表会议的议题应当由村民委员会在会议召开的三日前公布。村民代表在会前应当征求所代表的村民的意见，对村民代表会议决定的事项，应当及时向所代表的村民进行传达。

第二十二条 村民代表由村民按每五户至十五户推选一人，或者由各村民小组推选若干人。

村民代表由村民小组推选的，村民代表总数一般不得少于三十人。

多民族村民居住的村，应当有人口较少的民族的代表。

任何组织和个人不得指定、委派或者撤换村民代表。

representatives that they deem inappropriate.

Villagers' assemblies may authorize meetings of villagers' representatives to review the annual work reports of villagers' committees, appraise the work of members of villagers' committees, or to withdraw or change the decisions of villagers' committees that they deem inappropriate.

Article 19 The following matters involving villagers' interests shall be subject to decision through discussion of villagers' assemblies or meetings of villagers' representatives with authorization of villagers' assemblies:

- (1) villagers entitled to compensation for lost working hours or paid by the village finance, and the rates for such compensation or payment;
- (2) labor recruitment and raising funds plans and construction contracting plans for developing village public welfare projects;
- (3) plans for use of the special subsidies for the villages' public welfare projects;
- (4) plans for use of daily operational funds of the villages; and
- (5) other matters that shall be subject to approval of villagers' assemblies in accordance with the provisions of the State and this Municipality.

The specific matters to be decided through discussion by meetings of villagers' representatives with authorization of villagers' assemblies shall be stipulated in the villagers' rules of self-governance.

Article 20 Meetings of villagers' representatives shall be convened by villagers' committees. Meetings of villagers' representatives shall be held at least quarterly. Meetings of villagers' representatives shall be convened within five days in special circumstances or upon request of more than one fifth of villagers' representatives. Meetings of villagers' representatives are valid only when more than two thirds of component members are present, and decisions at such meetings shall be adopted by a simple majority vote of those present.

Enterprises, institutions and nongovernmental organizations located in villages may be invited to sit in on meetings of villagers' representatives according to needs.

Article 21 The topics for discussion at meetings of villagers' representatives shall be publicized three days before the convention. The villagers' representatives shall solicit the opinions of the villagers they are representing, and timely convey the matters decided by the meetings of villagers' representatives to the villagers they are representing.

Article 22 One villagers' representative shall be elected for every five to 15 households, or each group of villagers shall elect a certain number of villagers' representatives.

Where the villagers' representatives are elected by the groups of villagers, the total number of villagers' representatives shall not be less than 30 in general.

A village composed of inhabitants of different nationalities shall have representatives from the nationalities with a rather smaller population.

No organization or individual may appoint, assign or replace any villagers' representatives.

第二十三条 村民代表应当具备下列条件：

- （一）年满十八周岁，具有选举权和被选举权的本村村民；
- （二）遵纪守法、品行良好，办事公道，有较高的群众威信；
- （三）具有正常履行职责的身体条件；
- （四）具有一定议事能力。

第二十四条 村民代表应当向其推选户或者村民小组负责，接受村民监督。

村民代表的职责：

- （一）参加村民代表会议，讨论决定村民会议授权的事项；
- （二）联系其推选户或者村民小组，反映其推选户或者村民小组的意见和建议；
- （三）向其推选户或者村民小组传达村民代表会议决定，并动员村民遵守和执行；
- （四）村民自治章程中规定的其他职责。

村民代表不依法履行职责的，由原推选户或者村民小组撤换。

第二十五条 召开村民小组会议，应当有本村民小组十八周岁以上的村民三分之二以上，或者本村民小组三分之二以上的户的代表参加，所作决定应当经到会人员的过半数同意。

村民小组组长应当在新一届村民委员会产生后十五日内由村民小组会议从本组村民中推选产生。村民小组组长任期与村民委员会的任期相同，可以连选连任。

村民小组组长负责组织督促本组村民执行村民委员会的决定，完成村民委员会交给的工作任务，办理本组的公共事务和公益事业，并向村民委员会反映本组村民的意见和要求。

第二十六条 村民小组组长、村民代表认为需要由村民委员会研究决定的事项，可以向村民委员会提出。村民委员会不采纳的，应当说明理由。

第二十七条 村应当建立村务监督委员会，负责村民民主理财、监督村务公开等制度的落实，履行依法公布村民委员会成员职务的自行终止、监督村民委员会成员的罢免工作等职责。

Article 23 A villagers' representative shall meet the following conditions:

- (1) being a villager of the village aged 18 and over , and having the right to vote and stand for election;
- (2) law-biding and discipline-obeying, having good behaviors, being just in handling affairs, and enjoying rather high prestige among the masses;
- (3) having physical conditions for normal performance of duties; and
- (4) having a certain capacity for discussing matters.

Article 24 A villagers' representatives shall be responsible for the households or groups of villagers he represents, and accept villagers' oversight.

Duties of the villagers' representatives are as follows:

- (1) to participate in the meetings of villagers' representatives, and decide through discussion the matters authorized by the villagers' assemblies;
- (2) to keep in contact with the households or groups of villagers that have elected them, and reflect the opinions and suggestions of such households or groups of villagers;
- (3) to convey the decisions of meetings of villagers' representatives to the households or groups of villagers that have elected them, and mobilize the villagers to follow and implement such decisions; and
- (4) other duties stipulated in the villagers' rules of self-governance.

Any villagers' representative who fails to fulfill his duties in accordance with law shall be replaced by the households or the group of villagers that have elected him.

Article 25 Meetings of groups of villagers shall be attended by more than two thirds of group members aged 18 and over or representatives from more than two thirds of the households of the group, and decisions at such meetings shall be adopted by a simple majority vote of those present.

The leader of a group of villagers shall be nominated from the villagers of the group by a meeting of the group of villagers within 15 days after the election of new villagers' committee. The term of the leader of a group of villagers shall be the same as that of a villagers' committee and the leader may serve consecutive terms.

The leader of a group of villagers shall be responsible for organizing and urging the villagers in the group to implement the decisions of the villagers' committee, complete the work and tasks designated by the villagers' committee, handle the public affairs and public welfare undertakings of the group, and reflect the opinions and suggestions of the villagers in the group to the villagers' committee.

Article 26 Where the leader of a group of villagers or a villagers' representative thinks that any matter needs to be decided by the villagers' committee through study, he may put forward to the villagers' committee. Where the villagers' committee does not accept the matter, it shall give reasons.

Article 27 A village shall establish a village affairs supervision committee responsible for democratically managing villagers' financial affairs and supervising the implementation of the openness of village affairs as well as other systems, and perform such duties as publicizing the automatic termination of duties of any member of the villagers' committee and supervising the removal of any member of the villagers' committee in accordance with law.

村务监督委员会由三至五人组成，由村民会议或者村民代表会议在村民中推选产生，其中应当有具备财会、管理知识的人员。村务监督委员会成员与村民委员会成员同期换届，任期与村民委员会成员相同。村民委员会成员及其近亲属不得担任村务监督委员会成员。

村务监督委员会向村民会议和村民代表会议负责并报告工作，村务监督委员会成员可以列席村民委员会会议和村民代表会议。

村务监督委员会成员不依法履行职责的，由村民会议或者村民代表会议撤换。

第二十八条 村民委员会实行村务公开制度。

村民委员会应当及时公布下列事项，接受村民的监督：

- （一）村民会议或者村民代表会议讨论决定的事项及其实施情况；
- （二）国家计划生育政策的落实方案；
- （三）村社会保障、合作医疗、优抚救济政策、工作措施和落实情况；
- （四）政府拨付和接受社会捐赠的救灾救助、补贴补助、支援新农村建设等资金、物资的管理使用情况；
- （五）村财务收支情况；
- （六）村民负担费用的收缴及使用情况；
- （七）农转非情况；
- （八）村民委员会协助政府开展工作的情况；
- （九）村民自治章程、村规民约的制定实施情况；
- （十）按照国家和本市规定应当公布的其他事项。

第二十九条 村民委员会应当在本村明显的地方设置固定的村务公开栏和意见箱。村务公开还可以采取广播、闭路电视、网络、刊物等辅助形式。

村民委员会应当广泛听取群众对村务公开的意见，接受群众查询，并做好答复工作。

村务公开不及时或者公开内容不真实的，村民有权向村民委员会提出质询，向村

A village affairs supervision committee shall be composed of three to five members, who shall be elected from villagers by the villagers' assembly or the meeting of villagers' representatives and include personnel with expertise in finance and management. The members of a village affairs supervision committee shall be re-elected at the same time as the members of the villagers' committee and have the same term of office as that of members of the villagers' committee. Members of villagers' committees or their close relatives shall not serve as the members of village affairs supervision committees.

The village affairs supervision committees shall be responsible to villagers' assemblies and meetings of villagers' representatives and report to them, and the members of village affairs supervision committees may sit in on meetings of villagers' committees and meetings of villagers' representatives.

Where any member of village affairs supervision committees fails to fulfill his duties in accordance with law, he shall be replaced by the villagers' assemblies or meetings of villagers' representatives.

Article 28 Villagers committees shall implement an open system for village affairs.

Villagers committees shall accept villagers' oversight and publicize the following matters in a timely manner:

- (1) matters that should be discussed and decided upon at villagers' assemblies or meetings of villagers' representatives and their implementation;
- (2) plans for implementing the government's family planning policy;
- (3) villages' policies and measures for social security, cooperative medical care, preferential treatment and relief, and their implementation;
- (4) management and use of government allocations, funds and materials received through public donations for disaster relief, allowances and subsidies and aids to the construction of a new countryside;
- (5) villages' revenues and expenditures;
- (6) collection and use of expenses shouldered by villagers;
- (7) change from rural residents to urban residents;
- (8) situation concerning villagers' committees assisting the work of people's governments;
- (9) formulation and implementation of the villagers' rules of self-governance, or village regulations; and
- (10) other matters that should be publicized in accordance with the provisions of the State and this Municipality.

Article 29 Villagers' committees shall set up fixed display boards and suggestion boxes for the publicity of village affairs at the conspicuous places in the villages. The publicity of villager affairs may also adopt such supplementary forms as broadcast, cable television, network and publications.

Villagers' committees shall extensively listen to the opinions of the masses on the publicity of villager affairs, accept the inquiry of the masses, and bring to success the work of making replies.

Where the villager affairs are not timely publicized or the publicized contents are

务监督委员会投诉，向乡、民族乡、镇人民政府，区、县人民政府及其有关主管部门反映。有关人民政府或者主管部门应当负责调查核实，责令依法公布；经查证确有违法行为的，有关人员应当依法承担责任。

第三十条 村应当建立健全财务管理制度。

村财务经村民会议或者村民代表会议讨论决定，可以采取会计委托代理等财务管理方式。

村民委员会成员的配偶、直系亲属不得担任本村财务管理工作人员。

第三十一条 村应当建立村民委员会印章使用的审批、登记、备案等管理制度，并纳入村民自治章程或者村规民约。

第三十二条 村民委员会和村务监督委员会应当建立村务档案。村务档案包括：选举文件和选票，会议记录，公益设施基本资料，基本建设资料，村务公开资料，村民自治章程，村规民约等，以及按照国家和本市规定需要建立村务档案的文件材料。

村务档案的归档范围和档案保管期限应当符合本市档案管理的有关规定。

第三十三条 村民委员会成员应当接受村民会议或者村民代表会议对其履行职责情况和廉洁情况的民主评议；由村民或者村集体承担误工补贴的聘用人员，应当接受村民会议或者村民代表会议对其履行职责情况的民主评议。民主评议每年至少进行一次，由村务监督委员会主持，并公布评议结果。

村民委员会成员连续两次被评议不称职的，其职务终止，由村务监督委员会予以公布。

第三十四条 区、县民政部门 and 乡、民族乡、镇人民政府负责制定和实施村民委员会成员的培训计划，实行培训制度。村民委员会成员至少在当选后的两个月内接受一次培训。培训经费由区、县和乡、民族乡、镇人民政府承担。

第三十五条 本市实行村级公益事业专项补助制度，并逐步提高补助标准。乡、民族乡、镇人民政府应当加强对村级公益事业专项补助资金使用的审核和监督。

untrue, the villagers shall be entitled to address inquiries to the villagers' committees, make complaints to the village affairs supervision committees, or reflect to the people's governments of townships, ethnic townships, towns, the people's governments of districts or counties or their relevant competent departments. Relevant people's governments or their competent departments shall be responsible for making investigation and verification, and order the publicity of village affairs in accordance with law; where offenses are confirmed through investigation, related personnel shall be held responsible in accordance with law.

Article 30 Villages shall establish and improve the systems of financial management.

The village finance may, upon decision through discussion by villagers' assemblies or meetings of villagers' representatives, adopt such financial management mode as entrustment to accountants.

The spouses or directly-related family members of the members of villagers' committees shall not act as the personnel for financial management of the villages.

Article 31 Villages shall establish the administration systems for examination and approval, registration and filing of the use of the seal of villagers' committees, and include such systems in the villagers' rules of self-governance or village regulations.

Article 32 Villagers committees and village affairs supervision committees shall establish villager archives, which shall include election documents and votes, meeting memos, basic information about public welfare facilities, basic construction information, materials about the publicity of villager affairs, villagers' rules of self-governance, village regulations, as well as the documents and materials that should be included in the villager archives in accordance with the provisions of the State and this Municipality.

The filing scope and retention period of villager archives shall conform to the relevant provisions of this Municipality on archives management.

Article 33 Members of villagers' committees shall accept the public reviews by villagers' assemblies or meetings of villagers' representatives on the fulfilment of their duties, and on their incorruptibility; the employees who are compensated for lost working hours by villagers or villages shall accept public reviews by villagers' assemblies or meetings of villagers' representatives on the fulfilment of their duties. The public reviews, conducted at least once each year, shall be organized by the village affairs supervision committees, and the review results shall be publicized.

Where a member of a villagers' committee receives an "incompetent" rating in two consecutive public reviews, his position shall be terminated, which shall be publicized by the village affairs supervision committee.

Article 34 The civil affairs department at the district or county level and the people's governments of townships, ethnic townships or towns shall be responsible for formulating and implementing the training plan for members of villagers' committees and carrying out the training system. Members of villagers' committees shall accept at least one training within two months after being elected. The expenses for training shall be shouldered by the people's governments of districts or counties, or townships, ethnic townships or towns.

Article 35 This Municipality adopts the system of providing special subsidies to village-level public welfare undertakings, and will gradually raise the standard of such subsidies. The people's governments of townships, ethnic townships or towns shall

第三十六条 本市区、县人民代表大会及其常务委员会，乡、民族乡、镇人民代表大会在本行政区域内保证《中华人民共和国村民委员会组织法》和本规定的实施，保障村民依法行使自治权利。

第三十七条 本规定自 2012 年 11 月 1 日起施行。

strengthen the verification of and supervision over the use of such special subsidies to village-level public welfare undertakings.

Article 36 The people's congresses and their standing committees at the district or county level and the people's congresses of townships, ethnic townships or towns in this Municipality shall guarantee the implementation of the Organic Law of the Villagers Committees of the People's Republic of China and these Provisions within their respective administrative areas, and ensure that villagers exercise the right to self-governance in accordance with law.

Article 37 These Provisions shall be effective as of November 1, 2012.

北京市街道办事处工作规定

(1999年1月14日北京市人民政府第23号令发布)

第一章 总 则

第一条 为加强本市街道办事处建设,充分发挥街道办事处在城市管理工作中的基础作用,根据国家有关法律、法规,结合本市实际情况,制定本规定。

第二条 街道办事处是区人民政府的派出机关,受区人民政府领导,依据法律、法规的规定,在本辖区内行使政府管理职能。

第三条 街道办事处的工作以居民工作为基础,以城市管理和社区服务为重点,把辖区建设成社会稳定、秩序良好、环境整洁、生活方便、文化繁荣、经济发达的文明社区。

第二章 组织机构

第四条 街道办事处的设立、更名、合并、撤销由区人民政府提出申请,市民政局审核后报市人民政府批准。

第五条 街道办事处内部工作机构设置,根据职能和任务,按照精简、效能的原则,由区人民政府批准。

第六条 街道办事处设主任一人,根据辖区规模和工作需要,设副主任一至四人。街道办事处主任、副主任由区人民政府任命。

第七条 区人民政府设立主管街道工作的机构,具体负责对本区街道办事处工作的指导、协调和监督。

Operational Provisions of Beijing Municipality on Sub-district Offices

(Promulgated by Decree No. 23 of the People's Government of Beijing
Municipality on January 14, 1999)

Chapter I General Provisions

Article 1 The Provisions are formulated for the purposes of strengthening construction of sub-district offices in this Municipality and giving full play to the basic role of sub-district offices in urban management in accordance with relevant laws and regulations of the State and in light of actual circumstances of this Municipality.

Article 2 Sub-district offices are the local offices assigned by the people's governments at the district level, which shall, under the leadership of the people's governments at the district level, exercise government management functions in accordance with the provisions of laws and regulations within their respective administrative areas.

Article 3 Sub-district offices shall base its work on services for residents and focus on urban management and community service, in order to build a model community featuring social stability, good order, environmental cleanness, life convenience, cultural prosperity and economic development within their respective administrative areas.

Chapter II Organizational Structure

Article 4 In the event of establishment, change of name, merger or cancellation of sub-district offices, the district people's governments shall file an application, which shall be examined by the Municipal Civil Affairs Bureau and then submitted to the Municipal People's Government for approval.

Article 5 The establishment of internal working bodies of sub-district offices shall, based on their functions and tasks, be approved by the district people's governments in accordance with the principles of simplification and efficiency.

Article 6 A sub-district office shall have one director and shall have one to four deputy directors according to the size of the jurisdiction and the needs of its work.

The directors and deputy directors of sub-district offices shall be appointed by the district people's governments.

Article 7 The people's government of a district shall set up a department in charge of the work in respect of sub-districts, which shall be specifically responsible for the guidance, coordination and supervision of the work of sub-district offices in the district.

第三章 工作职责

第八条 贯彻执行法律、法规、规章和市、区人民政府的决定、命令、指示，完成市、区人民政府部署的各项任务。

第九条 对辖区内城市管理工作履行以下职责：

（一）负责居民区、街巷胡同的环境卫生和绿化美化的管理工作，组织单位和居民开展爱国卫生运动，落实门前三包制度。

（二）组织和监督对违法建筑、违法占用道路、无照经营以及违反市容环境卫生、绿化管理规定行为的查处工作。

（三）配合市、区环境保护部门监督环境污染项目的治理。

（四）协同建设主管部门监督施工单位依法施工，防治施工扬尘、扰民。配合建设单位、施工单位做好居民工作，维护施工秩序。

（五）对居住小区的物业管理进行指导和监督检查。

第十条 对辖区内社会管理工作履行以下职责：

（一）组织单位和居民开展多种形式的社会主义精神文明建设创建活动。

（二）制定本辖区社会治安综合治理规划，并组织落实。

（三）负责外来人口以及向外来人口出租房屋的综合管理。

（四）负责婚姻登记管理、计划生育、统计、红十字会、人民调解工作。协调有关部门做好劳动就业工作。

（五）负责拥军优属、民兵预备役、征兵、人民防空等工作。

（六）维护老年人、妇女、未成年人和残疾人的合法权益。

第十一条 对社区服务工作履行以下职责：

（一）制定社区服务发展规划，发展社区服务设施，合理配置社区服务资源。

（二）组织社区服务志愿者队伍，动员单位和居民兴办社区服务事业。

Chapter III Duties

Article 8 Sub-district offices shall implement laws, regulations, rules and the decisions, orders and instructions of the municipal and district people's governments, and fulfill various tasks assigned by the municipal and district people's governments.

Article 9 Sub-district offices shall perform the following duties in urban management within their respective administrative areas:

(1) to be responsible for the management of environmental sanitation and landscaping in residential quarters, streets and alleys, organize units and residents to carry out patriotic health campaigns, and implement the surrounding general sanitation system;

(2) to organize and supervise the investigation and punishment of illegal construction, illegal occupation of roads, unlicensed business activities and violations of the administrative provisions on city appearance, environmental sanitation and landscaping;

(3) to cooperate with the municipal and district departments of environmental protection in supervision over the treatment of environmental pollution projects;

(4) to cooperate with the competent departments for construction in supervision over construction by construction units according to law to prevent and control construction dust and disturbance to residents, and cooperate with development units and construction units in serving residents and maintaining the construction order; and

(5) to guide, supervise and inspect the property management of residential quarters.

Article 10 Sub-district offices shall perform the following duties in social management within their respective administrative areas:

(1) to organize units and residents to carry out activities to develop socialist culture and ideology in various forms;

(2) to formulate comprehensive plans for the administration of public security within their administrative areas and organize implementation thereof;

(3) to be responsible for the comprehensive management of the floating population and the rental of houses to the floating population;

(4) to be responsible for the administration of marriage registration, family planning, statistics, Red Cross societies and people's mediation, and coordinate relevant departments to do a good job in employment service;

(5) to be responsible for the work of supporting the army and giving preferential treatment to their families, militia reserves, conscription, civil air defense, etc.; and

(6) to safeguard the legitimate rights and interests of the elderly, women, minors and the disabled.

Article 11 Sub-district offices shall perform the following duties in community services:

(1) to formulate plans for the development of community services, develop community service facilities, and rationally allocate community service resources;

(2) to organize teams of community service volunteers, and mobilize units and

（三）兴办社会福利事业，做好社会救助、社会保险等社会保障工作。

第十二条 对居民工作履行以下职责：

（一）指导居（家）委会工作，及时向上级政府反映居民的意见和要求。

（二）对居民进行法制和社会公德教育，组织居民参与社区环境整治等社会公益活动。

（三）组织开展群众文化、体育活动和社区教育、卫生工作，普及科学常识。

第四章 工作职权

第十三条 向辖区内机关、团体和企事业单位布置地区性、社会性、群众性的工作任务，并监督检查落实情况。

第十四条 统筹协调并监督检查公安、工商、税务、环卫、绿化、统计、房管等职能部门派出机构或专职人员的行政执法工作。

第十五条 领导、指挥地区城市管理检查分队的行政执法工作。

第十六条 参加辖区内新建居住区配套公共设施的验收工作。对未按规划要求落实配套公共设施或者建设质量存在问题的，有权提请规划、建设行政主管部门予以纠正。

第十七条 组织辖区内单位和居民对区人民政府职能部门派出机构或专职人员的工作进行考核和民主评议，并将评议结果和考核意见向区人民政府和主管部门报告。有关部门对派出机构负责人或专职人员进行任免、调动、奖惩前，应当听取街道办事处意见。

第五章 工作制度

第十八条 街道办事处实行主任负责制。建立主任办公会议制度，研究决定街道办事处重要工作事项。

residents to establish community service businesses; and

(3) to establish social welfare undertakings and do a good job in social assistance, social insurance and other social security work.

Article 12 Sub-district offices shall perform the following duties in serving residents:

(1) to guide the work of residents' (or family) committees, and report the opinions and demands of residents to governments at higher levels in a timely manner;

(2) to provide legal and social ethics education to residents, and organize residents to participate in community environmental improvement and other public welfare activities; and

(3) to organize and carry out mass activities on culture and sports as well as the work of community education and health, and popularize scientific knowledge.

Chapter IV Functions and Powers

Article 13 Sub-district offices shall assign regional, social and mass tasks to government departments and agencies, organizations, enterprises and institutions within their respective administrative areas, and supervise and inspect the implementation thereof.

Article 14 Sub-district offices shall make overall plans for coordinating and exercise supervision over and inspection of the administrative law enforcement work of the local offices or full-time personnel of the departments of public security, industrial and commercial administration, tax, environmental sanitation, landscaping, statistics, housing management, etc.

Article 15 Sub-district offices shall lead and direct the administrative law enforcement work of regional inspection teams for urban management.

Article 16 Sub-district offices shall participate in the acceptance of supporting public facilities in new residential quarters within their respective administrative areas. In the absence of supporting public facilities as planned or in the event of construction quality issues, they shall have the right to report to the competent departments for planning and construction for corrections.

Article 17 Sub-district offices shall organize units and residents within their respective administrative areas to conduct assessment and democratic appraisal on the work of the local offices or full-time personnel of the functional departments of the district people's governments, and shall report the appraisal results and assessment opinions to the district people's governments and the competent departments. Before appointing, removing from office, transferring, rewarding or punishing the persons in charge or full-time personnel of local offices, relevant departments shall listen to the opinions of sub-district offices.

Chapter V Working System

Article 18 Directors assume overall responsibility for sub-district offices. A system whereby directors convene office meetings shall be established to study and decide on important work matters of sub-district offices.

第十九条 建立街道管理委员会会议制度，统筹协调地区性行政管理工作。街道管理委员会会议成员由街道工委、街道办事处、区人民政府职能部门派出机构的负责人组成。

第二十条 建立街道居民代表会议制度。居民代表会议每年至少召开一次，由街道办事处向居民代表报告工作，听取意见，接受监督。居民代表由辖区单位和居民推荐产生。

第二十一条 区人民政府有关职能部门不得直接向街道办事处布置任务；确需街道办事处协助完成的工作，必须报区人民政府批准，由区人民政府主管街道工作的机构统一协调和部署。

第六章 经 费

第二十二条 街道办事处工作人员为国家公务员。街道办事处的行政事业经费，由区人民政府负责解决。

街道办事处不得开办企业、市场以及从事经商活动。

第二十三条 市、区实行财政转移支付制度，增加对城市管理和社区服务的投入。

市、区建立城市管理专项资金，专项用于街道的建设和管理工作。

第二十四条 市、区人民政府用于居住小区的环卫、绿化、房管、道路和统计、外来人口管理等工作的专项经费，相应核拨给街道办事处集中管理，用于街道辖区专业管理部门的定向支出。

第二十五条 街道财政严格实行收支两条线管理。街道财政预决算应纳入区财政预决算，并依法提请区人民代表大会审查。街道财务支出受审计机关审计。

第七章 附 则

第二十六条 市、区人民政府对认真履行职责，廉洁奉公，依法行政，在街道工

Article 19 A sub-district management committee meeting system shall be established to coordinate the regional administrative work as a whole. The sub-district management committee shall be composed of heads of sub-district working committees, sub-district offices and local offices of the functional departments of the district people's governments.

Article 20 A sub-district resident representative meeting system shall be established. The resident representative meeting shall be held at least once a year, and sub-district offices shall report their work to resident representatives, listen to their opinions and accept their supervision. Resident representatives shall be recommended by units and residents within their respective administrative areas.

Article 21 Relevant functional departments of the district people's governments shall not directly assign tasks to sub-district offices; the work that really needs the assistance of sub-district offices must be reported to the district people's governments for approval, and shall be coordinated and arranged by the departments of the district people's governments in charge of the sub-district work in a unified way.

Chapter VI Funds

Article 22 The staff of sub-district offices shall be state civil servants. The district people's governments shall be responsible for guaranteeing the administrative funds of sub-district offices.

Sub-district offices shall not set up enterprises, markets or engage in business activities.

Article 23 The system of transfer payment from the exchequer shall be implemented at the municipal and district level to increase investment in urban management and community services.

Special funds for urban management shall be established at the municipal and district level, which shall be earmarked for the construction and management of sub-districts.

Article 24 The special funds used by the municipal and district people's governments for environmental sanitation, landscaping, housing management, roads, statistics, management of the floating population, etc. in residential quarters shall be allocated to sub-district offices for centralized management, which shall be earmarked for expenditure of the special management departments in sub-districts.

Article 25 Sub-district finance shall be subject to the management system whereby revenue and expenditure are separate. Sub-district budget and final accounts shall be included in the district budget and final accounts and submitted to the district people's congresses for examination according to law. Sub-district financial expenditure shall be audited by audit institutions.

Chapter VII Supplementary Provisions

Article 26 The municipal and district people's governments shall commend and reward sub-district offices and staff thereof that conscientiously perform their duties, have

作中做出突出成绩的街道办事处及其工作人员给予表彰和奖励。对街道办事处的不当行为，区人民政府应当及时纠正、处理，并视情节轻重，对主管领导和直接责任人员给予批评教育或按有关规定给予行政处分。

第二十七条 市人民政府有关职能部门应当根据本规定提出实施意见；区人民政府可以根据本规定，并结合本区实际情况制定实施办法。

第二十八条 本规定自发布之日起施行。

integrity and always work in the public interest, exercise administration in accordance with the law, and have made outstanding achievements in the sub-district work. The district people's governments shall correct and deal with the misconduct of sub-district offices in a timely manner and, depending on the seriousness of the circumstances, give criticism and education or impose administrative sanctions according to relevant provisions against the persons in charge and the persons directly responsible.

Article 27 The relevant functional departments of the Municipal People's Government shall put forward implementation opinions in accordance with the Provisions; the people's government of a district may formulate implementation measures in accordance with the Provisions and in light of actual circumstances of the district.

Article 28 The Provisions shall come into force as of the date of promulgation.

北京市居民委员会选举办法

(2000年4月26日北京市人民政府第54号令发布)

第一章 总 则

第一条 为规范居民委员会选举工作，保障居民依法行使民主选举权利，根据《中华人民共和国城市居民委员会组织法》和《北京市实施〈中华人民共和国城市居民委员会组织法〉办法》，结合我市实际，制定本办法。

第二条 本办法适用于本市行政区域内的居民委员会选举工作。

第三条 居民委员会选举应当坚持公平、公正、公开的原则。

任何组织和个人不得指定、委派或者非经法定程序撤换居民委员会成员。

第四条 居民委员会由主任、副主任、委员共5至9人组成，其中主任1人、副主任1至2人，委员若干人。组成人数由街道（地区）办事处、乡（镇）人民政府根据实际情况确定。

多民族居住地区，居民委员会中应当有人数较少的民族的成员。

第五条 居民委员会主任、副主任、委员由本居住地区全体有选举权的居民或者由每户派代表选举产生；根据居民意见，也可以由居民小组代表选举产生。

居民委员会每届任期3年，居民委员会成员可以连选连任。

新建居民委员会时间超过1年的，与全市居民委员会同时换届选举。

第六条 居民小组一般由15至50户居民组成，每个居民小组可以选举2至3名居民代表，居民代表任期与居民委员会任期相同。

Measures of Beijing Municipality for Election of the Residents' Committees

(Promulgated by Order No.54 of the Municipal People's Government of
Beijing on April 26, 2000)

Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of standardizing the work of the election of residents committees and ensuring that the residents exercise their democratic rights of election in accordance with the Organic Law of the Urban Residents Committees of the People's Republic of China and the Measures of Beijing Municipality for Implementation of the Organic Law of the Urban Residents Committees of the People's Republic of China and in light of the actual circumstances in this Municipality.

Article 2 These Measures shall apply to the work of election of the residents' committees in the administrative area of this Municipality.

Article 3 The principles of fairness, impartiality and openness shall be followed in the election of the residents' committees.

No organization or individual may designate, appoint or replace any member of a residents committee without legal procedures.

Article 4 A residents' committee shall be composed of five to nine persons, including the chairman, the vice-chairman (vice-chairmen) and the members, and among them there is one chairman, one or two vice-chairmen and several members. The number of the committee members shall be decided by the urban neighborhood (section) office concerned or the people's government of the township (town) in light of the actual circumstances.

In an area where people from more than one nationality live, the residents committee shall have a member or members from the nationality or nationalities with a smaller population.

Article 5 The chairman, vice-chairman (vice-chairmen) and members of a residents' committee shall be elected by all the residents who have the right to elect or by the representatives from all the households in this residential area; on the basis of the opinions of the resident, they may also be elected by the representatives from residents' groups.

The term of office for a residents' committee shall be three years and the members of the residents' committee may continue to hold office when re-elected.

The new residents' committees that have been established for more than one year shall hold the re-election at the same time when the residents' committees in this Municipality hold the re-election.

Article 6 A residents' group shall generally be composed of 15 to 50 households, each residents' group may elect 2 or 3 representatives from the residents and the term of office for the representatives is the same as the term of office for the residents' committee.

第七条 居民委员会的换届选举工作由市人民政府统一部署，在区、县、乡（镇）人民政府和街道（地区）办事处指导下进行。

第八条 居民委员会选举工作所需经费由区、县财政列支。

第二章 选举工作机构

第九条 居民委员会换届选举期间，街道（地区）办事处、乡（镇）人民政府应当成立居民委员会选举工作指导小组，其主要职责是：

- （一）制定选举工作计划并组织实施；
- （二）宣传有关法律、法规；
- （三）确定投票选举日期；
- （四）培训选举工作人员；
- （五）受理选举工作中的来信、来访。

第十条 居民委员会的选举，由居民选举委员会主持。

居民选举委员会由居民会议推举主任、委员共 5 至 9 人组成。其主要职责是：

- （一）开展选举的宣传、发动工作；
- （二）依法制定选举工作方案；
- （三）组织选民登记，审查选民资格；
- （四）组织选民提名候选人，审查候选人资格，公布正式候选人名单；
- （五）公告选举日期、时间、地点及选举方式；
- （六）主持投票选举，公布选举结果；
- （七）总结选举工作，建立选举工作档案。

居民选举委员会行使工作职责至新一届居民委员会召开第一次会议时止。

居民选举委员会成员被确定为居民委员会成员正式候选人的，其居民选举委员会成员资格自行终止。居民选举委员会成员不足 5 人的，由居民会议补选。

Article 7 Re-elections of the residents' committees shall be uniformly arranged by the municipal people's government and carried out under the guidance of the people's governments of district, county and township (town) as well as the urban neighborhood (section) offices.

Article 8 The funds needed in the election work for the residents' committees shall be included as expenditure in the budget of the district or county.

Chapter II Working body of election

Article 9 During the period of re-election for the residents committees, the urban neighborhood (section) office and the people's governments of township (town) shall set up a group, to guide the election work for the residents' committees, the main duties and responsibilities of which are as follows:

- 1.To make an election work plan and organize its implementation;
- 2.To publicize relevant laws and regulations;
- 3.To fix a date of election by voting;
- 4.To train working personnel for election; and
- 5.To accept the letters or visits in. the election, work.

Article 10 Election of a residents' committee shall be presided over by a residents' electoral committee.

The residents' electoral committee shall be composed of five to nine persons, including a chairman and members, recommended by the residents' assembly and its main duties and responsibilities are as follows:

- 1.To conduct propaganda and mobilization for the election work;
- 2.To work out an election work program according to law;
- 3.To organize the registration of voters and examine their qualifications;
- 4.To organize voters to nominate candidates, examine the candidates' qualifications and publish the name list of official candidates;
- 5.To announce the date, time and place for election as well as the way to carry out the election;
- 6.To preside over the election by voting and announce the outcome of the election; and
- 7.To summarize the election work and establish the files of the election work.

The residents' electoral committee shall perform its duties until the newly elected residents' committee convene its first meeting.

When any member of a residents' electoral committee is chosen as an official candidate for a residents' committee, his qualification as a member of the residents' electoral committee shall be automatically terminated. Where the members of a residents' electoral committee are less than five, the resident assembly shall hold a by-election.

第三章 选民登记

第十一条 年满 18 周岁的本市居民，不分民族、种族、性别、职业、家庭出身、宗教信仰、教育程度、财产状况、居住期限，都有选举权和被选举权。依照法律被剥夺政治权利的人除外。

第十二条 有选民资格的居民在户口所在地的居民选举委员会进行选民登记；户口所在地与居住地不一致且在居住地居住 1 年以上的，也可以在居住地的居民选举委员会进行选民登记。未在规定期限内进行选民登记的居民，丧失选民资格。

第十三条 采取居民小组代表方式选举的，应当公布居民小组代表名单。

第四章 候选人产生

第十四条 居民委员会成员候选人应当遵守宪法、法律、法规和国家政策，具有一定的组织领导能力和文化知识，廉洁奉公，作风民主，办事公道，身体健康，年富力强，热心为居民服务。

第十五条 居民委员会成员候选人的提出，可以采取选民 10 人以上联合提名、户代表 5 人以上联合提名、居民小组代表联合提名等方式。提名时，对候选人只有 1 次提名权，且提名人数不得超过应选人数。

第十六条 居民委员会成员实行差额选举，正式候选人应当多于应选名额 1 至 2 人。如果提名的候选人与应选名额相等，也可以等额选举。

提名的候选人多于正式候选人人数时，由居民选举委员会召集居民会议以无记名投票、公开计票的方式进行预选，按得票多少顺序确定正式候选人。

正式候选人名单在选举日 5 日以前张榜公布。

第十七条 居民选举委员会负责向居民介绍候选人的情况，也可以组织候选人同选民见面并回答选民提出的问题。

Chapter III Registration of voters

Article 11 Any resident of this Municipality who has reached the age of 18 shall have the right to elect and stand for election, regardless of his ethnic status, race, sex, occupation, family background, religious belief, education, property status and length of residence, with the exception of persons who have been deprived of political rights in accordance with law.

Article 12 A resident who is qualified as a voter shall be registered as a voter at the residents' electoral committee in the place where he has a registered residence; where the place where he has a registered residence is not the same as the residence and he has lived in the residence for more than one year, he may also be registered as a voter at the residents' electoral committee in the place where he resides. A resident who has not been registered within the prescribed time period shall lose the qualifications as a voter.

Article 13 Where the election is conducted by the representatives from resident groups, the name list of the representatives of the residents' groups shall be published.

Chapter IV Birth of candidates

Article 14 Candidates for members of the residents' committees shall abide by the Constitution, laws, regulations and the State policies have fair ability to organize and lead the residents as well as fairly good education and knowledge, be honest in performing their duties, have a democratic working style, be impartial in handling matters, young and healthy and serve the residents warmheartedly.

Article 15 Candidates for members of the resident committee may be nominated by more than 10 voters jointly, by more than five representatives of households jointly or by representatives of residents' groups jointly. There is only right to nominate candidates once in the nomination and the number of the nominees shall not exceed the number of members to be elected.

Article 16 Differential election shall be used to elect members of the residents' committees, and the number of official candidates shall be one to two more than the number to be elected. Where the number of the nominated candidates is equal to the number to be elected, equal-number election may also be used.

When the number of the nominated candidates is more than the number of the official candidates, the residents' electoral committee shall convene a resident assembly to carry out a pre-election by secret ballots and open vote-counting and determine on the official candidates on the basis of the order of the votes.

The name list of the official candidates shall be published on posters 5 days before the date of vote.

Article 17 The residents' electoral committees shall be responsible for introducing the candidates to the residents and may also organize the candidates to meet the voters and answer the questions raised by the voters.

投票选举日必须停止对候选人的介绍。

第五章 选举程序

第十八条 选举居民委员会，应当召开选举大会。选举大会应当当场推选监票人、唱票人、计票人，负责核对票数和投票人数、监票、唱票、计票。

居民委员会成员正式候选人不得担任监票、唱票、计票等工作。

第十九条 居民选举委员会应当根据选民居住状况和便于组织选举的原则，设立中心投票会场。对不便到会场投票的，可以设若干投票站和流动投票箱。每个投票站或者流动票箱必须有 2 名以上监票人员负责。

投票前，居民选举委员会应当介绍选举办法，提出具体要求。

第二十条 在选举日不能参加投票的选民可以书面委托其他选民代为投票。每一选民接受委托投票不得超过 3 人。

选民自己不能填写选票的，可以委托除正式候选人以外自己信任的人代写，代写人不得违背委托人的意志。

第二十一条 选举居民委员会成员可以按职务分次投票选举，也可以一次性投票选举，具体投票方式由居民选举委员会确定。

主任、副主任不得由当选的委员推选产生。

第二十二条 选举采取无记名投票的方式进行。

每一选民在一次选举中只有一个投票权。选民对候选人可以投赞成票或者投反对票，也可以另选其他选民或者弃权。

第二十三条 投票结束后，选举委员会工作人员将所有票箱集中到中心会场当众开箱，公开唱票、计票，当场公布选举结果，并当众封存选票。

每次选举所得的票数等于或者少于投票人数的，选举有效；多于投票人数的，选举无效。选票无法确认的，经居民选举委员会认定，作废票处理。废票计入选票总数。

The introduction of candidates shall be stopped on the date of election by voting.

Chapter V Procedures for election

Article 18 To elect the residents' committees, an election meeting shall be held. At the election meeting, the scrutineers, tellers and ballot-counters shall be chosen to be responsible for checking the number of ballots and voters, scrutinizing, calling out and counting ballots.

The official candidates for the residents' committees shall not undertake the work of scrutineers, tellers and ballot-counters.

Article 19 The residents' electoral committee shall set up the central ballot meeting place on the basis of the residential distribution of voters and on the principle of facilitating the organization of election. Several polling stations and mobile ballot boxes may be set up for those who have difficulty to cast ballots at the central ballot meeting-place. There must be more than two scrutineers responsible for each polling station or mobile ballot box.

Before casting ballots, the residents' electoral committee shall introduce the procedures for election and put forward the specific requirements.

Article 20 A voter unable to cast a vote on the date of election may entrust in writing another voter to cast a vote on his behalf. Each voter shall not accept entrustment from more than three voters.

A voter unable to fill out ballots by himself may entrust a person other than the official candidates whom he trusts in to fill out ballots on his behalf. The entrusted person shall not breach the will of the entrusting person.

Article 21 For election of the members of the residents' committees, the election by voting may either be carried out on the basis of posts in separate times or in one time. The specific way of voting shall be decided by the residents' electoral committee.

The chairman and vice-chairman (vice-chairmen) shall not be recommended and chosen by the electees.

Article 22 Election shall be carried out in the form of secret ballot.

Each voter shall have only one veto in an election. Voters may vote for or against the candidates, and may also vote for other voters or abstain from voting.

Article 23 After the conclusion of voting, the working personnel from the electoral committee shall gather all the ballot boxes to the central meeting-place to be opened in public, told and counted openly, and the outcome of the election shall be announced on the spot and the ballots shall be sealed in public.

The election is valid if the number of the votes gained in each time is equal to or smaller than that of voters; the election is invalid if the number of the votes is greater than that of voters. The ballots for which there is no way to identify are deemed invalidated upon recognition by the resident electoral committee. The invalidated ballots shall be counted in the total number of ballots.

第二十四条 过半数的选民参加投票，选举有效；候选人获得参加投票的选民过半数的选票，始得当选。

获得过半数选票的候选人超过该职位的应选名额时，以得票多者当选。如果票数相等不能确定当选人时，应当就票数相等的候选人再次投票，以得票多者当选。

当选人数不足 5 人，不能组成新一届居民委员会的，应当在 10 日内就不足的名额另行选举。

另行选举时，根据第一次投票时得票多少的顺序，按照本办法第十六条规定的差额数，确定候选人名单。候选人以得票多者当选，但得票数不得少于选票总数的三分之一。

第二十五条 需要重新选举的，应当在 1 个月内依照本办法规定的程序和方法进行选举。

第二十六条 居民委员会的选举结果由居民选举委员会公布后，报所在街道（地区）办事处、乡（镇）人民政府备案。

第六章 罢免、辞职和补选

第二十七条 居民委员会成员受居民监督。居民对违法或者严重失职的居民委员会成员，有权检举或者提出罢免意见。

第二十八条 有 10 名以上居民代表或者十分之一的户代表联名，可以要求罢免居民委员会成员。罢免要求应当以书面形式向居民委员会和所在街道（地区）办事处、乡（镇）人民政府提出，并写明罢免理由。居民委员会应当及时召开居民会议，进行投票表决。必要时，街道（地区）办事处、乡（镇）人民政府可以召集居民会议，进行投票表决。

第二十九条 居民会议在讨论罢免建议时，提出罢免建议者应当到会回答问题。被要求罢免的人有权出席会议并申诉意见。

Article 24 The election shall be valid if more than half of the voters take part in voting; a candidate shall be elected only if he wins more than half of the votes cast by voters participating in voting.

When the number of the candidates who have won more than half of the votes exceeds the number of the posts to be elected, those who have won more votes shall be elected. If the votes are equal and it is impossible to determine who shall be elected, votes shall be cast again for those candidates who have won equal votes and those who win more votes shall be elected.

When the number of the elected members is less than 5 and the new residents' committee is unable to be formed, another election to make up the vacancy shall be carried out within 10 days.

For another election, the name list of the candidates shall be decided on the basis of the order of votes won in the first voting and in accordance with the number of differences stipulated by Article 16 of these Measures. The candidates who win more votes shall be elected, but the votes they win shall not be less than one-third of the total number of the votes.

Article 25 A new election which is needed shall be carried out within one month in accordance with the procedures and measures stipulated by these Measures.

Article 26 The outcome of election of a residents' committee shall be announced by the residents' electoral committee and reported to the urban neighborhood (section) office and the people's government of township (town) for the record.

Chapter VI Removal resignation and by-election

Article 27 Members of residents' committees shall be subject to the supervision by the residents. Residents shall have the right to disclose or propose to remove from office of the members of the residents' committees who violate laws or seriously neglects their duties.

Article 28 More than 10 representatives of residents or representatives from one-tenth of the households may jointly request the members of the residents' committees to remove from office. The request for removal shall be submitted in writing to the residents' committees, the urban neighborhood (section) office and the people's government of township (town) and the reasons for the removal shall be stated. The residents' committee shall convene a resident assembly promptly to make a decision by voting. When necessary, the urban neighborhood (section) office and the people's government of township (town) may convene a resident assembly to make a decision by voting.

Article 29 When a resident assembly discusses a proposal for removal, the person who raises the proposal for removal shall be present to answer questions. The person proposed to be removed from office shall have the right to be present in the assembly and to present a statement in his own defence.

第三十条 居民委员会成员要求辞去职务的，应当书面向居民委员会提出，经居民会议确认。

第三十一条 居民委员会成员出现缺额时，居民委员会可以提请居民会议补选，并报所在街道（地区）办事处、乡（镇）人民政府备案。

补选的居民委员会成员任期到本届居民委员会任期届满为止。

第七章 法律责任

第三十二条 违反本办法者，由乡（镇）人民政府或者街道（地区）办事处予以纠正；直接责任人为行政机关工作人员的，由所在单位或者行政监察机关给予行政处分。

第三十三条 在选举中，违反治安管理规定或者构成犯罪的，由公安机关或者司法机关依法处理。

第三十四条 对违反本办法的行为，居民有权向区、县、乡（镇）人民政府或者街道（地区）办事处举报，区、县、乡（镇）人民政府或者街道（地区）办事处必须在接到举报之日起 30 日内给予处理。

第八章 附 则

第三十五条 本办法自 2000 年 6 月 1 日起施行。

Article 30 member of a residents' committee requesting to resign from office shall submit his request, which needs to be confirmed by the resident assembly, in writing to the residents' committee.

Article 31 Where there is a vacancy of member in a residents' committee, the residents' committee may propose to the resident assembly to hold a by-election and report the matter to the urban neighborhood (section) office and the people's government of township (town) for the record.

The term of office for the member elected through a by-election expires at the same time as the expiration of the term of office for the current residents' committee.

Chapter VII Legal liability

Article 32 The people's government of township (town) or the urban neighborhood (section) offices shall have those who violate these Measures make corrections; the directly responsible person who is a working staff of an administrative agency shall be given an administrative sanction by the unit in which he serves or the administrative supervisory agency.

Article 33 Those who violate the provisions of public security administration or whose act constitutes a crime in election shall be handled according to law by the public security organ or the judicial organ.

Article 34 Resident have the right to disclose any act in violation of these Measures to the people's government of district, county or township (town) or the urban neighborhood (section) office concerned. The people's government of district, county or township (town) or the urban neighborhood (section) office concerned shall handle the case within 30 days as of receipt of the disclosure.

Chapter VIII Supplemental provisions

Article 35 These Measures shall be implemented as of June 1, 2000.

（四）立法制度

关于议案的若干暂行规定

（1983年3月16日北京市第八届人民代表大会第一次会议通过 根据 1987年2月25日北京市第八届人民代表大会常务委员第三十五次会议《修改〈关于议案的若干暂行规定〉的决定》第一次修正 根据 2010年12月23日北京市第十三届人民代表大会常务委员会第二十二次会议《关于修改部分地方性法规的决定》第二次修正）

一、北京市人民代表大会举行会议的时候，设立议案审查委员会，在市人民代表大会主席团领导下进行工作。议案审查委员会组成人员的人选，由市人民代表大会常务委员会在市人民代表大会代表中提名，市人民代表大会或大会预备会议通过。

二、北京市人民代表大会主席团、北京市人民代表大会常务委员会、北京市人民代表大会专门委员会、北京市人民政府，可以向北京市人民代表大会提出属于市人民代表大会职权范围内的议案。在代表大会举行会议期间提出的议案，由主席团决定交大会审议，或者并交议案审查委员会审议、提出报告，再由主席团审议决定提交大会表决。

三、一个代表团或者市人民代表大会代表10人以上联名，可以向北京市人民代表大会提出属于市人民代表大会职权范围内的议案，由主席团决定是否列入大会议程，或者先交议案审查委员会审议，提出是否列入大会议程的意见，再决定是否列入大会议程。

四、北京市人民代表大会常务委员会主任会议可以向北京市人民代表大会常务委员会提出属于常务委员会职权范围内的议案，由常务委员会会议审议。

iv. Legislative System

Some Interim Provisions on Bills and Proposals

(Adopted at the 1st Meeting of the 8th People's Congress of Beijing Municipality on March 16, 1983, amended for the first time in accordance with the Decision on Revising Some Interim Provisions on Bills and Proposals adopted at the 35th Meeting of the Standing Committee of the 8th People's Congress of Beijing Municipality on February 25, 1987, and amended for the second time in accordance with the Decisions on Revising Some Local Regulations adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

1. When the Beijing Municipal People's Congress is in session, an examining committee on bills and proposals shall be established to work under the leadership of the Presidium of the Municipal People's Congress. Nominations for the members of the examining committee on bills and proposals shall be made by the Standing Committee of the Municipal People's Congress from among deputies to the Municipal People's Congress and adopted at a session of the Municipal People's Congress or its preliminary meeting.

2. The Presidium, Standing Committee and special committees of the Beijing Municipal People's Congress and the Beijing Municipal People's Government may submit bills and proposals to the Beijing Municipal People's Congress within the scope of its functions and powers. For bills and proposals put forward when the People's Congress is in session, the Presidium shall decide to refer such bills and proposals to a session of the People's Congress for deliberation, or to simultaneously refer them to the examining committee on bills and proposals for deliberation and reports before the Presidium decides, upon examination of such reports, to submit them to the People's Congress for a vote.

3. A delegation or a group of 10 or more deputies to the Municipal People's Congress may submit a bill or proposal to the Beijing Municipal People's Congress within the scope of its functions and powers. The Presidium shall decide whether to place the bill or proposal on the agenda of the Congress or to first refer it to the examining committee on bills and proposals for deliberation and a recommendation on whether to place it on the agenda before the Presidium makes such a decision.

4. The Council of Chairmen of the Standing Committee of the Beijing Municipal People's Congress may submit a bill or proposal to the Standing Committee of the Beijing Municipal People's Congress within the scope of its functions and powers for deliberation at a meeting of the Standing Committee.

北京市人民政府、北京市人民代表大会专门委员会，可以向北京市人民代表大会常务委员会提出属于常务委员会职权范围内的议案，由主任会议决定提请常务委员会会议审议。

五、北京市人民代表大会常务委员会组成人员 5 人以上，可以向常务委员会提出属于常务委员会职权范围内的议案，由主任会议决定是否提请常务委员会会议审议。

六、向北京市人民代表大会或者市人民代表大会常务委员会提出的议案，在交付市人民代表大会或者常务委员会会议表决前，提案人要求撤回的，对该议案的审议即行终止。

七、北京市人民代表大会或者市人民代表大会常务委员会审议的议案，付表决时以全体代表或者常务委员会全体组成人员的过半数通过。

八、北京市人民代表大会代表向市人民代表大会或者市人民代表大会常务委员会提出的对各方面工作的建议、批评和意见，由市人民代表大会常务委员会办事机构分别交由市人民政府、市高级人民法院、市人民检察院及其他有关机关、组织认真研究办理。

承办单位应当自代表建议、批评和意见交办之日起三个月内办理完毕并答复代表；问题复杂的，经交办机关同意，至迟不得超过六个月予以答复。

在市人民代表大会下一次会议前，市人民代表大会常务委员会听取并审议市人民政府、市高级人民法院、市人民检察院和市人民代表大会常务委员会代表联络工作部门关于代表建议、批评和意见办理情况的报告。

The Beijing Municipal People's Government and its special committees may submit a bill or proposal to the Standing Committee of the Beijing Municipal People's Congress within the scope of its functions and powers, and the Council of Chairmen shall decide to submit it to a meeting of the Standing Committee for deliberation.

5. Five or more members of the Standing Committee of the Beijing Municipal People's Congress may submit a bill or proposal to the Standing Committee within the scope of its functions and powers, and the Council of Chairmen shall decide whether to submit it to a meeting of the Standing Committee for deliberation.

6. Deliberation shall be terminated on a bill or proposal submitted to the Beijing Municipal People's Congress or its Standing Committee, if the party that submitted the bill or proposal requests its withdrawal before it is referred to the Municipal People's Congress or its Standing Committee for a vote.

7. Bills and proposals deliberated by the Beijing Municipal People's Congress or its Standing Committee shall require a majority vote of all the deputies or of all the members of the Standing Committee when they are submitted for a vote.

8. Suggestions, criticisms and complaints on any aspect of work put forward by deputies to the Beijing Municipal People's Congress to the Municipal People's Congress or its Standing Committee shall be referred by the administrative office of the Standing Committee respectively to the Municipal People's Government, the Municipal High People's Court, the Municipal People's Procuratorate and other relevant departments and organizations for serious consideration and handling.

The units that undertake such suggestions, criticisms and complaints shall handle them and give a reply to deputies within 3 months from the date when they are referred or within 6 months at the latest with agreement of the office that refer them if the issues concerned are complex.

Before the next session of the Municipal People's Congress, its Standing Committee shall hear and deliberate on reports of the Municipal People's Government, the Municipal High People's Court, the Municipal People's Procuratorate and the deputy contact department of the Standing Committee of the Municipal People's Congress on the handling of the suggestions, criticisms and complaints of deputies.

北京市制定地方性法规条例

(2001年2月10日北京市第十一届人民代表大会第四次会议通过 2002年3月29日北京市第十一届人民代表大会常务委员会第三十三次会议修订 根据2003年4月18日北京市第十二届人民代表大会常务委员会第二次会议通过的《北京市制定地方性法规条例修正案》修订 2017年1月20日北京市第十四届人民代表大会第五次会议修订)

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第一条 为了规范本市制定地方性法规的活动，完善立法程序，提高立法质量，根据宪法、地方各级人民代表大会和地方各级人民政府组织法、立法法，结合本市实际，制定本条例。

第二条 本条例适用于本市地方性法规的制定、修改、废止、解释及其相关活动。

第三条 市人民代表大会及其常务委员会依照法定的权限和程序制定地方性法规。

Regulations of Beijing Municipality on the Formulation of Local Regulations

(Adopted at the 4th Meeting of the Eleventh Beijing Municipal People's Congress on February 10, 2001; amended by the Amendment to the Regulations of Beijing Municipality on Formulating Local Regulations adopted at the 2nd Meeting of the Standing Committee of the Twelfth Beijing Municipal People's Congress on April 18, 2003; and revised at the 5th Meeting of the Fourteenth Beijing Municipal People's Congress on January 20, 2017)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of regulating the formulation of local regulations in this Municipality, improving legislation procedures and enhancing the legislation quality in accordance with the Constitution, the organic law of the local people's congresses and local people's governments and the legislation law, and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to the formulation, revision, repeal and interpretation of local regulations and the relevant activities in this Municipality.

Article 3 The Municipal People's Congress and its Standing Committee shall formulate local regulations in accordance with statutory limits of authority and procedures.

规定本市特别重大事项的地方性法规应当由市人民代表大会通过。

在市人民代表大会闭会期间，市人民代表大会常务委员会可以对市人民代表大会制定的法规进行部分补充和修改，但是不得同该法规的基本原则相抵触。

第四条 制定地方性法规必须坚持党的领导、人民当家作主、依法治国有机统一，发挥人民代表大会制度优势，坚持中国特色社会主义道路，以邓小平理论、“三个代表”重要思想、科学发展观为指导，深入贯彻落实习近平总书记系列重要讲话精神，完善党委领导、人大主导、政府依托、各方参与的科学立法工作格局，保证党的主张通过法定程序成为国家意志，为本市推进国家治理体系和治理能力现代化提供制度保障。

第五条 制定地方性法规应当遵守法制统一原则，不同宪法、法律和行政法规相抵触，保证宪法、法律和行政法规在本行政区域内的贯彻和执行。

第六条 制定地方性法规应当突出地方特色，坚持首都城市性质和功能定位，增强立法的针对性、实效性和可操作性，适应经济社会发展和全面深化改革的要求，发挥立法的引领、推动、规范和保障作用。

第七条 制定地方性法规应当恪守立法为民的理念，坚持公正、公平、公开原则，遵循和把握客观规律，科学合理地规定公民、法人和其他组织的权利与义务、国家机关的权力与责任。

第八条 制定地方性法规应当发扬社会主义民主，保障人民通过多种途径依法有序参与，体现人民的意志。

第九条 地方性法规设定法律规范，应当明确、具体；对法律、行政法规或者本市其他地方性法规已经作出明确规定的內容，一般不作重复性规定。

第二章 立法规划、计划与法规案起草

第十条 市人民代表大会常务委员会应当编制立法规划和年度立法计划。

The local regulations that prescribe especially important matters of this Municipality shall be adopted by the Municipal People's Congress.

When the Municipal People's Congress is not in session, the Standing Committee of the Municipal People's Congress may partially supplement and amend the regulation formulated by the Municipal People's Congress, provided that the basic principles of these regulations are not contravened.

Article 4 The formulation of local regulations shall adhere to the organic unity of the Party's leadership, the people's role as masters of the country and the rule of law; bring into play the institutional advantages of the system of people's congress; adhere to the road of socialism with Chinese characteristics; take Deng Xiaoping Theory, the important thought of Three Representatives and the Scientific Outlook on Development as the guidance; thoroughly implement the spirit of a series of important speeches made by General Secretary Xi Jinping; improve the pattern of scientific legislation with the leadership of the party committee, the guidance of the people's congress, the support of the people's government and the participation of all sides; ensure that the Party's propositions become the wills of the State through statutory procedures; and provide the institutional guarantee for the promotion of national governance system and the modernization of governance capacity in this Municipality.

Article 5 The formulation of local regulations shall follow the principle of unification of legal system, shall not go against the Constitution, laws and administrative regulations, and shall ensure the implementation of the Constitution, laws and administrative regulations in this Municipality.

Article 6 The formulation of local regulations shall give prominence to local features, adhere to the capital's nature and functional positioning, enhance the legislation's pertinence, effectiveness and operability, adapt to the demand of economic and social development and comprehensively deepening reform, and bring into the legislation's roles of guidance, promotion, regulation and guarantee.

Article 7 The formulation of local regulations shall abide by the concept of legislation for the people, adhere to the principles of fairness, justice and openness, follow and master objective laws, and stipulate the rights and obligations of citizens, legal entities and other organizations as well as the powers and responsibilities of state organs in a scientific and rational manner.

Article 8 The formulation of local regulations shall carry forward socialist democracy, ensure the orderly participation of the people through multiple approaches in accordance with the law, and reflect the people's will.

Article 9 The local regulations shall set legal norms in an explicit and specific manner; and generally shall not make repeated provisions on matters already explicitly stipulated in laws, administrative regulations or other local regulations of this Municipality.

Chapter II Legislation Planning and Plan and Drafting of Legislative Bills

Article 10 The Standing Committee of the Municipal People's Congress shall formulate the legislation planning and the annual legislation plan.

编制立法规划和年度立法计划，应当与国家的立法规划相协调，根据本市经济社会发展和民主法治建设的实际情况，统筹安排立法项目。

第十一条 年度立法计划分为当年审议项目、起草项目，以及进行立项论证或者预案研究的项目。

立法规划和年度立法计划由常务委员会主任会议通过，并向社会公布。

常务委员会有关工作机构负责督促立法规划和年度立法计划的落实。

第十二条 立法项目一般应当先进行立项论证。

立项论证工作由常务委员会主任会议负责。立法项目由市人民政府提出的，市人民政府应当向常务委员会提出立项申请，常务委员会有关工作机构提出立项论证报告，由主任会议决定是否立项。立法项目由市人民代表大会有关专门委员会提出的，常务委员会有关工作机构应当提出立项论证报告，由主任会议决定是否立项。

立项论证可以采取实地调研、问卷调查、成本效益分析等多种方式进行。立项论证的内容包括：立法的必要性、可行性、合法性、立法宗旨和原则、立法所要解决的主要问题和突出矛盾、核心条款、效果预期等。

第十三条 对于主题重大、社会关注度高、情况复杂、暂时难以进入立法程序的项目，可以先进行预案研究。

预案研究工作由常务委员会主任会议负责。市人民代表大会有关专门委员会或者常务委员会有关工作机构牵头，与市人民政府法制工作机构和有关部门组成项目工作组，委托高等院校、科研机构或者相关领域的专家学者组成课题组，对立法的必要性、可行性、立法所要解决的主要问题和突出矛盾、主要制度设计及法理依据等共同开展研究。具备立法条件时，进入立法程序。

第十四条 列入常务委员会立法计划的重要立法项目，应当建立统一领导和组织起草的工作机制，及时协调解决法规起草工作中的问题。

第十五条 市人民政府提出立法项目的，由市人民政府统一组织起草法规案，常务委员会有关工作机构应当进行立法调研，对起草工作提出意见。

The formulation of legislation planning and annual legislation plan shall be in line with the national legislation planning, and make overall arrangements for legislation projects according to the actual circumstances of the economic and social development and the construction of democracy and rule of law in this Municipality.

Article 11 The annual legislation plan includes projects for deliberation and drafting in the year and projects for argumentation or scenarios study.

The legislation planning and the annual legislation plan shall be approved by the Council of Chairmen of the Standing Committee, and shall be made public.

The relevant working bodies of the Standing Committee shall be responsible for urging the implementation of the legislation planning and the annual legislation plan.

Article 12 Legislation projects shall generally pass the project argumentation.

The Council of Chairmen of the Standing Committee shall be responsible for the project argumentation. Where a legislation project is proposed by the Municipal People's Government, the Municipal People's Government shall make the project application to the Standing Committee, the relevant working body of the Standing Committee shall put forward the project argumentation report and the Council of Chairmen shall decide whether to approve the project. Where a legislation project is proposed by the relevant special committee of the Municipal People's Congress, the relevant working body of the Standing Committee shall put forward the project argumentation report and the Council of Chairmen shall decide whether to approve the project.

The project argumentation may adopt multiple manners such as field study, questionnaire survey and cost-benefit analysis. Contents of the project argumentation include: the necessity, feasibility, legality, purpose and principles of legislation, the major problems and prominent contradictions to be solved by legislation, core clauses, and anticipated results.

Article 13 The scenarios study may be adopted for any project with a significant theme, great social concern and complicated circumstances that is difficult to enter the legislation procedures for the time being.

The Council of Chairmen of the Standing Committee shall be responsible for the scenarios study. The relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee shall take the lead and set up a project team with the working body for legislative affairs and the relevant departments of the Municipal People's Government, entrust higher education institutions, scientific research institutions or experts and scholars of the relevant field to form a research group for joint research on the necessity and feasibility of legislation, the major problems and prominent contradictions to be solved by legislation, the major institutional design. The project may enter the legislation procedures where the conditions for legislation are satisfied.

Article 14 The working mechanism for uniform leadership and drafting organization shall be established for any important legislation project included in the Standing Committee's legislation plan, so as to timely coordinate and solve problems in the drafting process.

Article 15 Where a legislation project is proposed by the Municipal People's Government, the Municipal People's Government shall organize the drafting of legislative bills, the relevant working body of the Standing Committee shall carry out the legislation

市人民代表大会有关专门委员会和常务委员会主任会议提出立法项目的，由常务委员会有关工作机构组织起草法规案。

第十六条 起草法规案可以吸收相关领域的人大代表和专家学者等参与，可以组建专家顾问小组，提供咨询意见。

第十七条 起草法规案应当坚持地方立法的原则，符合立法技术规范。

起草法规案应当从国家和人民的整体利益出发，充分调查研究，做好协调工作，采取座谈会、论证会、公开征求意见等形式听取人民群众和社会各界的意见，防止部门利益法制化和地方保护主义倾向。

第十八条 对于拟提请常务委员会会议审议的法规案，提案人应当在会议举行的20日前报送常务委员会。

第三章 制定地方性法规的程序

第一节 市人民代表大会制定地方性法规的程序

第十九条 市人民代表大会主席团可以向市人民代表大会提出法规案，由市人民代表大会会议审议。

市人民代表大会常务委员会、市人民政府、市人民代表大会各专门委员会，可以向市人民代表大会提出法规案，由主席团决定列入会议议程。

第二十条 一个代表团或者10名以上的代表联名，可以向市人民代表大会提出法规案，由主席团决定是否列入会议议程，或者先交有关专门委员会审议、提出是否列入会议议程的意见，再决定是否列入会议议程。

有关专门委员会审议时，应当邀请提案人列席会议，发表意见。

第二十一条 向市人民代表大会提出的法规案，在市人民代表大会闭会期间，可以先向常务委员会提出。经常务委员会会议依照本章第二节规定的程序审议后，决定

research and put forward opinions on the drafting.

Where a legislation project is proposed by the relevant special committee of the Municipal People's Congress or the Council of Chairmen of the Standing Committee, the relevant working body of the Standing Committee shall organize the drafting of legislative bills.

Article 16 The drafting of legislative bills may involve deputies to the people's congress, experts and scholars in the relevant field, who may set up expert advisory group to provide advisory opinions.

Article 17 The drafting of legislative bills shall adhere to the principles of local legislation and conform to the technical specifications of legislation.

The drafting of legislative bills shall start from the overall interests of the State and the people, make sufficient investigation and research, do a good job in coordination, listen to opinions of the masses and all sectors of society in such forms as forum, seminar and hearing, so as to prevent the legislation of departmental interests and the trend of regional protectionism.

Article 18 A legislative bill proposed to be deliberated by a meeting of the Standing Committee shall be submitted by the sponsoring person to the Standing Committee 20 days before the meeting.

Chapter III Procedures for Formulating Local Regulations

Section I Procedures for Formulation of Local Regulations by the Municipal People's Congress

Article 19 The Presidium of the Municipal People's Congress may submit legislative bills to the Municipal People's Congress, which shall be deliberated by the session of the Municipal People's Congress.

The Standing Committee of the Municipal People's Congress, the Municipal People's Government and special committees of the Municipal People's Congress may submit legislative bills to the Municipal People's Congress, which shall be placed on the agenda of a session by decision of the Presidium.

Article 20 A delegation or a group of ten or more deputies may submit a legislative bill to the Municipal People's Congress. The Presidium shall decide whether or not to place the bill on the agenda of the session, or do so after referring the bill to the relevant special committee for deliberation, which shall make a proposal as to whether to place the bill on the agenda.

When the relevant special committee holds a meeting to deliberate the bill, it may invite the sponsoring person to attend the meeting as a non-voting delegate and express opinions.

Article 21 A legislative bill to be submitted to the Municipal People's Congress may be submitted first to the Standing Committee when the Municipal People's Congress is not in session, and the Standing Committee shall decide to submit the bill to the Municipal People's Congress for deliberation after deliberating on the bill at its meetings in accordance

提请市人民代表大会审议，由常务委员会向大会全体会议作说明，或者由提案人向大会全体会议作说明。

第二十二条 常务委员会决定提请市人民代表大会会议审议法规案的，应当在会议举行的一个月前将法规草案发给代表。

第二十三条 列入市人民代表大会会议议程的法规案，大会全体会议听取提案人的说明后，由各代表团进行审议。

各代表团审议法规案时，提案人应当派人听取意见，回答询问。

各代表团审议法规案时，根据代表团的要求，有关机关、组织应当派人介绍情况。

第二十四条 列入市人民代表大会会议议程的法规案，由有关专门委员会进行审议，向主席团提出审议意见，并印发会议。但有关专门委员会在常务委员会会议审议中对该法规案已经提出审议意见的，在代表大会会议上可以不再提出审议意见。

第二十五条 列入市人民代表大会会议议程的法规案，由法制委员会根据各代表团和有关专门委员会的审议意见，对法规案进行统一审议，向主席团提出审议结果的报告和法规草案修改稿，对重要的不同意见应当在审议结果的报告中予以说明，经主席团会议审议通过后，印发会议。

法制委员会审议法规案时，应当邀请提案人、有关专门委员会列席会议，就法规案涉及的主要问题说明情况，发表意见。

第二十六条 列入市人民代表大会会议议程的法规案，必要时，主席团常务主席可以召开各代表团团长会议，就法规案中的重大问题进行讨论，听取各代表团的审议意见，并将讨论的情况和意见向主席团报告。

主席团常务主席也可以就法规案中的重大的专门性问题，召集代表团推选的有关代表进行讨论，并将讨论的情况和意见向主席团报告。

第二十七条 列入市人民代表大会会议议程的法规案，在交付表决前，提案人要求撤回的，应当说明理由，经主席团同意，并向大会报告，对该法规案的审议即行终止。

第二十八条 法规案在审议中有重大问题需要进一步研究的，经主席团提出，由

with the procedures stipulated in Section 2 of this Chapter. The Standing Committee or the sponsoring person shall make explanations to a plenary meeting of the session.

Article 22 When the Standing Committee decides to submit a legislative bill to a session of the Municipal People's Congress for deliberation, it shall distribute the draft bill to the deputies one month before the session is convened.

Article 23 The legislative bill that has been placed on the agenda of a session of the Municipal People's Congress shall be deliberated on by all delegations after the explanations made by the sponsoring person have been heard at a plenary meeting of the session.

When delegations are deliberating on a legislative bill, the sponsoring person shall send people to listen to their opinions and answer inquiries.

When delegations are deliberating on a legislative bill, the relevant organ or organization shall send people to give briefings at the request of delegations.

Article 24 The relevant special committee shall deliberate on a legislative bill that has been placed on the agenda of a session of the Municipal People's Congress, and shall be put forward to the Presidium its deliberation opinions which shall be printed and distributed at the session. However, where the relevant special committee has already put forward its deliberation opinions to the bill in a meeting of the Standing Committee, such opinions may not be put forward again at the session.

Article 25 A legislative bill that has been placed on the agenda of a session of the Municipal People's Congress shall be subject to a unified deliberation by the Law Committee according to deliberation opinions of various delegations. The Law Committee shall submit to the Presidium a report on the result of its deliberation and the revised draft bill; major dissenting views shall be stated in the report. After examination and approval by the Presidium, the report and the draft bill shall be printed and distributed at the session.

When deliberating on a legislative bill, the Law Committee shall invite the sponsoring person and members of the relevant special committee to attend the meeting as non-voting delegates, make explanations on major questions in the bill, and express opinions.

Article 26 With regard to a legislative bill that has been placed on the agenda of a session of the Municipal People's Congress, the executive chairman of the Presidium may, when necessary, convene a meeting of the heads of delegations to discuss major questions in the bill and listen to deliberation opinions of delegations, and make a report on such discussion and the relevant opinions to the Presidium.

The executive chairman of the Presidium may also convene a meeting of the interested deputies recommended by delegations to discuss important and special questions in the legislative bill, and make a report on such discussion and the relevant opinions to the Presidium.

Article 27 Where a legislative bill that has been placed on the agenda of a session of the Municipal People's Congress is requested to be withdrawn by the sponsoring person before it is put to vote, he shall state the reasons, and deliberation of the bill at the session shall terminate as soon as the Presidium has accepted the request and reported the matter to the session.

Article 28 Where important questions raised during the deliberation of on a legislative bill call for further study, the Municipal People's Congress may, by decision of a plenary meeting according to a proposal made by the Presidium, authorize the Standing Committee to further deliberate on the bill on the basis of deputies' opinions, to make a

大会全体会议决定，可以授权常务委员会根据代表的意见进一步审议，作出决定，并将决定情况向市人民代表大会下次会议报告；也可以授权常务委员会根据代表的意见进一步审议，提出修改方案，提请市人民代表大会下次会议审议决定。

第二十九条 法规草案修改稿经各代表团审议后，由法制委员会根据各代表团的审议意见进行修改，提出法规草案表决稿，由主席团提请大会全体会议表决，由全体代表的过半数通过。

第三十条 市人民代表大会通过的法规由大会主席团发布公告予以公布。

第二节 市人民代表大会常务委员会制定地方性法规的程序

第三十一条 常务委员会主任会议可以向常务委员会提出法规案，由常务委员会会议审议。

市人民政府、市人民代表大会各专门委员会，可以向常务委员会提出法规案，由主任会议决定列入常务委员会会议议程，或者先交有关专门委员会、常务委员会有关工作机构研究、提出意见，再决定列入常务委员会会议议程。主任会议认为法规案有重大问题需要进一步研究的，可以建议提案人修改完善后再向常务委员会提出。

第三十二条 常务委员会组成人员5人以上联名，可以向常务委员会提出法规案，由主任会议决定是否列入常务委员会会议议程，或者先交有关专门委员会、常务委员会有关工作机构研究、提出是否列入会议议程的意见，再决定是否列入常务委员会会议议程。不列入常务委员会会议议程的，应当向常务委员会会议报告或者向提案人说明。

市人民代表大会有关专门委员会、常务委员会有关工作机构研究时，可以邀请提案人列席会议，发表意见。

第三十三条 列入常务委员会会议议程的法规案，常务委员会有关工作机构应当在常务委员会会议后将法规草案及其起草、修改说明等向社会公布，征求意见。向社

decision and to give a report on the decision to the next session of the Municipal People's Congress; or the Standing Committee may be authorized to further deliberate on the bill on the basis of deputies' opinions, to work out a revision proposal and to submit it to the next session of the Municipal People's Congress for deliberation and decision.

Article 29 After the revised draft of a legislative bill has been deliberated on by various delegations, the Law Committee shall revise it according to deliberation opinions of delegations and prepare a draft for vote, the Presidium shall submit it for vote to a plenary meeting of the session, and the draft shall be subject to adoption by a simple majority of all the deputies.

Article 30 Regulations adopted by the Municipal People's Congress shall be promulgated by the proclamation of the Presidium.

Section II Procedures for Formulation of Local Regulations by the Standing Committee of the Municipal People's Congress

Article 31 The Council of Chairmen of the Standing Committee may submit a legislative bill to a meeting of the Standing Committee for deliberation.

The Municipal People's Government or a special committee of the Municipal People's Congress may submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to place it on the agenda of a meeting of the Standing Committee or to refer it first to the relevant special committee or working body of the Standing Committee for study before deciding whether to place it on the agenda of a meeting of the Standing Committee in light of opinions of the special committee or working body. If the Council of Chairmen believes that the legislative bill contains important questions calling for further study, it may advise the sponsoring person to revise and improve the bill before submitting it to the Standing Committee.

Article 32 Five or more of the members of the Standing Committee may jointly submit a legislative bill to the Standing Committee, and the Council of Chairmen shall decide whether to place it on the agenda of a meeting of the Standing Committee or to refer it first to the relevant special committee or working body of the Standing Committee for study before deciding whether to place it on the agenda of a meeting of the Standing Committee in light of opinions of the special committee or working body. If the Council of Chairmen decides not to place the legislative bill on the agenda of a meeting of the Standing Committee, it shall report the matter to a meeting of the Standing Committee or give an explanation to the sponsoring person.

When the relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee holds a meeting to study a legislative bill, the sponsoring person may be invited to attend the meeting as a non-voting delegate and express opinions.

Article 33 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, the relevant working body of the Standing Committee shall promulgate the draft bill and explanations on its drafting and revision after the meeting to solicit public

会公布征求意见的时间一般不少于 30 日。征求意见的情况应当向社会反馈。

第三十四条 列入常务委员会会议议程的法规案，市人民代表大会有关专门委员会、常务委员会有关工作机构应当将法规草案发送相关领域的市人大代表、区人民代表大会常务委员会以及有关机关、组织和专家，采取多种形式听取各方面的意见。

法规案有关问题专业性较强，需要进行可行性评价的，市人民代表大会有关专门委员会或者常务委员会有关工作机构应当召开论证会，听取有关专家、部门和市人大代表等方面的意见。论证情况应当向主任会议报告。

法规案有关问题存在重大意见分歧或者涉及利益关系重大调整，需要进行听证的，市人民代表大会有关专门委员会或者常务委员会有关工作机构应当召开听证会，听取有关基层和群体代表、部门、人民团体、专家、市人大代表和社会有关方面的意见。听证情况应当向主任会议报告，并向社会公布。

第三十五条 列入常务委员会会议议程的法规案，除特殊情况外，应当在会议举行的 7 日前将法规草案发给常务委员会组成人员。

第三十六条 列入常务委员会会议议程的法规案，一般应当经三次常务委员会会议审议后再交付表决；各方面意见比较一致的，可以经两次常务委员会会议审议后交付表决。

调整事项比较单一或者部分修改的法规案，各方面的意见比较一致的，也可以经一次常务委员会会议审议即交付表决。

第三十七条 常务委员会会议第一次审议法规案，按照下列规定进行：

（一）法规案由主任会议、专门委员会或者常务委员会组成人员联名提出的，在全体会议上听取提案人的说明，由全体会议或者分组会议进行初步审议。

（二）法规案由市人民政府提出的，在全体会议上听取提案人的说明和常务委员会有关工作机构关于立法工作情况的报告，由全体会议或者分组会议进行初步审议。市人民政府应当由副市长或者委托的法制工作机构的负责人向常务委员会作说明。

法规案经过常务委员会会议第一次审议后，有关专门委员会根据常务委员会组成

opinions. The period for soliciting public opinions generally shall not be less than 30 days. The result of soliciting public opinions shall be fed back to the public.

Article 34 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, the relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee shall distribute the draft bill to deputies to the Municipal People's Congress from the relevant sectors, the standing committees of the district people's congresses as well as the relevant organs, organizations and experts, and listen to opinions from various sides in multiple forms.

Where a legislative bill includes any professional question and calls for feasibility assessment, the relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee shall hold a seminar and listen to opinions from various sides such as the relevant experts, departments and deputies to the Municipal People's Congress. A report on the seminar shall be submitted to the Council of Chairmen.

Where a legislative bill includes any question with major dissenting views or involves any major adjustment to interest relationships and calls for a hearing, the relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee shall hold a hearing and listen to opinions from representatives of the relevant grassroots groups, departments, mass organizations, experts, deputies to the Municipal People's Congress and the relevant social sectors. A report on the seminar shall be submitted to the Council of Chairmen and promulgated.

Article 35 With regard to a legislative bill placed on the agenda of a meeting of the Standing Committee, the draft bill shall be distributed to members of the Standing Committee 7 days before the meeting except for special circumstances.

Article 36 As a rule, a legislative bill placed on the agenda of a meeting of the Standing Committee, the draft bill shall be put to vote after being deliberated at three meetings of the Standing Committee. If the various sides have a consensus on a legislative bill, the bill may be put to vote after being deliberated at two meetings of the Standing Committee.

Where a legislative bill involves single adjustment item or partial revision and the various sides have a consensus on it, the bill may be put to vote after being deliberated at one meetings of the Standing Committee only.

Article 37 The deliberation of a legislative bill by the meeting of the Standing Committee for the first time goes as follows:

(1) where the legislative bill is submitted by the Council of Chairmen or a special committee or jointly submitted by the Standing Committee members, explanations of the sponsoring person shall be listened to in the plenary meeting, and the plenary meeting or a group meeting shall conduct the preliminary deliberation;

(2) where the legislative bill is submitted by the Municipal People's Government, explanations of the sponsoring person and the report of the relevant working body of the Standing Committee on legislation shall be listened to in the plenary meeting, and the plenary meeting or a group meeting shall conduct the preliminary deliberation. The deputy mayor of the Municipal People's Government or the person in charge of the working body for legal affairs entrusted by the Municipal People's Government shall make explanations to the Standing Committee.

After the legislative bill is deliberated for the first time by the meeting of the Standing

人员的审议意见和各方面提出的意见进行修改，提出法规草案二次审议稿和关于法规草案修改情况的报告；对主要问题和重要的不同意见应当在修改情况报告中予以说明。

有关专门委员会审议法规案时，可以邀请其他专门委员会的成员列席会议，发表意见；根据需要，可以要求有关机关、组织派人说明情况。

第三十八条 常务委员会会议第二次审议法规案，在全体会议上听取有关专门委员会关于法规草案修改情况和主要问题的报告，由全体会议或者分组会议进行审议。

法规案经过常务委员会会议第二次审议后，法制委员会根据常务委员会组成人员的审议意见、有关专门委员会的审议意见和各方面提出的意见进行统一审议，提出法规草案三次审议稿和审议结果的报告；对重要的不同意见应当在审议结果的报告中予以说明。

法制委员会审议法规案时，应当邀请有关专门委员会的成员列席会议，发表意见。

第三十九条 常务委员会会议第三次审议法规案，在全体会议上听取法制委员会关于法规案审议结果的报告，由全体会议或者分组会议进行审议。

法规案经过常务委员会会议审议后，法制委员会根据常务委员会组成人员的审议意见进行修改，提出表决稿，由主任会议决定提请常务委员会全体会议表决。

第四十条 各方面的意见比较一致，可以经两次常务委员会会议审议即交付表决的法规案，在常务委员会会议第一次审议后，由法制委员会根据常务委员会组成人员的审议意见、有关专门委员会的审议意见和各方面提出的意见，进行统一审议，提出法规草案二次审议稿和审议结果的报告；经常务委员会会议审议后，法制委员会进行修改，提出表决稿，由主任会议决定提请常务委员会全体会议表决。

第四十一条 经一次常务委员会会议审议即交付表决的法规案，在常务委员会会议审议后，法制委员会根据常务委员会组成人员和各方面提出的意见进行审议，提出表决稿，由主任会议决定提请常务委员会全体会议表决。

第四十二条 常务委员会会议审议法规案时，提案人应当派人列席会议。

Committee, the relevant special committee shall make revision on the basis of deliberation opinions of the Standing Committee members and opinions of all sides, and prepare a draft bill for the second deliberation and a report on the revision; major questions and important dissenting opinions shall be stated in the report.

When deliberating on a legislative bill, the relevant special committee may invite members of other relevant special committees to attend the meeting as non-voting delegates and express opinions; according to needs, it may request the relevant organ or organization to send people to give briefings.

Article 38 When the legislative bill is deliberated by a meeting of the Standing Committee for the second time, the report of the relevant special committee on the revision of draft bill and on major questions shall be listened to in the plenary meeting, and the plenary meeting or a group meeting shall conduct the deliberation.

After the legislative bill is deliberated for the second time by the meeting of the Standing Committee, the Law Committee shall conduct a unified deliberation on the basis of deliberation opinions of the Standing Committee members, deliberation opinions of the relevant special committee and opinions of all sides, and prepare a draft bill for the third deliberation and a report on the result of deliberation; important dissenting opinions shall be stated in the report.

When deliberating on a legislative bill, the Law Committee shall invite members of the relevant special committee to attend the meeting as non-voting delegates and express opinions.

Article 39 When the legislative bill is deliberated by a meeting of the Standing Committee for the third time, the report of the Law Committee on the result of deliberation shall be listened to in the plenary meeting, and the plenary meeting or a group meeting shall conduct the deliberation.

After the legislative bill is deliberated by the meeting of the Standing Committee, the Law Committee shall make revision on the basis of deliberation opinions of the Standing Committee members, deliberation opinions of the relevant special committee and opinions of all sides, and prepare a draft for vote, which shall be submitted to the plenary meeting of the Standing Committee for vote as decided by the Council of Chairmen.

Article 40 With regard to a legislative bill on which various sides have a consensus and may be put to vote after being deliberated at two meetings of the Standing Committee, the Law Committee shall, after the legislative bill is deliberated by the meeting of the Standing Committee for the first time, conduct a unified deliberation on the basis of deliberation opinions of the Standing Committee members, deliberation opinions of the relevant special committee and opinions of all sides, and prepare a draft bill for the second deliberation and a report on the result of deliberation; after the deliberation by the meeting of the Standing Committee, the Law Committee shall make revision and prepare a draft for vote, which shall be submitted to the plenary meeting of the Standing Committee for vote as decided by the Council of Chairmen.

Article 41 With regard to a legislative bill which is put to vote after being deliberated at one meeting of the Standing Committee only, the Law Committee shall, after the legislative bill is deliberated by the meeting of the Standing Committee, conduct the deliberation on the basis of opinions of the Standing Committee members and all sides, and prepare a draft for vote, which shall be submitted to the plenary meeting of the Standing Committee for vote as decided by the Council of Chairmen.

Article 42 When a legislative bill is deliberated by a meeting of the Standing

常务委员会分组会议审议法规案时，提案人应当派人听取意见、回答询问；根据需要，有关机关、组织应当派人介绍情况。

第四十三条 列入常务委员会会议议程的法规案，在交付表决前，提案人要求撤回的，应当说明理由，经主任会议同意，并向常务委员会报告，对该法规案的审议即行终止。

第四十四条 法规案经常务委员会三次会议审议后，仍有重大问题需要进一步研究的，由主任会议决定提交以后的常务委员会会议继续审议。

第四十五条 常务委员会组成人员 5 人以上联名，可以在法规草案表决稿交付表决前，书面提出对法规草案表决稿的修正案，由主任会议决定是否提请常务委员会会议审议。不提请常务委员会会议审议的，应当向常务委员会会议报告并向提案人说明。

对法规草案表决稿提出修正案，应当写明修正的依据和理由，并附有修正案草案。

第四十六条 常务委员会会议表决法规草案表决稿及其修正案，由常务委员会全体组成人员的过半数通过。有修正案的，先表决修正案。

法规草案表决稿交付常务委员会会议表决前，主任会议根据常务委员会会议审议的情况，可以决定将个别意见分歧较大的重要条款提请常务委员会会议单独表决。

单独表决的条款经常务委员会会议表决后，主任会议根据单独表决的情况，可以决定将法规草案表决稿交付表决，也可以决定暂不付表决，交法制委员会和有关专门委员会进一步审议。

第四十七条 列入常务委员会会议审议的法规案，因各方面对制定该法规的必要性、可行性等重大问题存在较大意见分歧搁置审议已满两年的，或者因暂不付表决经过两年没有再次列入常务委员会会议议程审议的，由主任会议向常务委员会报告，对该法规案的审议即行终止。

第四十八条 常务委员会通过的法规由常务委员会发布公告予以公布。

Committee, the sponsoring person shall send people to attend the meeting as non-voting delegates.

When a legislative bill is deliberated by a group meeting of the Standing Committee, the sponsoring person shall send people to listen to opinions and answer inquiries; according to needs, the relevant organ or organization shall send people to give briefings.

Article 43 Where a legislative bill placed on the agenda of a meeting of the Standing Committee is requested to be withdrawn by the sponsoring person before it is put to vote, he shall state the reasons, and deliberation of the bill at the meeting shall terminate as soon as the Council of Chairmen has accepted the request and reported the matter to the Standing Committee.

Article 44 Where a legislative bill has been deliberated on by the Standing Committee at three meetings and there are still important questions calling for further study, the Council of Chairmen shall decide to submit it to the later meetings of the Standing Committee for deliberation.

Article 45 Before a draft bill for vote is put to vote, five or more of the Standing Committee members may jointly submit in writing a bill of amendment to the draft for vote, and the Council of Chairmen shall decide whether to submit the bill of amendment to the Standing Committee for deliberation. If the bill of amendment is not submitted to the Standing Committee for deliberation, the Council of Chairmen shall report to the meeting of the Standing Committee and give explanations to the sponsoring persons of such bill.

When a bill of amendment to the draft bill for vote is submitted, grounds and reasons for amendment shall be stated and the draft bill of amendment shall be attached.

Article 46 The draft bill for vote and the bill of amendment to it shall be adopted by a simple majority of the total membership of the Standing Committee at a meeting of the Standing Committee. If there is a bill of amendment, such bill shall be voted first.

Before a draft bill for vote is put to vote at a meeting of the Standing Committee, the Council of Chairmen may decide to submit individual important clauses with significant disagreement to the meeting for separate vote on the basis of deliberation by previous meetings of the Standing Committee.

After the vote of these clauses at the meeting of the Standing Committee, the Council of Chairmen may, on the basis of result of separate vote, decide to put the draft bill to vote, or decide not to put the draft bill to vote for the time being and refer it to the Law Committee and the relevant special committee for further deliberation.

Article 47 Where the deliberation of a legislative bill has been laid aside for two years owing to significant disagreement among various sides on the necessity and feasibility of making the bill into law, or where a legislative bill that has been proposed not to be put to vote for the time being has failed to be placed again on the agenda of a meeting of the Standing Committee for deliberation within two years, the Council of Chairmen shall report the matter to the Standing Committee and deliberation on the bill shall terminate.

Article 48 Regulations adopted by the Standing Committee shall be promulgated by the proclamation of the Standing Committee.

第三节 其他规定

第四十九条 提案人提出法规案时，应当同时提出法规草案文本及其说明，并提供必要的参阅资料。以修正案或者修改决定的形式修改法规的，还应当提交修改前后的对照文本。

法规草案的说明应当包括制定或者修改法规的必要性、可行性和主要内容，征求各方面意见的情况，以及起草过程中对重大分歧意见的协调处理情况。

法规草案与本市其他地方性法规的规定不一致的，提案人应当予以说明并提出处理意见；必要时，应当同时提出修改或者废止其他法规相关规定的议案。

第五十条 常务委员会会议审议法规案时，应当邀请有关的市人大代表列席会议。

对于拟提请市人民代表大会会议审议的法规案，常务委员会有关工作机构应当集中组织市人大代表征询、反映区、乡镇人大代表和群众的意见、建议。

各级人大代表应当密切联系群众，通过参加座谈会、视察、专题调研，以及开展选民接待活动和走访选民等形式，收集对法规案的意见、建议。

第五十一条 向市人民代表大会及其常务委员会提出的法规案，在列入会议议程前，提案人有权撤回。

第五十二条 交付市人民代表大会及其常务委员会全体会议表决未获得通过的法规案，如果提案人认为必须制定该法规，可以按照本条例规定的程序重新提出，由主席团、主任会议决定是否列入会议议程；其中，未获得市人民代表大会通过的法规案，应当提请市人民代表大会审议决定。

第五十三条 法规通过后，应当及时在市人民代表大会常务委员会公报、市人民代表大会常务委员会网站和《北京日报》等媒体上刊登。

在市人民代表大会常务委员会公报上刊登的法规文本为标准文本。

第五十四条 法规的修改和废止程序，适用本章第一节、第二节的有关规定。

Section III Other Provisions

Article 49 When submitting a legislative bill, the sponsoring person shall submit the text of and explanations on the draft bill at the same time, and provide necessary reference materials. Where a regulation is revised by means of a bill of amendment or a decision of revision, the compared texts before and after the revision shall also be submitted.

Explanations on the draft bill shall include the necessity, feasibility and main contents for the formulation or revision of regulation, the information about soliciting opinions from various sides, and the coordination and disposal of significant disagreement during the drafting process.

Where the draft bill is inconsistent with provisions of other local regulations in this Municipality, the sponsoring person shall make explanations and put forward suggestions; where necessary, he shall submit a bill on revising or repealing the relevant provisions of other regulations at the same time.

Article 50 When the Standing Committee holds a meeting to deliberate a legislative bill, it shall invite the relevant deputies to the Municipal People's Congress to attend the meeting as non-voting delegates.

With regard to a legislative bill proposed to be submitted to a session of the Municipal People's Congress for deliberation, the relevant working body of the Standing Committee shall organize deputies to the Municipal People's Congress to seek and reflect opinions and suggestions of deputies to district and township/town people's congresses and the masses.

Deputies to the people's congresses at various levels shall maintain close ties with the masses, and gather opinions and suggestions on a legislative bill in such forms as symposium, inspection, special study, reception of and visit to voters.

Article 51 With regard to a legislative bill submitted to the Municipal People's Congress or its Standing Committee, the sponsoring person shall be entitled to withdraw it before it is put on the agenda of a session of the Municipal People's Congress or a meeting of the Standing Committee.

Article 52 With regard to a legislative bill that has failed to pass the vote at a plenary meeting of the Municipal People's Congress or its Standing Committee, if the sponsoring person still considers it necessary to formulate the proposed regulation, he may submit the bill anew in accordance with the procedures stipulated in these Regulations, and the Presidium or the Council of Chairmen shall decide whether to put it on the agenda of a session of the Municipal People's Congress or a meeting of the Standing Committee; for the bill that has failed to be adopted by the Municipal People's Congress, the case shall be referred to the Municipal People's Congress for deliberation and decision.

Article 53 Once a regulation is adopted, it shall be timely published in the Gazette of the Standing Committee of the Municipal People's Congress, the website of the Standing Committee of the Municipal People's Congress, the Beijing Daily and other media.

The text of the regulation published in the Gazette of the Standing Committee of the Municipal People's Congress shall be the standard text.

Article 54 The relevant provisions in Section I and Section II of this Chapter shall apply to procedures for the revision and repeal of regulations.

法规被修改的，应当公布新的法规文本。

法规被废止的，除相关地方性法规明确规定废止该法规的以外，应当以公告的形式予以公布。

第五十五条 市人民代表大会有关专门委员会、常务委员会有关工作机构可以组织对有关地方性法规或者法规中有关规定进行立法后评估，对改进立法工作提出意见、建议；需要修改法规的，适时启动修改程序。评估情况应当向主任会议报告。

第五十六条 市人大常委会常务委员会应当健全法规清理工作制度，建立法规清理工作的组织协调机制。

承担法规清理工作的常务委员会工作机构应当根据法律、行政法规制定、修改和废止的情况，对不符合上位法规定或者不适应改革要求的法规进行清理，提出处理意见。

第五十七条 市人民代表大会及其常务委员会应当加强专门委员会和常务委员会工作机构的立法能力建设，组织培训立法人员，推进立法人才队伍的专业化。

市人大常委会常务委员会应当依托常务委员会网站和代表网上服务平台，公布相关立法资料、法规草案公开征求意见情况、法规草案审议意见等信息。

第四章 地方性法规的解释

第五十八条 法规的解释权属于市人大常委会常务委员会。

法规有以下情况之一的，由市人大常委会常务委员会解释：

- （一）法规的规定需要进一步明确具体含义的；
- （二）法规制定后出现新的情况，需要明确适用法规依据的。

第五十九条 市人民政府、市高级人民法院、市人民检察院和市人民代表大会各专门委员会以及区人民代表大会常务委员会可以向市人大常委会常务委员会提出法规解释要求。

Where a regulation is revised, the new text of the regulation shall be promulgated.

Where a regulation is repealed, the repeal shall be promulgated in the form of proclamation apart from being clearly stipulated in the relevant local regulation.

Article 55 The relevant special committee of the Municipal People's Congress or the relevant working body of the Standing Committee may organize the post-legislation appraisal of the relevant local regulation or the relevant provisions of a regulation, and put forward opinions and suggestions on the improvement of legislation; where a regulation needs to be revised, the procedures for revision shall be initiated at proper times. A report on such appraisal shall be submitted to the Council of Chairmen.

Article 56 The Standing Committee of the Municipal People's Congress shall improve the system for sorting out regulations, and establish the organization and coordination mechanism for sorting out regulations.

The working body of the Standing Committee undertaking the task of sorting out regulations shall, on the basis of the formulation, revision and repeal of laws and administrative regulations, sort out regulations inconsistent with provisions of the higher-level laws or not adaptive to requirements of reform, and put forward disposal opinions.

Article 57 The Municipal People's Congress and its Standing Committee shall strengthen the building of legislation capability of special committees and working bodies of the Standing Committee, organize trainings of legislators, and promote the professionalization of legislation team.

The Standing Committee of the Municipal People's Congress shall, relying on its website and the online service platform for deputies, publicize such information as the relevant legislation materials, the solicitation of public opinions on draft bills and the deliberation opinions on draft bills.

Chapter IV Interpretation of Local Regulations

Article 58 The power to interpret regulations belongs to the Standing Committee of the Municipal People's Congress.

Regulations shall be interpreted by the Standing Committee of the Municipal People's Congress where they are in any of the following circumstances:

- (1) the specific meaning of a provision needs to be further defined; or
- (2) after their formulation, new developments make it necessary to define the basis on which to apply the regulations.

Article 59 The Municipal People's Government, the Municipal Higher People's Court, the Municipal People's Procuratorate, a special committee of the Municipal People's Congress and the standing committee of a district people's congress may request the Standing Committee of the Municipal People's Congress to interpret regulations.

第六十条 常务委员会有关工作机构根据主任会议决定，研究拟订法规解释草案，由主任会议决定列入常务委员会会议议程。

第六十一条 法规解释草案经常务委员会会议审议，由法制委员会根据常务委员会组成人员的审议意见进行审议、修改，提出表决稿，由主任会议决定提请常务委员会全体会议表决。

第六十二条 法规解释草案表决稿由常务委员会全体组成人员的过半数通过，由常务委员会发布公告予以公布。

第六十三条 市人民代表大会常务委员会的法规解释同法规具有同等效力。

第五章 附 则

第六十四条 地方性法规明确要求有关机关对专门事项作出配套的具体规定的，有关机关应当自法规施行之日起一年内作出规定。有关机关未能在期限内作出配套的具体规定的，应当向市人大常委会常务委员会说明情况。

第六十五条 应当制定地方性法规但条件尚不成熟的，因行政管理迫切需要，市人民政府可以先制定规章。

规章实施满两年需要继续实施规章所规定的行政措施的，市人民政府应当提请市人民代表大会或者其常务委员会制定地方性法规。在市人民代表大会或者其常务委员会审议法规案期间，该行政措施可以继续实施；如果法规案没有通过，该行政措施应当停止执行。

第六十六条 本条例自公布之日起施行。

Article 60 The relevant working body of the Standing Committee shall, on the basis of the decision of the Council of Chairmen, study and work out a draft interpretation of a regulation, which shall be placed on the agenda of a meeting of the Standing Committee by decision of the Council of Chairmen.

Article 61 After a draft interpretation of a regulation has been deliberated by the Standing Committee at its meetings, the Law Committee shall, on the basis of deliberation opinions of the Standing Committee members, deliberate on the draft and revise it before working out a draft for vote which shall be submitted by the Council of Chairmen to a plenary meeting of the Standing Committee for vote.

Article 62 A draft interpretation of a regulation for vote shall be subject to adoption by a simple majority of the total membership of the Standing Committee, and shall be promulgated by the proclamation of the Standing Committee.

Article 63 The interpretation of a regulation adopted by the Standing Committee of the Municipal People's Congress has the same effect as the regulation.

Chapter V Supplementary Provisions

Article 64 Where a local regulation explicitly requires the relevant organ to make specific supporting provisions on a special matter, the relevant organ shall make such provisions within one year after the regulation becomes effective. Where the relevant organ fails to make specific supporting provisions within the time limit, it shall make explanations to the Standing Committee of the Municipal People's Congress.

Article 65 Where a local regulation should be formulated but the conditions are not mature yet, the Municipal People's Government may formulate a rule first due to the urgent need of public administration.

Where a rule has been effective for two years and the implementation of administrative measures stipulated in such rule needs to be continued, the Municipal People's Government shall request the Municipal People's Congress or its Standing Committee to formulate a local regulation. During the period when the legislative bill is deliberated by the Municipal People's Congress or its Standing Committee, the implementation of such administrative measures may continue; where the legislative bill is not adopted, the implementation of such administrative measures shall stop.

Article 66 These Regulations shall be effective as of the date of promulgation.

北京市各级人民代表大会常务委员会 规范性文件备案审查条例

（2012年9月28日北京市第十三届人民代表大会常务委员会
第三十五次会议通过）

第一条 为了加强规范性文件的备案审查工作，维护国家法制统一，保障公民、法人和其他组织的合法权益，根据《中华人民共和国各级人民代表大会常务委员会监督法》、《中华人民共和国立法法》等法律的规定，结合本市实际，制定本条例。

第二条 本条例所称规范性文件，是指市人民政府，区县人民代表大会及其常务委员会、区县人民政府，以及乡、民族乡、镇人民代表大会在其法定职权范围内按照一定程序制定，涉及公民、法人和其他组织权利和义务，在较长时间内具有普遍约束力的文件。

第三条 下列规范性文件，应当报送市人大常委会备案：

- （一）市人民政府制定的规章；
- （二）市人民政府发布的决定、命令及其他规范性文件；
- （三）区县人民代表大会及其常务委员会作出的决议、决定。

第四条 下列规范性文件，应当报送区县人大常委会备案：

- （一）区县人民政府发布的决定、命令及其他规范性文件；
- （二）乡、民族乡、镇人民代表大会作出的决议、决定。

第五条 规范性文件制定机关确定的报送备案工作机构应当将规范性文件自公布之日起三十日内报送备案。

报送规范性文件备案，应当提交备案报告、规范性文件正式文本，有说明和附件的应当附说明和附件。报送规范性文件备案材料应当一式五份，并附电子文本。

Regulations of Beijing Municipality on the Keeping on File and Reviewing of Regulatory Documents by the Standing Committees of the People's Congress at All Levels

(Adopted at the 35th Meeting of the Standing Committee of the 13th
People's Congress of Beijing Municipality on September 28, 2012)

Article 1 These Regulations are formulated for the purposes of strengthening the keeping on file and reviewing of regulatory documents, maintaining the unification of national legal system, and safeguarding the lawful rights and interests of citizens, legal persons and other organizations in accordance with the Law of the People's Republic of China on Supervision by the Standing Committees of the People's Congresses at All Levels and the Legislation Law of the People's Republic of China and in light of the actual circumstances of this Municipality.

Article 2 As used in these Regulations, the term “regulatory documents” refers to the documents that are formulated within their legitimate authorities by the Municipal People's Government, the people's congresses at the district or county level and their standing committees, the people's governments at the district or county level and the people's congresses at the township, ethnic township or town level in accordance with certain procedures involving the rights and obligations of citizens, legal persons and other organizations and having universal binding force in a rather long time.

Article 3 The following regulatory documents shall be submitted to the Standing Committee of the Municipal People's Congress for keeping on file:

- (1) the rules formulated by the Municipal People's Government;
- (2) the decisions, orders and other regulatory documents promulgated by the Municipal People's Government; and
- (3) the resolutions and decisions made by the people's congresses at the district or county level and their standing committees.

Article 4 The following regulatory documents shall be submitted to the standing committees of the people's congresses at the district or county level for keeping on file:

- (1) the decisions, orders and other regulatory documents promulgated by the people's governments at the district or county level; and
- (2) the resolutions and decisions made by the people's governments at the township, ethnic township or town level.

Article 5 The working bodies for submitting regulatory documents for keeping on file designated by the formulating organs of the regulatory documents shall submit the regulatory documents for keeping on file within 30 days from the date of such regulatory document's promulgation.

When any regulatory document is submitted for keeping on file, the filing report, formal text of the regulatory document shall be submitted, and attached the explanations and

每年3月1日前，规范性文件制定机关应当将其上一年度制定和废止的规范性文件目录报送备案机关备查。

第六条 市人大常委会规范性文件备案审查办公室和区县人大常委会确定的规范性文件备案审查工作机构（以下简称备案审查工作机构）负责对备案的规范性文件登记，进行研究，并送有关专门委员会或者常委会有关工作机构审查。

备案审查工作机构应当向社会公布备案的规范性文件目录。

第七条 市人民政府、市高级人民法院、市人民检察院、区县人大常委会认为市人大常委会接受备案的规范性文件与法律、法规相抵触的，可以向市人大常委会书面提出审查要求，由市人大常委会规范性文件备案审查办公室接收、登记，进行研究，并送有关专门委员会或者常委会有关工作机构对该规范性文件进行审查。

区县人民政府、区县人民法院、区县人民检察院认为区县人大常委会接受备案的规范性文件与法律、法规相抵触的，可以向区县人大常委会书面提出审查要求，由负责规范性文件备案审查的工作机构接收、登记，进行研究，并送常委会有关工作机构对该规范性文件进行审查。

第八条 本条例第七条规定之外的其他国家机关、社会团体、企业事业组织以及公民认为规范性文件与法律、法规相抵触的，可以向接受该规范性文件备案的市或者区县人大常委会书面提出审查建议，由备案审查工作机构接收、登记，并进行研究，必要时，送有关专门委员会或者常委会有关工作机构进行审查。

第九条 国家机关、社会团体、企业事业组织以及公民书面提出审查要求或者审查建议，应当写明要求或者建议审查的规范性文件名称、审查的事项和理由。

备案审查工作机构应当自收到审查要求或者审查建议之日起十五日内，将收到情况以书面、电子邮件等形式告知提出审查要求或者审查建议的国家机关、社会团体、企业事业组织或者公民。对不属于本级人大常委会备案审查范围的审查要求或者审查建议，应当告知其向有权进行备案审查的机关提出。

appendixes if there are any. The materials for submitting regulatory documents for keeping on file shall be prepared in quintuplicate with electronic editions attached.

Before March 1 of each year, the formulating organs of regulatory documents shall submit the catalogue of regulatory documents formulated or repealed in the past year to the filing organs for review.

Article 6 The Regulatory Documents Filing and Reviewing Office of the Standing Committee of the Municipal People's Congress and the working bodies for filing and reviewing regulatory documents designated by the standing committees of the people's congresses at the district or county level (hereinafter referred to as the working bodies for filing and reviewing) shall be responsible for registering and studying the regulatory documents kept on file, and transferring them to relevant special committees or relevant working bodies of the standing committees for review.

The working bodies for filing and reviewing shall promulgate the catalogue of regulatory documents kept on file to the society.

Article 7 Where the Municipal People's Government, the Municipal Higher People's Court, the Municipal People's Procuratorate or the standing committee of any people's congress at the district or county level deems that any regulatory document accepted for keeping on file by the Standing Committee of the Municipal People's Congress contravenes laws or regulations, it may submit a written request to the Standing Committee of the Municipal People's Congress for review. And the Regulatory Documents Keeping on File and Reviewing Office of the Standing Committee of the Municipal People's Congress shall accept and register such request, carry out relevant study, and transfer the regulatory document to relevant special committees or working bodies of the standing committee for review.

Where the people's government, the people's court or the people's procuratorate at the district or county level deems that any regulatory document accepted for keeping on file by the standing committee of the people's congress at the district or county level contravenes laws or regulations, it may submit a written request to the standing committee of the people's congress at the district or county level for review. And the working body responsible for keeping on file and review of regulatory documents shall accept and register such request, carry out relevant study, and transfer the regulatory document to relevant special committees or working bodies of the standing committee for review.

Article 8 Where any State organ, social organization, enterprise, institution or citizen other than those stipulated in Article 7 of these Regulations deems that any regulatory document contravenes laws or regulations, it may submit a written suggestion for review to the standing committee of the people's congress at the municipal or the district or county level that has accepted such regulatory document for keeping on file. And the working body for filing and reviewing shall accept and register such suggestion, carry out relevant study, and transfer the regulatory document to relevant special committees or relevant working bodies of the standing committee for review if necessary.

Article 9 When submitting a written request or suggestion for review, the State organ, social organization, enterprise, institution or citizen shall make clear the name of the regulatory document required or suggested to be reviewed and the items and reasons for review.

The working body for filing and reviewing shall, within 15 days from the date of receiving the request or suggestion for review, notify the receipt of such request or suggestion to the State organ, social organization, enterprise, institution or citizen submitting the

第十条 市人大专门委员会或者市和区县人大常委会工作机构对规范性文件进行审查，认为存在下列不适当情形的，应当会同备案审查工作机构提出书面审查意见，经主任会议研究同意后，建议制定机关自行修改或者废止：

（一）超越法定权限，限制或者剥夺公民、法人和其他组织的合法权利，或者增加公民、法人和其他组织的义务；

（二）同法律、法规相抵触；

（三）同上级或者本级人民代表大会及其常务委员会的决议、决定相抵触；

（四）违背法定程序；

（五）有其他不适当的情形。

市人大专门委员会或者市和区县人大常委会工作机构审查规范性文件，需要了解相关情况的，可以要求规范性文件的制定机关说明情况或者提供相关材料。

在书面审查意见提请主任会议研究前，备案审查工作机构应当会同有关专门委员会或者常委会工作机构与制定机关沟通情况，征询意见。

第十一条 规范性文件的制定机关收到书面审查意见后，应当在六十日内提出是否修改或者废止的书面意见，并送提出审查意见的市或者区县人大常委会。

规范性文件的制定机关认为被审查的规范性文件无需修改或者废止的，应当说明理由。

规范性文件的制定机关按照审查意见对规范性文件进行修改或者废止的，应当将修改后的规范性文件或者废止规范性文件的情况向提出该规范性文件审查意见的市或者区县人大常委会备案。

第十二条 市人大专门委员会或者市和区县人大常委会工作机构认为规范性文件制定机关提出的无需修改或者废止的理由不成立的，应当会同备案审查工作机构向主任会议报告，并提出予以撤销的建议。

request or suggestion in writing, via e-mail or in other forms. As to the request or suggestion for review which is not within the filing and reviewing scope of the standing committee of the people's congress at the corresponding level, it shall notify the latter to submit the request or suggestion to the competent organ for filing and reviewing.

Article 10 The special committees of the Municipal People's Congress or the working bodies of the standing committees of the people's congresses at the municipal and the district or county level shall, together with the working bodies for filing and reviewing, submit written review opinions when they deem that any one of the follow inappropriate circumstances exist after reviewing the regulatory documents, and suggest the formulating organs to revise or repeal such regulatory documents by themselves after the Chairmen's Council give a consent through discussion:

(1) transcending the statutory limits of power in restricting the lawful rights and interests of citizens, legal persons or other organizations, or depriving them of their lawful rights and interests, or increasing the obligations of citizens, legal persons and other organizations;

(2) contravening laws or regulations;

(3) contravening the resolutions or decisions of the people's congress at the superior or same level and its standing committee;

(4) going against the legal procedures; or

(5) other inappropriate circumstances.

Where the special committees of the Municipal People's Congress or the working bodies of the standing committee of the people's congress at the municipal or the district or county level need to know relevant information when reviewing any regulatory document, they may require the formulating organ of the regulatory document to make explanations or provide relevant materials.

Before the written review opinions are submitted to the Chairmen's Council for discussion, the working bodies for filing and reviewing shall, together with relevant special committees or the working bodies of the standing committee, make communications with the formulating organ and solicit its opinions.

Article 11 After receiving the written review opinions, the formulating organ of the regulatory document shall put forward the written opinions on whether to revise or repeal the regulatory document within 60 days, and submit such written opinions to the standing committees of the people's congress at the municipal or the district or county level which have submitted the review opinions.

Where the formulating organ of the regulatory document deems there is no need to revise or repeal the reviewed regulatory document, it shall explain the reasons.

Where the formulating organ of the regulatory document revises or repeals the regulatory document in accordance with the review opinions, it shall submit the revised regulatory document or report the circumstances of repealing of such regulatory document to the standing committees of the people's congress at the municipal or the district or county level which have submitted the review opinions for the record.

Article 12 Where the special committees of the Municipal People's Congress or the working bodies of the standing committee of the people's congress at the municipal or the district or county level deem that the reasons for no need to revise or repeal provided by the formulating organ of the regulatory document do not hold water, they shall, together with the working bodies for filing and reviewing, report to the Chairmen's Council and put forward the suggestions on revocation.

主任会议认为该规范性文件应当予以撤销的，可以提出议案，提请常委会会议审议；市人大有关专门委员会也可以提出撤销该规范性文件的议案，由主任会议决定是否提请常委会会议审议。

第十三条 市或者区县人大常委会会议审议有关撤销规范性文件的议案，依照本级人大常委会会议事规则的有关规定办理。常委会撤销规范性文件的决定应当向社会公布。

第十四条 根据审查要求或者审查建议进行的规范性文件审查工作结束后，备案审查工作机构应当将审查结果书面告知提出审查要求或者审查建议的国家机关、社会团体、企业事业组织或者公民。

第十五条 备案审查工作机构、市人大专门委员会或者市和区县人大常委会工作机构可以邀请常委会组成人员或者人大代表参加规范性文件审查的研究论证工作；也可以通过召开座谈会、论证会、听证会等方式，听取提出审查要求或者审查建议的国家机关、社会团体、企业事业组织或者公民、相关部门、专家及社会各界的意见。

第十六条 备案审查工作机构、市人大专门委员会或者市和区县人大常委会工作机构以及规范性文件制定机关之间，应当加强日常工作的沟通和协调。

第十七条 规范性文件报送备案工作机构未按照本条例第五条规定的期限将规范性文件报送备案，或者报送的文件材料不齐全的，备案审查工作机构应当通知其限期报送或者补充报送；逾期仍不报送的，备案审查工作机构应当向市或者区县人大常委会主任会议报告，由主任会议决定向规范性文件制定机关予以通报，并限期改正。

第十八条 实施本条例的工作程序，由市和区县人大常委会办公厅（室）制定。

第十九条 本条例自 2013 年 1 月 1 日起施行。

Where the Chairmen's Council deems the regulatory document should be revoked, it may submit a proposal to be deliberated at the meeting of the standing committee; relevant special committees of the Municipal People's Congress may also submit a proposal on the revocation of the regulatory document, and the Chairmen's Council shall decide whether to submit it to the meeting of the standing committee for deliberation.

Article 13 The deliberation of a proposal related to the revocation of a regulatory document by the meeting of the standing committee of the people's congress at the municipal or the district or county level shall follow relevant provisions of the rules of procedure for the standing committee of the people's congress at the corresponding level. The decision of the standing committee on the revocation of a regulatory document shall be promulgated to the society.

Article 14 After the review of a regulatory document in accordance with the request or suggestion for review is finished, the working body for filing and reviewing shall notify the review result in writing to the State organ, social organization, enterprise, institution or citizen submitting such request or suggestion.

Article 15 The working bodies for filing and reviewing, special committees of the Municipal People's Congress or working bodies of the standing committees of the people's congresses at the municipal or the district or county level may invite the members of the standing committees or delegates to the people's congresses to participate in the study and argumentation for reviewing regulatory documents; and listen to the opinions of the State organ, social organization, enterprise, institution or citizen submitting the request or suggestion for review or the opinions of relevant departments, experts and social walks in the form of symposium, argumentation meeting, hearing, etc.

Article 16 The working bodies for filing and reviewing, special committees of the Municipal People's Congress or working bodies of the standing committees of the people's congress at the municipal or the district or county level and the formulating organs of regulatory documents shall strengthen daily communications and coordination.

Article 17 Where the working bodies for submitting regulatory documents for keeping on file fail to submit the regulatory documents for filing within the time limit stipulated in Article 5 of these Regulations, or the materials submitted are incomplete, the working bodies for filing and reviewing shall notify them to submit or make supplement within a specified time limit; where the working bodies fail to do so within the specified time limit, the working bodies for filing and reviewing shall report to the Chairmen's Council of the standing committees of the people's congresses at the municipal or the district or county level, and the Chairmen's Council shall decide to circulate notices to the formulating organs of the regulatory documents and require them to make corrections with a specified time limit.

Article 18 The working procedures for the implementation of these Regulations shall be formulated by the general offices of the standing committees of the people's congresses at the municipal or the district or county level.

Article 19 These Regulations shall be effective as of January 1, 2013.

北京市行政规范性文件备案规定

(2016年4月12日市人民政府第112次常务会议审议通过)

第一条 为加强对行政规范性文件的监督，保障公民、法人和其他组织的合法权益，维护国家法制统一，根据国务院《法规规章备案条例》等有关规定，结合本市实际情况，制定本规定。

第二条 本规定适用于本市行政规范性文件备案工作。

本规定所称行政规范性文件，是指市人民政府工作部门、区人民政府及其工作部门、乡镇人民政府(以下统称制定机关)制定的，涉及公民、法人和其他组织权利和义务，具有普遍约束力的文件；不包括制定机关的内部工作制度、人事任免决定、对具体事项的处理决定，以及涉密和依法不对外公布的文件。

本规定所称工作部门，包括市和区人民政府所属部门、派出机关和本市实行垂直管理的部门。

第三条 行政规范性文件备案工作，坚持层级监督、依法审查、有件必备、有错必纠的原则。

第四条 制定机关对行政规范性文件的合法性负责。

备案的行政规范性文件，应当遵守行政机关公文处理规定，符合制定机关法定职责权限，符合法律、法规、规章的规定，不得减损公民、法人和其他组织合法权益或者增加其义务。

第五条 报送备案的行政规范性文件，应当符合下列要求：

- (一) 已经制定机关的法制机构进行合法性审核；
- (二) 对公民、法人和其他组织的权利和义务产生直接影响的行政规范性文件，

Provisions of Beijing Municipality on Submission of Administrative Regulatory Documents for the Record

(Adopted at the 112th Executive Meeting of Beijing Municipal People's Government on April 12, 2016)

Article 1 These Provisions are formulated in accordance with the Regulations of the State Council on Submission of Rules and Regulations for the Record, by taking into account the particular situations of this Municipality, and for the purpose of strengthening supervision over administrative regulatory documents, protecting the legal rights and interests of citizens, legal persons and other organizations, as well as maintaining the unified legal system of the State.

Article 2 These Provisions are applicable to the submission of administrative regulatory documents for the record in this Municipality.

The term “administrative regulatory documents” as mentioned in these Provisions means the documents generally binding on and involving the rights and obligations of citizens, legal persons and other organizations formulated by the working departments of the Municipal People's Government, the district people's governments and the working departments thereof, as well as the township and town people's governments (hereinafter referred to as the Formulating Organs); they do not include the internal working systems, decisions on personnel appointment and removal, decisions on specific matters and confidential documents which shall not be made public according to law of the formulating organs.

The term “working departments” as mentioned in these Provisions includes the subordinate departments and detached agencies of the municipal and district people's governments, as well as the departments under direct management in this Municipality.

Article 3 The submission of administrative regulatory documents for the record shall be conducted based on the principles of level-by-level supervision, examination according to law, submission of every document for the record and correction of every mistake discovered.

Article 4 The formulating organs shall be responsible for the legality of administrative regulatory documents.

During the submission of administrative regulatory documents for the record, the provisions on dealing with official documents of administrative bodies shall be complied with, the legal duties and authorities of the formulating organs shall be conformed to, the provisions of laws, regulations and rules shall be adhered to, and the legal rights and interests of citizens, legal persons and other organizations shall not be impaired, or the obligations thereof shall not be increased.

Article 5 The administrative regulatory documents submitted for the record shall conform to the following requirements:

- (1) The bodies of legislative affairs of the formulating organs have examined the legality thereof;
- (2) The formulating organs have collectively discussed the administrative regulatory documents with direct impact on the rights and obligations of citizens, legal persons and

已经制定机关集体讨论；

（三）行政规范性文件已经公布。

第六条 制定机关应当自行政规范性文件公布之日起 30 日内报送备案。

报送行政规范性文件备案，制定机关应当提交备案报告和行政规范性文件正式文本及其电子文本。

备案报告应当载明制定该行政规范性文件的依据、目的、主要内容的说明以及合法性审核等情况。

第七条 市人民政府工作部门和区人民政府制定的行政规范性文件，报送市人民政府备案。

乡镇人民政府和区人民政府工作部门制定的行政规范性文件，报送区人民政府备案。

两个或者两个以上工作部门联合制定的行政规范性文件，由主办部门报送本级人民政府备案。

第八条 市和区人民政府法制办公室（以下简称政府法制机构）具体承担报送本级人民政府的行政规范性文件备案工作。

第九条 报送备案的行政规范性文件，由政府法制机构登记。经登记的行政规范性文件，政府法制机构应当按月在政府网站上公布文件目录。

备案文书格式，由市政府法制机构制定。

第十条 政府法制机构可以采取集中审查、抽查和实地检查等方式，对报送备案的行政规范性文件进行审查；需要制定机关说明相关情况或者提供有关材料的，制定机关应当按照要求及时提供。

政府法制机构可以通过召开论证会、书面征求意见等方式，向相关领域的专家、专业组织进行咨询，并可以组织专家、律师等专业人员参与审查工作。

第十一条 国家机关、社会团体、企业事业组织和公民认为行政规范性文件存在违法情形，提出审查要求或者审查建议的，由政府法制机构进行审查、研究，并在审查、

other organizations;

(3) The administrative regulatory documents have been promulgated.

Article 6 The formulating organs shall submit administrative regulatory documents for the record within 30 days from the date of promulgation thereof.

When submitting administrative regulatory documents for the record, the formulating organ shall submit a report as well as an official version and electronic version of the administrative regulatory documents.

The report shall specify, among others, the basis, purpose, main contents and legality examination of the administrative regulatory documents.

Article 7 The administrative regulatory documents formulated by the working departments of the Municipal People's Government and the district people's governments shall be submitted to the Municipal People's Government for the record.

The administrative regulatory documents formulated by the township and town people's governments and the working departments of the district people's governments shall be submitted to the district people's governments for the record.

The administrative regulatory documents formulated jointly by two or more working departments shall be submitted for the record by the host department to the people's government at the same level.

Article 8 The offices of legislative affairs of the municipal and district people's governments (hereinafter referred to as the Government Organs of Legislative Affairs) shall be specifically responsible for submitting the administrative regulatory documents of the people's government at the same level for the record.

Article 9 The administrative regulatory documents submitted for the record shall be registered by the government organs of legislative affairs, which shall monthly publish a list of the registered administrative regulatory documents on the government website.

The format of the administrative regulatory documents submitted for the record shall be formulated by the municipal government organ of legislative affairs.

Article 10 The government organs of legislative affairs may examine the administrative regulatory documents submitted for the record through centralized examination, random inspection, site inspection and other means; the formulating organs shall timely describe relevant circumstances or provide relevant materials as required.

The government organs of legislative affairs may hold demonstration meetings or seek advice in writing to consult experts and professional organizations in relevant fields, as well as organize experts, lawyers and other professionals to participate in the examination.

Article 11 Where state organs, social organizations, enterprises and public institutions and citizens think that administrative regulatory documents are illegal in any respect, as well as provide examination requirements or examination suggestions, the government organs of legislative affairs shall examine and study such requirements or suggestions, as well as provide feedback opinions after the examination and study.

研究工作结束后反馈意见。

提出审查要求或者审查建议，应当写明要求审查或者建议审查的行政规范性文件的名称、事项和理由等内容。

第十二条 政府法制机构对下列事项进行审查：

- （一）是否超越制定机关的法定职责权限；
- （二）是否违法设定行政处罚、行政许可、行政强制、行政收费等；
- （三）是否违法设定减损公民、法人和其他组织合法权益或者增加其义务的规范；
- （四）是否存在违反法律、法规、规章的其他情形。

第十三条 经审查，发现行政规范性文件存在违法情形的，政府法制机构应当向制定机关提出自行修改或者废止的审查意见。制定机关应当按照审查意见对行政规范性文件进行修改或者废止。

第十四条 制定机关不按照审查意见对行政规范性文件进行修改或者废止的，政府法制机构应当向本级人民政府提出撤销该行政规范性文件的建议，由市或者区人民政府作出决定。

第十五条 政府法制机构应当加强对行政规范性文件备案工作的指导和监督，对年度行政规范性文件备案情况进行通报。

对不报送行政规范性文件备案或者不按时报送备案的，由政府法制机构通知制定机关限期报送；逾期仍不报送的，给予通报，并责令限期改正。

第十六条 制定机关制定行政规范性文件，损害公民、法人和其他组织合法权益的，依照《北京市行政问责办法》的有关规定追究责任。

第十七条 公民、法人和其他组织在行政复议或者行政诉讼时提出的行政规范性文件审查请求，依照《中华人民共和国行政复议法》或者《中华人民共和国行政诉讼法》的有关规定执行。

第十八条 市人民政府发布的决定、命令及其他规范性文件，依照市人大常委会有关规定备案。

Where examination requirements or examination suggestions are provided, the names of the administrative regulatory documents and matters which are required or suggested to be examined, the reasons therefor and etc. shall be specified.

Article 12 The government organs of legislative affairs shall examine the following matters:

(1) Whether the administrative regulatory documents have been formulated beyond the legal duties and authorities of the formulating organs;

(2) Whether the administrative regulatory documents have provided for administrative penalties, administrative licenses, administrative enforcement, administrative charges and etc. against the law;

(3) Whether the administrative regulatory documents have provided for norms which impair the legal rights and interests of citizens, legal persons and other organizations or increase the obligations thereof against the law; and

(4) Whether other circumstances violating laws, regulations and rules exist.

Article 13 Where illegal circumstances are found in administrative regulatory documents upon examination, the government organs of legislative affairs shall provide the formulating organs with examination opinions of amending or repealing such administrative regulatory documents by themselves. The formulating organs shall amend or repeal the administrative regulatory documents according to the examination opinions.

Article 14 Where the formulating organs fail to amend or repeal the administrative regulatory documents according to the examination opinions, the government organs of legislative affairs shall put forward an opinion of cancelling such administrative regulatory documents to the people's government at the same level, which shall be decided by the Municipal People's Government or the district people's governments.

Article 15 The government organs of legislative affairs shall strengthen guidance and supervision of submission of administrative regulatory documents for the record, and circulate a notice of the annual submission of administrative regulatory documents for the record.

In the event of failure or delay of submission of administrative regulatory documents for the record, the government organs of legislative affairs shall notify the formulating organs to submit them within a prescribed time limit; where the formulating organs fails to submit them beyond the prescribed time limit, the government organs of legislative affairs shall circulate a notice thereof and order them to make a rectification within a time limit.

Article 16 Where the formulating organs formulate administrative regulatory documents against the legal rights and interests of citizens, legal persons and other organizations, their liabilities shall be investigated for according to relevant provisions of the Measures of Beijing Municipality on Administrative Accountability.

Article 17 The requests for examining the administrative regulatory documents put forward by citizens, legal persons and other organizations during administrative reconsideration or administrative proceedings shall be governed by relevant provisions of the Administrative Reconsideration Law of the People's Republic of China or the Administrative Procedure Law of the People's Republic of China.

Article 18 The decisions, orders and other regulatory documents issued by the Municipal People's Government shall be submitted for the record according to relevant provisions of Standing Committee of the Municipal People's Congress.

法律、法规授权具有管理公共事务职能组织的行政规范性文件的备案工作，参照本规定执行。

第十九条 本规定自 2016 年 7 月 1 日起施行。2005 年 10 月 8 日北京市人民政府第 160 号令公布的《北京市行政规范性文件备案监督办法》同时废止。

The administrative regulatory documents of the organizations qualified for managing public affairs as authorized by laws and regulations shall be submitted for the record according to these Provisions.

Article 19 These Provisions shall enter into force as of July 1, 2016. The Measures of Beijing Municipality for Supervising Submission of Administrative Regulatory Documents for the Record promulgated by Decree No. 160 of the Municipal People's Government on October 8, 2005 shall be repealed simultaneously.

北京市人民政府规章制定办法

(2016年7月22日北京市人民政府第272号令公布)

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第一章 总 则

第一条 为规范市人民政府规章制定工作，推进科学立法、民主立法，提高规章立法质量，保障公民、法人和其他组织的合法权益，根据《中华人民共和国立法法》和《规章制定程序条例》，结合本市实际情况，制定本办法。

第二条 市人民政府规章（以下简称规章）的立项、起草、审查、决定、公布、备案、修改、废止、解释及其相关活动适用本办法。

本办法所称规章，是指市人民政府依据宪法、法律、法规，为执行法律法规规定的事项或者规范地方具体行政管理事项，按照规定程序制定并公布的，在本市行政区域内具有普遍约束力并以强制力保证实施的规范性文件。

第三条 规章设定减损公民、法人和其他组织权利或者增加其义务的措施，应当

Measures of Beijing Municipal People's Government for the Formulation of Rules

(Promulgated by Decree No. 272 of the People's Government of Beijing
Municipality on July 22, 2016)

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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of regulating the formulation of rules by the Municipal People's Government, promoting scientific and democratic legislation, improving the legislation quality of rules, and protecting the legitimate rights and interests of citizens, legal entities and other organizations in accordance with the Legislation Law of the People's Republic of China and the Regulations on Procedures for Formulating Rules, and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to the project approval, drafting, examination, decision, promulgation, filing, revision, repeal and interpretation of rules formulated by the Municipal People's Government (hereinafter referred to as rules) and the relevant activities.

As used in these Measures, "rules" refer to normative documents formulated and promulgated by the Municipal People's Government as to stipulated procedures in accordance with the Constitution, laws and regulations, for the purpose of implementing matters stipulated in laws and regulations or regulating specific local public administration matters, and having universal binding force within the administrative area of this Municipality whose implementation is ensured by coercive force.

Article 3 A rule stipulating measures to decrease rights of citizens, legal entities and other organizations or increase their obligations shall take a law, administrative regulation or local regulation as its basis; where there is no such basis, an application for formulating

有法律、行政法规、地方性法规作为依据；没有依据的，应当依法提请制定地方性法规。

制定地方性法规条件尚不成熟的，因行政管理迫切需要，可以按照立法法规定先行制定规章。

第四条 制定规章应当符合本市城市战略定位，适应经济社会发展和全面深化改革需要，坚持以问题为导向，以理念为统领，指引具体制度设计。

第五条 规章规范的事项应当具有以下状态：

（一）事项的状态已经稳定，其性质和特征明确，矛盾和问题已经充分显现，事项所反映的社会关系基本形成；

（二）事项所反映社会关系的规律和趋势能够认清，社会关系的基本特点可以准确把握；

（三）各利益相关方对依法调整社会关系的认识基本统一，公众心理普遍接受。

第六条 规章的内容应当具有以下特点：

（一）采取的制度措施针对问题的本质，能够切实有效地解决问题；

（二）有实践基础或者成熟经验可以借鉴，制度措施可操作，措施之间相互协调，形成合力；

（三）注重成本效益优化，行政管理成本与取得的社会效益相平衡，实施效果可预期。

第七条 制定规章应当通过合理配置行政权力、组合运用管理手段、协调完善管理机制、平衡匹配权责关系，实现法律制度的衔接和传导。

制定规章应当坚持立、改、废、释并举，优化体系布局，避免法律制度的无效叠加。

第八条 市人民政府统一领导规章制定工作。

市人民政府法制办公室（以下简称市政府法制办）负责统筹、组织、协调和指导规章制定工作。

区人民政府和市人民政府有关部门负责规章项目提出及起草，具体工作由其承担法制工作的机构负责统筹、组织、推进。

a local regulation shall be made in accordance with the law. Where the conditions for formulating a local regulation are not mature yet, a rule may be formulated first in accordance with the Legislation Law due to the urgent need of public administration.

Article 4 The formulation of rules shall conform to the strategic positioning of this Municipality, adapt to the demand of economic and social development and comprehensively deepening reform, stick to problem orientation and concept guidance, and guide the design of specific systems.

Article 5 A matter regulated by a rule shall be in the following conditions:

(1) its condition is stable, its nature and characteristics are clear, the relevant contradictions and problems have been sufficiently exposed, and the social relationship reflected by it has generally taken shape;

(2) the pattern and trend of the social relationship reflected by it can be recognized, and the fundamental features of such social relationship can be correctly identified; and

(3) all interested parties generally have a consensus on the adjustment of such social relationship in accordance with the law, and such adjustment is generally consistent with the public psychology.

Article 6 The content of a rule shall have the following characteristics:

(1) the institutional measures adopted aim at the essence of a problem and can practically and effectively solve the problem;

(2) there are practice bases or mature experience for reference, and the institutional measures are practical, coordinated and can form a joint force; and

(3) attentions are paid to the optimization of cost effectiveness, the cost of public administration and the social benefits achieved are balanced, and the implementation result is predictable.

Article 7 The formulation of rules shall realize the connection and conduction of legal systems through rational allocation of administrative powers, combined use of administration measures, coordination and improvement of administration mechanisms, balancing and matching of powers and duties.

The formulation of rules shall adhere to the integration of legislation, revision, repeal and interpretation, optimize the systematic layout, and avoid invalid overlay of legal systems.

Article 8 The Municipal People's Government shall exercise unified leadership over the formulation of rules.

The Legal Affairs Office of the Municipal People's Government (hereinafter referred to the Municipal Legal Affairs Office) shall be responsible for comprehensively planning, organizing, coordinating and guiding the formulation of rules.

The district people's governments and the relevant departments of the Municipal People's Government shall be responsible for proposing and drafting rules, and their working bodies for legal affairs shall be responsible for comprehensively planning, organizing and promoting the specific work.

第二章 立 项

第九条 制定规章应当经过立项。

区人民政府和市人民政府有关部门认为需要制定规章的，应当向市人民政府申报立项。

市政府法制办根据市委、市人民政府工作要求或者实际工作需要，可以直接提出规章项目。

市人大常委会在地方性法规立项论证中认为应当制定地方性法规但条件尚不成熟，并建议先行制定规章的，可以不经过程序立项。

第十条 市政府法制办向高等院校、科研机构、社会团体等定向征集立法项目建议。

公民、法人和其他组织可以通过信函、电子邮件或者传真等方式，向市政府法制办提出立法项目建议。

第十一条 对征集到的立法项目建议，市政府法制办应当组织相关部门进行研究。

立法项目建议提出的问题及成因分析确定、立法思路明确、立法内容详尽、制度措施完善的，市政府法制办应当交由相关主管部门研究并反馈当事人。相关部门研究后认为确需立法的，可以按照法定程序申报立项。

第十二条 申报规章立项，应当按照市人民政府的有关规定，提交立项报告及以下相关材料：

- （一）立项申请函；
- （二）立法背景资料、调研报告；
- （三）相关法律法规和政策文件；
- （四）国内外有借鉴价值的立法资料；
- （五）各有关方面对立项报告的意见汇总和分析；
- （六）重大、疑难问题的专家论证意见；
- （七）本单位法制工作机构的审查意见；

Chapter II Project Approval

Article 9 The formulation of new rules shall be subject to project approval.

Where the district people's government or the relevant department of the Municipal People's Government deems it necessary to formulate a rule, it shall apply the Municipal People's Government for project approval.

The Municipal Legal Affairs Office may directly propose a rule according to the requirement or actual demand of the Municipal Party Committee or the Municipal People's Government in its work.

In the project argumentation of a local regulation, where the Standing Committee of the Municipal People's Congress thinks the local regulation should be formulated but the conditions are not mature yet and suggests that a rule should be formulated first, the project approval may be exempted.

Article 10 The Municipal Legal Affairs Office shall directionally solicit suggestions on a legislation project from higher education institutions, scientific research institutions and mass organizations.

Citizens, legal entities and other organizations may put forward suggestions on a legislation project to the Municipal Legal Affairs Office by means of letter, email or fax.

Article 11 The Municipal Legal Affairs Office shall organize the relevant departments to study solicited suggestions on a legislation project.

Where any suggestion on a legislation project includes definite description and cause analysis of problems, clear legislative idea, detailed legislation content and complete institutional measures, the Municipal Legal Affairs Office shall deliver it to the relevant competent department for study and provide feedback to the party concerned. Where the relevant department thinks that legislation is really needed after studying the suggestion, it shall apply for project approval in accordance with statutory procedures.

Article 12 To apply for project approval of a rule, the report on project approval and the following materials shall be submitted in accordance with the law the relevant provisions of the Municipal People's Government:

- (1) the application for project approval;
- (2) background materials of legislation and the investigation report;
- (3) the relevant legal bases and policy documents;
- (4) domestic and foreign legislation materials with reference value;
- (5) collection and analysis of opinions from various sided concerned on the report on project approval;
- (6) expert opinions on the argumentation of major and difficult problems;
- (7) examination opinions of the internal working body for legal affairs; and

（八）其他有关材料。

立项报告的内容应当包括立法的必要性和可行性分析、拟解决的主要问题、拟确定的主要制度、拟采取的主要措施、预期的社会效果以及可能出现的问题等。

申报单位提交立项报告，应当经本单位集体讨论决定。

第十三条 规章立项，由市政府法制办组织审查并集体讨论决定。

有下列情形之一的，不予立项：

- （一）拟规范的事项不属于规章立法权限；
- （二）上位法规定明确具体，无地方立法空间；
- （三）属于纪律、政策、道德和社会自治规范解决的事项；
- （四）属于计划、规划、技术标准和执法层面协调解决的事项。

有下列情形之一的，暂不立项：

- （一）对事物的性质和发展趋势把握不准确，对矛盾和问题认识不清晰、不统一；
- （二）有关依据政策不明确、不成熟，或者国家法律、法规、政策将作重大调整；
- （三）正在进行重大体制调整或者有重大体制障碍。

市政府法制办应当以书面形式作出立项审查决定，并告知申报单位。

第十四条 属于本办法第三条规定情形，按照立法法规定先制定规章的，申报单位应当就制定规章的必要性、迫切性以及拟采取的行政措施进行充分论证。市政府法制办在立项审查时应当书面向市人大常委会有关工作机构征询意见。申报单位、市政府法制办应当根据市人大常委会有关工作机构的反馈意见开展相关工作。

前款所列规章项目，在起草、审查阶段，起草单位、市政府法制办应当就规章草案的主要内容与市人大常委会有关工作机构进行沟通。

第十五条 市政府法制办应当根据规章立项情况及实际立法需求，拟定市人民政府年度立法工作计划，报市人民政府批准后执行。

市人民政府年度立法工作计划应当根据立法需求紧迫程度、社会认识统一程度和基础工作成熟程度，分档安排立法项目。

(8) other relevant materials.

The report on project approval shall include such contents as analysis on necessity and feasibility of legislation, major problems proposed to be solved, major systems proposed to be established, major measures proposed to be taken, anticipated social effects and potential problems.

The submission of the report on project approval by a unit shall be decided by the collective discussion within it.

Article 13 The project approval of a rule shall be examined by the Municipal Legal Affairs Office and decided through collection discussion.

The project approval shall not be given in any of the following circumstances:

(1) the matter proposed to be regulated does not belong to the rule's legislation jurisdiction;

(2) there are explicit and specific provisions in the higher-level law and there is no space for local legislation;

(3) the matter proposed to be regulated can be solved with discipline, policy, morality and social self-governance norms; or

(4) the matter proposed to be regulated can be solved through the coordination at the layer of plan, planning, technical standard and law enforcement.

The project approval shall not be given for the time being in any of the following circumstances:

(1) there is no correct understanding of the object's nature and development trend, or there is no clear or unified recognition of contradictions and problems;

(2) the relevant policy bases are not clear or mature, or the relevant law, regulation or policy of the State is subject to major adjustment; or

(3) major institutional adjustments are undergoing or there are major institutional barriers.

The Municipal Legal Affairs Office shall make a written decision on the examination of project approval, and notify the applying unit.

Article 14 Where a rule shall be formulated first in accordance with the Legislation Law in any of the circumstances stipulated in Article 3 of these Measures, the applying unit shall carry out sufficient argumentation on the necessity and urgency of formulating the rule and administrative measures proposed to be taken. The Municipal Legal Affairs Office shall solicit opinions of the relevant working bodies of the Standing Committee of the Municipal People's Congress in writing when examining the project approval. The applying unit and the Municipal Legal Affairs Office shall carry out the relevant work according to feedback opinions of the relevant working bodies of the Standing Committee of the Municipal People's Congress.

With regard to a rule stipulated in the preceding paragraph, the applying unit and the Municipal Legal Affairs Office shall communicate with the relevant working bodies of the Standing Committee of the Municipal People's Congress on main contents of the draft rule during the drafting and examination phases.

Article 15 The Municipal Legal Affairs Office shall prepare the annual legislation plan of the Municipal People's Government according to project approvals on rules and the actual demands for legislation, and shall implement such plan after obtaining the approval of the Municipal People's Government.

The annual legislation plan of the Municipal People's Government shall arrangement legislation projects to different grades according to extents in such aspects as urgency of

市人民政府年度立法工作计划应当明确立法工作的原则、任务、要求及项目名称和起草单位。

第十六条 市人民政府年度立法工作计划应当与市人大常委会立法规划和年度立法计划相衔接。

属于应当制定地方性法规但条件尚不成熟，因行政管理迫切需要先行制定规章的，应当在立法工作计划中注明。

第十七条 市人民政府年度立法工作计划公布后，起草单位应当制定工作方案，按照市政府法制办确定的时间要求，明确工作进度安排和阶段工作任务，推进立法工作计划的落实。

第三章 起 草

第十八条 起草单位应当根据立项审查意见和实际管理需要，组织起草规章。

涉及两个以上起草单位的规章项目，由市政府法制办按照职能最密切相关的原则确定一个牵头单位组织起草；属于规范政府共同行为的规章项目，可以由市政府法制办自行组织起草。

专业性较强的规章项目，起草单位可以委托有关专家、高等院校、科研机构、社会团体等第三方起草。委托第三方起草的，起草单位应当加强过程指导，保证起草工作质量。

第十九条 起草单位应当加强调查研究，注重总结实践经验，准确把握管理中存在的问题，研究提出解决对策，充分论证拟设定制度措施的针对性和可操作性，确保管理措施与社会实际情况相符合。

第二十条 起草规章应当符合下列要求：

- （一）遵从上位法的立法精神和基本原则，与上位法以及本市其他规章相协调；
- （二）设定的管理措施应当从本市全局出发，统筹兼顾各方利益；
- （三）设定的管理措施应当与客观需要相适应，程度适当、幅度合理；
- （四）设定的管理措施应当权责一致，不得随意增加部门权力、减少部门职责；

legislation demand, unification of social cognition and maturity of fundamental work.

The annual legislation plan of the Municipal People's Government shall make clear the principles, tasks and requirements of legislation as well as the names and drafting units of legislation projects.

Article 16 The annual legislation plan of the Municipal People's Government shall be connected with the legislation planning and the annual legislation plan of the Standing Committee of the Municipal People's Congress.

The annual legislation plan of the Municipal People's Government shall specify the case in which a local regulation should be formulated but the conditions are not mature yet so a rule is formulated first due to the urgent need of public administration.

Article 17 After the annual legislation plan of the Municipal People's Government is promulgated, a drafting unit shall formulate its work program, and make clear work scheduling and work tasks for different phases according to the Municipal Legal Affairs Office's time requirements, so as to promote the implementation of such plan.

Chapter III Drafting

Article 18 A drafting unit shall organize the drafting of a rule according to examination opinions on project approval and demands of actual administration.

Where a rule involves not less than two drafting units, the Municipal Legal Affairs Office shall decide a leading unit to organize the drafting according to the principle of closest connection with function; where a rule regulates common behaviors of the government, the Municipal Legal Affairs Office may organize the drafting itself.

Where a rule involves very professional matters, the drafting unit may entrust the drafting to a third party such as the relevant expert, higher education institution, scientific research institution or mass organization. Where the drafting is entrusted to a third party, the drafting unit shall strengthen the process guidance so as to ensure the quality of drafting.

Article 19 A drafting unit shall strengthen the investigation and study, pay attention to the summarization of practical experience, correct identify problems existing in the administration, put forward solutions after study, carry out sufficient argumentation on the pertinence and feasibility of proposed institutional measures, and ensure administration measures conform to actual social situation.

Article 20 The drafting of a rule shall satisfy the following requirements:

- (1) complying with the legislation spirit and fundamental principles of a higher-level law, coordinating with a higher-level law and other rules of this Municipality;
- (2) proposing administration measures in conformity with the overall situation of this Municipality and by giving comprehensive consideration to interests of various sides;
- (3) proposing administration measures adaptive to objective demands with proper extent and rational scope;
- (4) proposing administration measures by balancing powers and duties without liberally

- （五）设定的管理措施应当具体、明确、详尽，具有可操作性；
- （六）确定实体内容的同时规定程序规范，程序规范能保障实体内容的实现；
- （七）条文表述符合立法技术要求，用语准确、简洁，符合国家通用语言文字规范和法律语言表述习惯。

第二十一条 起草单位应当通过书面、召开座谈会、听证会、论证会或者问卷调查等多种形式，广泛听取相关部门、社会公众、社会团体、相关领域专家、管理相对人及利益相关方的意见。

规章内容涉及重大法律问题或者特殊专业技术问题的，应当组织专家论证；直接涉及公民、法人和其他组织切身利益的，应当举行听证会；存在重大分歧、公众关注程度高的，起草单位应当向社会公开征求意见。

第二十二条 规章内容涉及其他行政管理主体职责的，起草单位应当主动协调，听取意见；涉及行政管理体制变化或者职责调整的，起草单位应当与相关单位协调，协调不成的，应当报请市人民政府决定。

第二十三条 规章草案送审稿应当由起草单位法制工作机构审核后，经集体讨论决定，报请市人民政府审查。

自通过立项审查之日起2年内未报请审查规章草案送审稿的，应当重新立项。

第二十四条 起草单位报送规章草案送审稿，应当提交下列材料：

- （一）报送审查的报告；
- （二）规章草案送审稿及其说明；
- （三）相关法律法规和政策文件；
- （四）上级单位对有关事项的批准文件；
- （五）重大意见分歧协调情况的说明材料；
- （六）主要制度措施的实施条件及预期效果；
- （七）本单位法制工作机构的审查意见；
- （八）召开论证会、听证会的会议记录等材料；

increasing a department's powers or decreasing its duties;

(5) proposing administration measures in a specific, explicit, detailed and feasible manner;

(6) setting procedural specifications at the same time of confirming substantive contents so that procedural specifications can guarantee the realization of substantive contents; and

(7) stating clauses according to technical requirements on legislation with correct and concise wording in conformity with national norms on language and customs on legal expressions.

Article 21 A drafting unit shall extensively listen to opinions of the relevant departments, the masses, mass organizations, experts in the relevant fields, administrative counterparts and interested parties in multiple forms such as writing, symposium, hearing, seminar or questionnaire survey.

Where the contents of a rule involve major legal issues or special technical issues, the argumentation by experts shall be organized; where the contents of a rule have a direct impact on the vital interests of citizens, legal entities and other organizations, hearings shall be held; where there are major dissenting views or great public concerns, the drafting unit shall solicit public opinions.

Article 22 Where the contents of a rule involve the duties of another public administration body, the drafting unit shall actively coordinate with the body and listen to its opinions; where the contents of a rule involve changes to public administration system or adjustments to duties, the drafting unit shall coordinate with the relevant units, and shall report to the Municipal People's Government for decision if such coordination fails.

Article 23 A draft rule for examination shall be examined by a drafting unit's working body for legal affairs and submitted to the Municipal People's Government for examination as to the decision of collection discussion.

Where a draft rule for examination is not submitted for examination within 2 years after the project approval is obtained, the project approval shall be applied for anew.

Article 24 When submitting a draft rule for examination, a drafting unit shall submit the following materials:

- (1) the report on submitting for examination;
- (2) the draft rule for examination and its explanations;
- (3) the relevant legal bases and policy documents;
- (4) the approval document of the superior unit on the relevant matter;
- (5) explanations on the coordination of major dissenting views;
- (6) implementation conditions and anticipated effects of major institutional measures;
- (7) examination opinions of the internal working body for legal affairs;
- (8) minutes and other materials of seminars and hearings; and
- (9) other materials such as the investigation report and findings of research on the

（九）调研报告、对国内外相关立法情况的研究成果等其他材料。

第二十五条 规章草案送审稿与立项确定的主要思路和制度措施有重大变化的，起草单位应当就变化的情形和理由作出说明。

属于应当制定地方性法规但条件尚不成熟，因行政管理迫切需要先行制定的规章，起草单位应当对拟采取的管理措施作出说明。

第四章 审 查

第二十六条 规章草案送审稿由市政府法制办负责审查。

规章草案送审稿及材料不符合本办法第二十四条、第二十五条规定的，市政府法制办可以要求起草单位在15日内补充相关材料；起草单位未按照要求补充相关材料的，市政府法制办可以将规章草案送审稿退回起草单位。

第二十七条 市政府法制办对规章草案送审稿进行法律审查，包括必要性、合法性、合理性、可行性及规范性等方面。主要审查内容为：

- （一）是否符合宪法、法律和法规的规定；
- （二）是否从本市整体利益出发，切实保障公民、法人和其他组织的合法权益；
- （三）是否符合市场经济发展和行政管理体制改革的方向；
- （四）是否体现权责平衡，避免强调部门利益；
- （五）制度措施是否符合比例原则，管理手段是否合理、适度；
- （六）制度措施是否具有针对性、可操作性和可执行性；
- （七）程序是否公平、公正、公开，能够有效保障实体规定的实施；
- （八）需要审查的其他内容。

市政府法制办在法律审查中发现规章草案送审稿存在下列情形之一，可以中止审查，要求起草单位重新起草或者提出解决方案：

- （一）主要内容与前款规定存在较大差异的；

relevant domestic and foreign legislations.

Article 25 Where there are significant changes to major ideas and institutional measures determined upon project approval in the draft rule for examination, the drafting unit shall make explanations on circumstances and reasons of such changes.

Where it is the case that a local regulation should be formulated but the conditions are not mature yet so a rule is formulated first due to the urgent need of public administration, the drafting unit shall make explanations on proposed administration measures.

Chapter IV Examination

Article 26 The Municipal Legal Affairs Office shall be responsible for examining draft rules for examination.

Where a draft rule for examination and accompanying materials do not conform to provisions in Article 24 and Article 25 of these Measures, the Municipal Legal Affairs Office may require the drafting unit to supplement the relevant materials within 15 days; where the drafting unit fails to supplement the relevant materials as required, the Municipal Legal Affairs Office may return the draft rule for examination to the drafting unit.

Article 27 The Municipal Legal Affairs Office shall carry out the legal examination of a draft rule for examination, including such aspects as necessity, legality, rationality, feasibility and standardability. Main contents of the examination are:

- (1) whether the rule is in conformity with provisions of the Constitution, laws and regulations;
- (2) whether the rule is in conformity with overall interests of this Municipality and can earnestly protect the legitimate rights and interests of citizens, legal entities and other organizations;
- (3) whether the rule is in conformity with the direction of developing market economy and reforming public administration system;
- (4) whether the rule reflects the balance of powers and duties, and avoids the emphasis on departmental interests;
- (5) whether institutional measures conform to the principle of proportionality, whether administration measures are rational and moderate;
- (6) whether institutional measures are targeted, feasible and enforceable;
- (7) whether procedures are fair, just and open and can effectively ensure the implementation of substantive provisions; and
- (8) other contents need to be examined.

Where the Municipal Legal Affairs Office discovers during the legal examination that a draft rule for examination is in any of the following circumstances, it may suspend the examination and require the drafting unit to redraft or put forward solutions:

- (1) there is big difference between its main contents and provisions in the preceding paragraph;

(二) 上位法或者社会实际情况发生重大变化的；

(三) 重大问题无法协调一致的。

第二十八条 市政府法制办应当将规章草案送审稿正文和说明，以书面形式征求区人民政府和市人民政府有关部门的意见。

区人民政府和市人民政府有关部门应当认真研究规章草案送审稿，提出书面修改意见并加盖公章反馈。

第二十九条 除依法应当保密外，市政府法制办应当在本市人民政府和市政府法制办的门户网站全文刊载规章草案送审稿正文和说明，公开征求社会公众的意见；涉及社会公众普遍关注的热点和难点问题的，还可以通过报刊刊载、民意调查等方式征求意见。

征求社会公众意见的期限一般不少于 30 日。

社会公众可以通过登陆门户网站、提交电子邮件、邮寄信件等方式提出意见。

第三十条 对各方面提出的意见，市政府法制办应当认真研究。对其中具有建设性、代表性的意见，市政府法制办可以采取适当形式进行反馈。

第三十一条 本市建立立法第三方论证咨询制度。

市政府法制办可以委托有关专家、高等院校、科研机构、社会团体等第三方对立法中涉及重大利益调整的制度措施进行论证咨询。

第三十二条 本市建立立法工作法律专家审核制度，对规章草案送审稿所涉及的重大、复杂法律问题进行法律审核。

有关专家遴选、调整和立法事项审核等工作，由市政府法制办负责具体组织实施。

第三十三条 市政府法制办在充分调研、广泛听取意见、专家论证审核的基础上，对规章草案送审稿进行修改完善，经集体讨论，形成规章草案。

第三十四条 起草单位在规章草案送审稿中止审查之日起 1 年内未能完成重新起草工作或者提出解决方案的，市政府法制办可以终止审查。

- (2) there are significant changes in a higher-level law or actual social situation; or
- (3) no consensus can be reached on any major issue.

Article 28 The Municipal Legal Affairs Office shall solicit written opinions of district people's governments and the relevant departments of the Municipal People's Government on the text and explanations of the draft rule for examination.

District people's governments and the relevant departments of the Municipal People's Government shall carefully study the draft rule for examination, put forward written revision opinions, added official seals on such opinions and feed back to the Municipal Legal Affairs Office.

Article 29 Unless for the reason of confidentiality in accordance with the law, the Municipal Legal Affairs Office shall publish the full text and explanations of the draft rule for examination in the web portals of the Municipal People's Government and the Municipal Legal Affairs Office so as to solicit public opinions; where a hotspot or difficult problem with public concerns is involved, the Municipal Legal Affairs Office may also solicit opinions in such manners as publishing in newspapers and poll.

The period for soliciting public opinions generally shall not be less than 30 days.

The public may put forward opinions in such manners as logging on web portals, sending emails and delivering mails.

Article 30 The Municipal Legal Affairs Office shall carefully study opinions put forward by various sides, and may give feedback to constructive and representative ones in proper manners.

Article 31 This Municipality shall establish the system for third-party argumentation and consultation.

The Municipal Legal Affairs Office may entrust third parties such as the relevant experts, higher education institutions, scientific research institutions and mass organizations to carry out argumentation or provide consultation on institutional measures involving adjustments to vital interests in the legislation.

Article 32 This Municipality shall establish the system of legislation verification by legal experts, so as to carry out legal verification of major and complex legal issues involved in draft rule for examinations.

The Municipal Legal Affairs Office shall be responsible for the specific organization and implementation of selecting and adjusting the relevant experts and verifying affairs for legislation.

Article 33 The Municipal Legal Affairs Office shall, on the basis of sufficient investigation, extensively listening to opinions as well as argumentation and verification by experts, revise and improve a draft rule for examination and form a draft rule after collective discussion.

Article 34 Where a drafting unit fails to complete redrafting or put forward solutions within one year after the examination of draft rule for examination is suspend, the Municipal Legal Affairs Office may terminate the examination.

第五章 决定、公布和备案

第三十五条 规章草案由市政府法制办提请市政府常务会议或者全体会议审议。

审议规章草案时，由市政府法制办作出说明。

第三十六条 经市政府常务会议或者全体会议审议通过后，市政府法制办根据审议意见修改完善，形成规章文本，报请市长签署后，以政府令的形式予以公布。

规章公布后，应当在《北京市人民政府公报》、《北京日报》上刊载。

《北京市人民政府公报》刊登的规章文本为标准文本。

第三十七条 规章公布后，应当按照法定程序和期限向国务院和市人大常委会进行备案。

属于应当制定地方性法规但条件尚不成熟，因行政管理迫切需要先行制定的规章，应当在备案报告中作出说明。

第三十八条 规章应当自公布之日起 30 日后施行；但公布后不立即施行将有碍规章施行的，可以自公布之日起施行。

规章起草期间，相关部门应当同步研究制定配套措施，规章公布后，做好实施准备工作。

第三十九条 起草单位应当在规章实施满 1 年后的 6 个月内对实施效果进行评价，并向市人民政府提交实施情况的报告。经评价确需修改的，提出具体修改建议。

属于应当制定地方性法规但条件尚不成熟，因行政管理迫切需要先行制定的规章，起草单位、市政府法制办应当会同市人大常委会有关工作机构进行实施效果评价。经评价，认为有必要继续实施规章所规定的行政措施的，市人民政府应当于规章实施满 2 年前依法提请市人大常委会制定地方性法规；认为不需要继续实施的，应当及时废止规章。

Chapter V Decision, Promulgation and Filing

Article 35 The Municipal Legal Affairs Office shall submit a draft rule to the executive meeting or plenary meeting of the Municipal People's Government for deliberation.

When a draft rule is being deliberated, the Municipal Legal Affairs Office shall make explanations.

Article 36 After a draft rule is deliberated and adopted by the executive meeting or plenary meeting of the Municipal People's Government, the Municipal Legal Affairs Office shall make revision and improvement according to deliberation opinions and form the text of the rule, which shall be promulgated by a decree of the Municipal People's Government after being signed by the major.

After a rule is promulgated, it shall be published in the Gazette of Beijing Municipal People's Government and the Beijing Daily.

The text of a rule published in the Gazette of Beijing Municipal People's Government shall be the standard text.

Article 37 After a rule is promulgated, it shall be submitted to the State Council and the Standing Committee of the Municipal People's Congress for filing in accordance with statutory procedures and time limits.

Where it is the case that a local regulation should be formulated but the conditions are not mature yet so a rule is formulated first due to the urgent need of public administration, explanations shall be made in the filing report.

Article 38 A rule shall become effective 30 days after promulgation; however, where the effectiveness of a rule will be adversely affected if it fails to become effective upon promulgation, the rule may become effective as of the date of promulgation.

During the period of drafting a rule, the relevant department shall synchronously study on the formulation of supporting measures, and make preparations for implementing the rule after it is promulgated.

Article 39 The drafting unit shall assess the implementation effects of a rule within 6 months after the rule has become effective for one year, and submit a report on implementation to the Municipal People's Government. Where the rule actually needs to be revised according to the assessment, the drafting unit shall put forward specific suggestions on revision.

Where it is the case that a local regulation should be formulated but the conditions are not mature yet so a rule is formulated first due to the urgent need of public administration, the drafting unit and the Municipal Legal Affairs Office shall carry out the assessment of implementation effects together with the relevant working body of the Standing Committee of the Municipal People's Congress. Where it is deemed necessary to continue implementing administrative measures stipulated in the rule according to the assessment, the Municipal People's Government shall apply to the Standing Committee of the Municipal People's Congress for formulating a local regulation in accordance with the law before the rule has become effective for two years; where it is not deemed necessary to continue implementing administrative measures stipulated in the rule according to the assessment, the rule shall be timely repealed.

第六章 修改、废止和解释

第四十条 有下列情形之一的，规章的基本立意发生改变，应当予以全面修改或者废止：

- （一）与上位法相抵触或者直接上位法已经修改、废止；
- （二）规章内容已经被新制定的法律、法规、规章全面替代；
- （三）社会实际情况发生重大变化或者调整对象已经消失；
- （四）其他应当全面修改或者废止的情形。

第四十一条 修改规章，依照本办法有关规定执行；属于不改变立法原则、基本立法思路和主要制度设计的简易修改或者废止规章，起草单位可以直接报请市人民政府审查。

第四十二条 规章解释权属于市人民政府。

行政执法部门在执法工作中认为规章的规定需要进一步明确具体含义，或者出现新的情况需要明确适用规章依据的，可以向市政府法制办提出解释规章的建议。

市政府法制办经审查认为确需解释的，提出解释意见，报请市人民政府批准并公布。

规章解释与规章具有同等效力。

第四十三条 本市建立规章清理长效机制。

有关单位应当根据本市经济社会发展情况和上位法修改废止情况对规章进行不定期清理，并及时向市人民政府提出修改或者废止规章的建议。

国务院及其部门提出专项清理要求的，或者市政府法制办认为必要时，可以组织开展规章清理工作。

第四十四条 规章的外文译本编译和中外文版本汇编工作由市政府法制办负责。

第四十五条 市政府法制办可以依照本办法拟定有关立法工作制度，报请市人民

Chapter VI Revision, Repeal and Interpretation

Article 40 Where the basis conception of a rule has changed in any of the following circumstances, the rule shall be entirely revised or repealed:

- (1) the rule goes against with higher-level laws or its direct higher-level law has been revised or repealed;
- (2) the rule's contents have been entirely replaced by newly formulated laws, regulations and rules;
- (3) the actual social situation has undergone significant changes or the object of adjustment has disappeared; or
- (4) other circumstances in which the rule shall be entirely revised or repealed.

Article 41 The revision of a rule shall be carried out in accordance with the relevant provisions of these Measures; where a rule is subject to repeal or unsophisticated revisions without changing its legislation principles, basis legislation ideas and major institutional designs, the drafting unit may directly report to the Municipal People's Government for examination.

Article 42 The Municipal People's Government has the right to interpret rules.

Where any administrative law enforcement department thinks, during its law enforcement, the specific meaning of any provision in a rule needs to be further clarified, or the basis for applying a rule needs to be clarified because the appearance of any new situation, it may put forward a suggestion on the rule's interpretation to the Municipal Legal Affairs Office.

Where the Municipal Legal Affairs Office thinks the interpretation is actually needed after examination, it shall put forward interpretation opinions, and report such opinions to the Municipal People's Government for approval and promulgation.

The interpretation of a rule shall have the same force as the rule.

Article 43 The Municipality shall establish the long-term working mechanism for sorting out rules.

The relevant units shall irregularly sort out rules according to the economic and social development in this Municipality as well as the revision and repeal of higher-level laws, and timely put forward suggestions on the revision or repeal of rules to the Municipal People's Government.

Where the State Council or its departments make special requirements on sorting out rules or when the Municipal Legal Affairs Office deems necessary, the Municipal Legal Affairs Office may organize the implementation of sorting out rules.

Article 44 The Municipal Legal Affairs Office shall be responsible for translating and editing versions of rules in foreign languages, and for the collection of rules in Chinese versions and their versions in foreign languages.

Article 45 The Municipal Legal Affairs Office may work out the relevant systems for

政府批准后执行。

第七章 附 则

第四十六条 拟订市人民政府提请市人民代表大会或者其常务委员会审议的地方性法规草案，参照本办法的有关规定执行。

第四十七条 本办法自 2016 年 10 月 1 日起施行。2002 年 4 月 29 日北京市人民政府第 94 号令公布的《北京市人民政府规章制定办法》同时废止。

legislation by referring to these Measures, and shall implement such systems after obtaining the approval of the Municipal People's Government.

Chapter VII Supplementary Provisions

Article 46 These Measures shall apply *mutatis mutandis* to drafts of local regulations prepared by the Municipal People's Government and submitted to the Municipal People's Congress or its Standing Committee for deliberation.

Article 47 These Measures shall be effective as of October 1, 2016. The Measures of Beijing Municipality for the Formulation of Rules promulgated by Decree No. 94 of the People's Government of Beijing Municipality on April 29, 2002 shall be repealed simultaneously.

（五）民族、宗教

北京市少数民族权益保障条例

（1998年11月5日北京市第十一届人民代表大会常务委员会第六次会议通过 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正）

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- 第三章 发展经济
- 第四章 发展教育、文化、卫生事业
- 第五章 尊重民族风俗习惯
- 第六章 奖励与处罚
- 第七章 附 则

第一章 总 则

第一条 为了保障少数民族的合法权益，维护和发展平等、团结、互助的社会主义民族关系，促进各民族共同繁荣，根据宪法和有关法律、法规，结合本市实际情况，制定本条例。

第二条 本条例适用于本市行政区域内居住的由国家正式认定的除汉族以外的各民族。

第三条 少数民族公民享有宪法和法律规定的权利，并履行宪法和法律规定的义务。

v. Nationality and Religion

Regulations of Beijing Municipality on the Protection of Rights and Interests of National Minorities

(Adopted at the 6th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on November 5, 1998, and amended in accordance with the Decisions on Revising Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 25, 2016)

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Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of protecting the legitimate rights and interests of national minorities, safeguarding and developing the socialist national relation featuring equality, unity and mutual assistance, and promoting the common prosperity of all the nationalities in accordance with the Constitution, relevant laws and regulations and in light of actual circumstances of this Municipality.

Article 2 The Regulations shall apply to all nationalities except for the Han nationality that are officially recognized by the State and inhabit the administrative area of this Municipality.

Article 3 Citizens of national minorities shall enjoy the rights prescribed by the Constitution and the law, and shall perform the obligations prescribed by the Constitution and the law.

任何组织和个人不得侵犯少数民族公民的合法权益。禁止民族歧视和破坏民族团结、损害民族关系的行为。

第四条 本市各单位应当对各民族公民进行民族政策和民族团结的教育。

第五条 本市各级人民政府应当将适应少数民族需要的经济、文化、教育、科技事业，纳入国民经济和社会发展规划。

对于发展少数民族经济、文化、教育、科技事业所需要的资金，各级人民政府及其有关主管部门应当根据财力予以安排。

第六条 市民族事务行政部门负责本市行政区域内的民族事务工作；区民族事务行政部门负责本辖区内的民族事务工作。

第七条 少数民族公民对侵害自己合法权益的行为有权向有关国家机关提出申诉或者控告，有关国家机关必须及时依法处理。

第二章 保障政治平等权利

第八条 市、区、民族乡以及有一定数量少数民族人口的乡、镇人民代表大会，应当有少数民族的代表。

本市各级人民代表大会少数民族代表的选举，依照《中华人民共和国全国人民代表大会和地方各级人民代表大会选举法》和本市有关规定执行。

第九条 本市各级国家机关保障少数民族参与管理国家事务的权利。在制定涉及少数民族的重要政策、决定以及处理涉及少数民族的重要问题时，应当听取少数民族代表人士的意见，发挥少数民族在发展经济、维护社会稳定、促进社会团结进步方面的积极作用。

第十条 本市各级人民政府应当制定规划并采取措施，有计划地选拔、培养和使用少数民族干部。

No organization or individual may infringe upon the lawful rights and interests of citizens of national minorities. It is prohibited to discriminate against national minorities, undermine national unity and damage the national relation.

Article 4 All units in this Municipality shall educate citizens of all nationalities in policies towards nationalities and national unity.

Article 5 The people's governments at all levels of this Municipality shall incorporate into the plans for national economic and social development the economic, cultural, educational, scientific and technological undertakings that meet the needs of national minorities.

The people's governments at all levels and their relevant competent departments shall, on the basis of their financial resources, make arrangements for the funds needed for the development of the economic, cultural, educational, scientific and technological undertakings of national minorities.

Article 6 The municipal administrative department of ethnic affairs shall be responsible for the ethnic affairs within the administrative area of this Municipality; the district administrative departments of ethnic affairs shall be responsible for the ethnic affairs within their respective administrative areas.

Article 7 Citizens of national minorities shall have the right to file a complaint or accusation with the relevant state organs against the acts infringing upon their legitimate rights and interests, and the relevant state organs must deal with it in a timely manner according to law.

Chapter II Guarantee of Equal Political Rights

Article 8 The people's congress of this Municipality, a district, a nationality township or a township or town inhabited by a certain number of minority population shall have an appropriate number of deputies elected from national minorities.

Elections for minority deputies to the people's congresses at all levels of this Municipality shall be conducted in accordance with the Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China and relevant provisions of this Municipality.

Article 9 State organs at all levels of this Municipality shall guarantee the rights of national minorities to participate in the administration of state affairs. To formulate important policies and decisions concerning national minorities and deal with important issues concerning national minorities, the opinions of representatives of national minorities shall be heard, and the positive role of national minorities in developing the economy, maintaining social stability and promoting social solidarity and progress shall be given full play.

Article 10 The people's governments at all levels of this Municipality shall formulate plans and take measures to select, cultivate and appoint minority cadres in a planned way.

少数民族人口较多的区和乡、镇人民政府、街道办事处，以及国家和本市认定的直接为少数民族生产、生活服务的单位和部门，应当配备少数民族领导成员和工作人员。

第十一条 少数民族人口达到总人口 30% 以上的乡级行政区域，可以设立民族乡；特殊情况的，可以略低于这个比例。民族乡的乡长由建立民族乡的少数民族公民担任。民族乡的建立以及合并、撤销，由区人民政府报请市人民政府审批。

少数民族人口达到总人口 30% 以上的村，可以向区人民政府申请认定为民族村。

民族村的主要领导成员中，应当有建立民族村的少数民族公民。

第十二条 少数民族公民依法享有平等就业和选择职业的权利。

本市各级国家机关、各类企业和事业单位，在招收、招聘、录用人员时，不得歧视少数民族公民。

第三章 发展经济

第十三条 市和区人民政府的有关主管部门应当在每年财政预算安排的专项资金中安排一定数额的扶持少数民族经济发展资金。

第十四条 区人民政府在编制财政预算时按照优待民族乡的原则对民族乡的财政给予照顾和支持。

第十五条 市和区人民政府及其有关部门在安排经济、科技开发项目和专项资金，开展对口支援和经济、技术合作等方面，应当对民族乡、村优先给予照顾和支持。

市和区人民政府及其有关部门应当帮助民族乡加强农业、林业、水利、电力、交通等基础设施建设。

第十六条 本市各级人民政府对人均收入低于所在区农村人均收入水平的民族乡、村，应当采取措施予以扶持。

第十七条 本市鼓励兴办适应少数民族需要的经济实体，开发具有少数民族特色的

The district, township or town people's governments and sub-district offices of places inhabited by a larger minority population, as well as the units and departments designated by the State and this Municipality to directly serve the production and life of national minorities, shall have leading members and staff of national minorities.

Article 11 A nationality township may be established in an administrative area at the township level where the minority population accounts for 30% or more of the total population, or for slightly less than 30% under special circumstances. The head of a nationality township shall be a citizen of the national minority that establishes the nationality township. The establishment, merger or cancellation of a nationality township shall be submitted by the district people's government to the Municipal People's Government for examination and approval.

For a village where the minority population accounts for 30% or more of the total population, an application may be submitted to the district people's government for recognition as a nationality village.

Among the main leading members of a nationality village, there shall be a citizen of the national minority that establishes the nationality village.

Article 12 Citizens of national minorities shall enjoy the right to equal employment and the right of choice of career according to law.

State organs at all levels, all kinds of enterprises and institutions in this Municipality, when recruiting and employing personnel, shall not discriminate against citizens of national minorities.

Chapter III Economic Development

Article 13 The relevant competent departments of the municipal and district people's governments shall appropriate from the special funds arranged in the annual budget a certain amount of funds to support the economic development of national minorities.

Article 14 The district people's governments shall, in the preparation of the budget, give consideration and support to the finance of nationality townships in accordance with the principle of preferential treatment to nationality townships.

Article 15 The municipal and district people's governments and their relevant departments shall give preferential treatment and support to nationality townships and villages in arranging economic and technological development projects, appropriating special funds, and carrying out partner assistance and economic and technical cooperation.

The municipal and district people's governments and their relevant departments shall help nationality townships strengthen the construction of infrastructure in respect of agriculture, forestry, water conservancy, electric power and transportation.

Article 16 The people's governments at all levels of this Municipality shall take measures to support nationality townships and villages where per capita income is lower than that of rural residents in the districts to which they are subordinate.

Article 17 This Municipality shall encourage the establishment of economic entities

产品。

本市各级人民政府及其有关部门对国家和本市认定的民族贸易、民族用品企业，以少数民族为主要服务对象的饮食、副食经营单位和食品生产、加工企业，按照国家和本市有关规定给予税收、信贷、财政等方面的扶持。

第四章 发展教育、文化、卫生事业

第十八条 本市少数民族公民依法享有平等的受教育机会。

本市各级人民政府应当重视发展少数民族教育事业，加强对少数民族教育事业的领导和支持。

第十九条 少数民族公民较集中的地区，根据少数民族的特点和需要，经有关部门批准，可以设置民族学校和托幼儿园（所）。

市和区教育行政部门在安排教育资金时应当考虑对少数民族教育的扶持；帮助民族学校和民族托幼儿园（所）加强教师队伍建设，改善办学条件，提高教育质量。

第二十条 民族学校和托幼儿园（所）中的领导成员、教师和管理人员，应当有少数民族公民。

民族学校应当开展民族政策、民族常识和民族团结的教育。

第二十一条 本市中等学校、高等院校应当按照国家和本市有关规定，对少数民族考生在录取标准和条件方面给予适当照顾。具体办法由市民族事务行政部门会同市教育行政部门制定。

第二十二条 市和区民族事务行政部门应当根据需要协助教育、人社保行政部门举办民族职业学校（班），开展适合少数民族特点的职业培训。

第二十三条 本市各级人民政府应当重视少数民族文化建设，适当投入经费；加强对少数民族传统文化的保护、发掘和整理；帮助少数民族开展具有民族特色的健康的文化、艺术、体育活动；帮助民族乡、村和少数民族公民较多的地区逐步建立和完

that meet the needs of national minorities and the development of products with minority characteristics.

The people's governments at all levels of this Municipality and their relevant departments shall, in accordance with relevant provisions of the State and this Municipality, give tax, credit, financial and other support to the nationality trade and products enterprises recognized by the State and the Municipality, as well as the catering and non-staple food business units and the food production and processing enterprises that mainly serve national minorities.

Chapter IV Development of Education, Culture and Health

Article 18 Citizens of national minorities in this Municipality shall have equal access to education according to law.

The people's governments at all levels of this Municipality shall attach importance to the development of education for national minorities, and strengthen their leadership over and support for education for national minorities.

Article 19 In areas with a larger number of minority citizens, with the approval of relevant departments, nationality schools, nurseries and kindergartens may be established according to the characteristics and needs of national minorities.

The municipal and district administrative departments of education shall consider supporting the education for national minorities when appropriating the educational funds, and help nationality schools, nurseries and kindergartens improve the quality of teachers, the conditions for running schools and the quality of education.

Article 20 There shall be citizens of national minorities among the leading members, teachers and administrative staff of nationality schools, nurseries and kindergartens.

Nationality schools shall carry out education in policies towards nationalities, general knowledge about nationalities and national unity.

Article 21 Secondary schools and institutions of higher learning in this Municipality shall, in accordance with relevant provisions of the State and this Municipality, give appropriate preferential treatment to minority candidates in terms of admission standards and conditions. Specific measures shall be formulated by the municipal administrative department of ethnic affairs together with the municipal administrative department of education.

Article 22 The municipal and district administrative departments of ethnic affairs shall, as required, assist the administrative departments of education, human resources and social security in running ethnic vocational schools (classes) to provide vocational training suitable for the characteristics of national minorities.

Article 23 The people's governments at all levels of this Municipality shall attach importance to the development of minority culture and invest appropriate funds, strengthen the protection, exploration and compilation of the traditional culture of national minorities, help national minorities develop healthy cultural, art and sports activities with national

善文化站（室）。

第二十四条 本市各级人民政府应当重视发展少数民族公民较多的地区和民族乡、村的医疗卫生事业，办好少数民族公民较多地区的医院、基层医疗卫生服务机构，帮助培养少数民族医务人员，鼓励少数民族传统医药科学的挖掘、整理。

第五章 尊重民族风俗习惯

第二十五条 少数民族公民有保持或者改革自己风俗习惯的自由，任何组织和个人不得干涉。

第二十六条 新闻出版、文艺创作、广播影视等宣传部门应当根据法律、法规和民族政策，做好宣传工作。严禁在各类图书、报刊、广播、影视、音乐、戏曲和其他宣传活动中出现煽动民族分裂，破坏民族团结，侮辱、歧视少数民族，侵害少数民族风俗习惯，伤害民族感情的内容。

第二十七条 禁止使用带有侮辱、歧视少数民族性质的称谓、地名和伤害少数民族感情的牌匾、字号。

第二十八条 市和区人民政府及其有关部门应当统筹规划，在有清真饮食习惯的少数民族公民较多的地区和车站、机场、商业中心等客流量大的地区设置清真饮食、副食、食品经营网点。

第二十九条 清真食品生产、加工、经营场所必须经区民族事务行政部门登记、审验后，悬挂由市民族事务行政部门统一制发的清真专用标志。

禁止转让、出租、买卖、借用清真专用标志。

经营非清真食品不得使用清真标志。

第三十条 清真饮食、副食经营单位和食品生产、加工企业应当配备一定比例的有清真饮食习惯的少数民族职工和管理人员，负责人中应当有具有清真饮食习惯的少数民族公民。

characteristics, and help nationality townships, villages and areas with a larger number of minority citizens gradually establish and improve cultural stations (rooms).

Article 24 The people's governments at all levels of this Municipality shall attach importance to the development of medical and health services in areas with a larger number of minority citizens, nationality townships and villages, run hospitals and grass-roots medical and health service institutions in areas with a larger number of minority citizens, help train medical personnel of national minorities, and encourage the exploration and compilation of the traditional medical science of national minorities.

Chapter V Respect for Ethnic Customs

Article 25 Citizens of national minorities shall have the freedom to maintain or reform their own customs, and no organization or individual may interfere.

Article 26 The departments of press and publications, literary and artistic creation, radio, film and television, etc. shall, in accordance with laws, regulations and national policies, do a good job in publicity. Contents that incite separation of nationalities, destroy national unity, insult or discriminate against national minorities, infringe upon national customs and hurt national feelings are strictly prohibited in various books, newspapers, radio, film, television and music works, traditional operas and other advocacy activities.

Article 27 It is prohibited to use any appellation or place name that insults or discriminates against the nature of national minorities or any signboard or business name that hurts the feelings of national minorities.

Article 28 The municipal and district people's governments and their relevant departments shall make overall plans for establishing business outlets for halal catering, non-staple food and food in areas where there are a larger number of minority citizens with halal eating habits and in areas with large passenger flow such as stations, airports and business centers.

Article 29 The halal food production, processing and business places, after being registered with and examined by the district administrative departments of ethnic affairs, must be hung with the special halal mark uniformly prepared and issued by the municipal administrative department of ethnic affairs.

It is prohibited to transfer, rent out, trade in or borrow the special halal mark.

The halal mark shall not be used in the business of non-halal food.

Article 30 Halal catering and non-staple food business units and food production and processing enterprises shall have a certain proportion of minority workers and managers with halal eating habits, and there shall be minority citizens with halal eating habits among the persons in charge.

生产、经营清真食品的运输车辆、计量器具、储藏容器和加工、销售场地等应当保证专用。

第三十一条 以有清真饮食习惯的少数民族公民为主要服务对象的国有饮食、副食、食品经营网点，应当坚持其服务方向。

第三十二条 在有清真饮食习惯的少数民族公民较多的单位可以设立清真食堂或者清真灶；未设立的，应当按照本市有关规定给予补助。

第三十三条 少数民族职工参加本民族重大节日活动，应当按照国家有关规定放假，并照发工资。

第三十四条 宾馆、旅店以及其他公共活动场所，不得以风俗习惯为由，拒绝接待少数民族公民。

第三十五条 本市各级人民政府以及有关部门应当按照国家和本市有关规定，为具有特殊丧葬习惯的少数民族公民提供必要的条件，做好殡葬服务和管理工作的。

对少数民族公民自愿实行丧葬改革的，应当给予支持。

第三十六条 本市各级国家机关保障少数民族公民的宗教信仰自由，保护合法的宗教活动。

任何组织和个人不得强制少数民族公民信仰宗教或者不信仰宗教，不得歧视信仰宗教或者不信仰宗教的少数民族公民。

第六章 奖励与处罚

第三十七条 市和区人民政府以及有关部门，对有下列情形之一的单位或者个人，给予表彰、奖励：

（一）认真贯彻执行法律、法规和民族政策，为维护祖国统一，增进民族团结，维护社会稳定作出突出贡献的；

（二）在少数民族经济、文化、教育、科技等项工作中取得显著成绩的；

（三）在支援民族地区社会主义物质文明和精神文明建设事业中取得显著成绩的；

（四）长期从事民族工作，全心全意为各民族服务，并取得突出成绩的。

There shall be special transport vehicles, measuring instruments, storage containers, and processing and sales sites for the production and operation of halal food.

Article 31 State-owned catering, non-staple food and food outlets that mainly serve minority citizens with halal eating habits shall adhere to their service orientation.

Article 32 In units where there are a relatively large number of minority citizens with halal eating habits, halal dining halls or halal kitchens may be established; if not, subsidies shall be given in accordance with relevant provisions of this Municipality.

Article 33 Minority employees who participate in major festivals of their own nationalities shall be entitled to a paid holiday in accordance with relevant provisions of the State.

Article 34 Hotels, inns and other places for public activities shall not reject citizens of national minorities on the ground of customs.

Article 35 The people's governments at all levels of this Municipality and their relevant departments shall, in accordance with relevant provisions of the State and this Municipality, provide necessary conditions for citizens of national minorities with special funeral habits, and do a good job in funeral services and management.

Support shall be given to citizens of national minorities who voluntarily carry out funeral reform.

Article 36 State organs at all levels of this Municipality shall guarantee the freedom of religious belief of citizens of national minorities and protect lawful religious activities.

No organization or individual may compel citizens of national minorities to believe in or not to believe in a religion, or discriminate against citizens of national minorities who believe in or do not believe in a religion.

Chapter VI Rewards and Punishments

Article 37 The municipal and district people's governments and the relevant departments shall commend and reward units or individuals under any of the following circumstances:

(1) conscientiously implementing laws, regulations and policies towards nationalities, and having made outstanding contributions to safeguarding the reunification of the country, enhancing national unity and maintaining social stability;

(2) having made remarkable achievements in the economic, cultural, educational, scientific and technological work of national minorities;

(3) having made remarkable achievements in supporting the construction of a socialist society with advanced material and ethical standards in regions inhabited by ethnic groups;
or

(4) having been engaged in nationality work for a long time, serving all nationalities

第三十八条 违反本条例第二十六条的规定，复制、印刷、出版、发行、销售、出租、放映有歧视、侮辱少数民族内容的音像制品、出版物，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，按照国家和本市有关规定予以处罚。

第三十九条 违反本条例第二十九条的规定，转让、出租、买卖、借用清真专用标志，经营非清真食品使用清真标志的，由市或者区民族事务行政部门对其清真标志予以撤除，并可处以 200 元以上 2000 元以下罚款。

第四十条 违反本条例第三十条第二款的规定，对清真食品的运输车辆、计量器具、储藏容器和加工、销售场地等未实行专用的，由市或者区民族事务行政部门责令立即改正，情节严重的可处以 1000 元以上 1 万元以下罚款。

第七章 附 则

第四十一条 本条例自 1999 年 1 月 1 日起施行。

wholeheartedly, and having made outstanding achievements.

Article 38 Whoever, in violation of the provisions of Article 26 of the Regulations, reproduces, prints, publishes, distributes, sells, rents out or screens audio-visual products or publications that discriminate against or insult national minorities shall be investigated for criminal responsibility according to law if a crime is constituted; if a crime is not constituted, he shall be punished according to relevant provisions of the State and this Municipality.

Article 39 Where anyone, in violation of the provisions of Article 29 of the Regulations, transfers, rents out, trades in or borrows the special halal mark, or uses the halal mark in the business of non-halal food, the municipal or district administrative department of ethnic affairs shall remove the halal mark, and may impose a fine of not less than 200 yuan but not more than 2,000 yuan.

Article 40 Whoever, in violation of the provisions of Paragraph 2, Article 30 of the Regulations, fails to use special transport vehicles, measuring instruments, storage containers, processing and sales sites for halal food shall be ordered by the municipal or district administrative department of ethnic affairs to make corrections immediately; if the circumstances are serious, a fine of not less than 1,000 yuan but not more than 10,000 yuan may be imposed.

Chapter VII Supplementary Provisions

Article 41 The Regulations shall come into force as of January 1, 1999.

北京市宗教事务条例

(2002年7月18日北京市第十一届人民代表大会常务委员会第三十五次会议通过 根据2006年7月28日北京市第十二届人民代表大会常务委员会第二十九次会议通过的《北京市宗教事务条例修正案》修正 2020年7月30日北京市第十五届人民代表大会常务委员会第二十三次会议修订)

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第一章 总 则

第一条 为了保障公民宗教信仰自由，维护宗教和睦与社会和谐，规范宗教事务管理，提高宗教工作法治化水平，根据宪法、有关法律和《宗教事务条例》等行政法规，结合本市实际，制定本条例。

第二条 本条例适用于本市的宗教事务。

第三条 公民有宗教信仰自由。

任何组织或者个人不得强制公民信仰宗教或者不信仰宗教，不得歧视信仰宗教的

Regulations of Beijing Municipality on Religious Affairs

(Adopted at the 35th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on July 18, 2002, amended in accordance with the Amendment to the Regulations of Beijing Municipality on Religious Affairs adopted at the 29th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on July 28, 2006, and revised at the 23rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on July 30, 2020)

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Chapter I General Provisions

Article 1 The Regulations are formulated to guarantee citizens' freedom of religious belief, maintain religious and social harmony, standardize the administration of religious affairs, and improve the rule of law in religious work in accordance with the Constitution, relevant laws, and administrative regulations such as the Regulations on Religious Affairs and in light of actual conditions of this Municipality.

Article 2 The Regulations shall apply to the religious affairs in this Municipality.

Article 3 Citizens shall have freedom of religious belief.

No organization or individual may compel citizens to believe in or not to believe in any religion, or discriminate against citizens who believe in any religion (hereinafter referred to as "religious citizens") or citizens who do not believe in any religion (hereinafter referred to as "non-religious citizens").

公民（以下称信教公民）或者不信仰宗教的公民（以下称不信教公民）。

信教公民和不信教公民、信仰不同宗教的公民应当相互尊重、和睦相处。

第四条 宗教工作坚持中国共产党的领导，全面贯彻党的宗教工作基本方针，坚持我国宗教的中国化方向，积极引导宗教与社会主义社会相适应。

第五条 宗教事务管理坚持保护合法、制止非法、遏制极端、抵御渗透、打击犯罪的原则。

第六条 本市依法保护正常的宗教活动，维护宗教团体、宗教院校、宗教活动场所、宗教教职人员和信教公民的合法权益。

宗教团体、宗教院校、宗教活动场所、宗教教职人员和信教公民应当遵守宪法、法律、法规和规章，践行社会主义核心价值观，维护国家统一、民族团结、宗教和睦与社会稳定。

任何组织或者个人不得利用宗教进行危害国家安全、破坏社会秩序、损害公民身体健康、妨碍国家教育制度，以及其他损害国家利益、社会公共利益和公民合法权益等违法活动。

任何组织或者个人不得在不同宗教之间、同一宗教内部以及信教公民与不信教公民之间制造矛盾与冲突，不得宣扬、支持、资助宗教极端主义，不得利用宗教破坏民族团结、分裂国家和进行恐怖活动。

第七条 各宗教坚持独立自主自办的原则，宗教团体、宗教院校、宗教活动场所和宗教事务不受外国势力的支配。

宗教团体、宗教院校、宗教活动场所、宗教教职人员在相互尊重、平等、友好的基础上开展对外交往；其他组织或者个人在对外经济、文化等合作、交流活动中不得接受附加的宗教条件。

第八条 市、区、乡镇人民政府和街道办事处应当加强宗教工作，建立健全宗教工作机制，保障工作力量和必要的工作条件，主动听取宗教团体、宗教院校、宗教活动场所、宗教教职人员和信教公民的意见，协调宗教事务管理工作，为宗教团体、宗

Religious citizens and non-religious citizens, as well as citizens believing in different religions, shall respect each other and live in harmony.

Article 4 In religious work, it is necessary to uphold the leadership of the Communist Party of China, fully implement the Party's basic policy on religious work, insist on development of religion with Chinese characteristics in China, and actively guide religion to adapt to socialist society.

Article 5 In the administration of religious affairs, the principles of protecting legal acts, stopping illegal acts, curbing extremism, resisting infiltration and cracking down on crimes shall be adhered to.

Article 6 This Municipality shall protect normal religious activities according to law, and safeguard the legitimate rights and interests of religious groups, religious schools, places of religious activities, religious workers and religious citizens.

Religious groups, religious schools, places of religious activities, religious workers and religious citizens shall abide by the Constitution, laws, regulations and rules, practice the socialist core values, and safeguard national unity, ethnic unity, religious harmony and social stability.

No organization or individual may make use of religion to engage in illegal activities that endanger national security, disrupt public order, impair citizens' health, hinder the national educational system, or otherwise harm the interests of the State and the public and the legitimate rights and interests of citizens.

No organization or individual may create contradictions and conflicts among different religions, within the same religion, or between religious believers and non-religious believers, propagate, support or fund religious extremism, or make use of religion to undermine ethnic unity, split the country or engage in terrorist activities.

Article 7 All religions shall adhere to the principle of independence and self-management, and religious groups, religious schools, places of religious activities and religious affairs shall not be subject to the control of foreign power.

Religious groups, religious schools, places of religious activities and religious workers shall conduct international exchanges on the basis of mutual respect, equality and friendship; other organizations or individuals shall not accept attached religious conditions in foreign economic and cultural cooperation and exchanges.

Article 8 The people's governments at the municipal, district, township or town level and sub-district offices shall strengthen religious work, establish and improve the religious work mechanism, guarantee the workforce strength and necessary working conditions, actively listen to the opinions of religious groups, religious schools, places of religious activities, religious workers and religious believers, coordinate the management of

教院校和宗教活动场所提供公共服务。

村民委员会、居民委员会应当依法协助人民政府管理宗教事务，宣传宗教相关法律、法规、规章和政策，开展多种形式的社会主义精神文明建设活动，教育引导群众自觉抵制非法宗教活动；发现问题及时报告所在地乡镇人民政府、街道办事处。

第九条 宗教事务部门依法对涉及国家利益和社会公共利益的宗教事务进行行政管理。公安、民政、教育、规划和自然资源、住房和城乡建设、文化和旅游、网信等有关部门在各自职责范围内做好宗教事务管理的相关工作。

本市根据需要建立健全宗教领域联合执法工作机制，加强各有关部门在宗教领域行政执法中的协同配合。

第十条 宗教事务部门应当建立健全投诉举报机制，对属于本部门职责范围的投诉举报，应当及时处理；属于其他部门职责范围的，应当及时移送有关部门。处理或者移送情况应当向投诉举报人反馈。

第二章 宗教团体、宗教院校、宗教教职人员

第十一条 宗教团体的成立、变更、注销，由申请人向市或者区宗教事务部门提出申请。市或者区宗教事务部门应当自受理申请之日起二十日内提出审查意见。市或者区宗教事务部门审查同意的，申请人应当依照国家社会团体登记管理的有关规定，到同级民政部门办理登记。

未经宗教事务部门审查同意，并在民政部门登记，不得以宗教团体的名义开展活动。

第十二条 宗教团体应当按照法律、法规、规章和本团体章程的规定，建立健全组织机构、管理制度，完善民主决策机制。

宗教团体应当指导宗教教务，按照有关规定制定本宗教有关教职人员、活动、财务、安全等方面的规章制度并督促落实。

religious affairs, and provide public services for religious groups, religious schools and places of religious activities.

Villagers' committees and residents' committees shall assist the people's government in managing religious affairs according to law, publicize laws, regulations, rules and policies related to religion, carry out various forms of activities in developing socialist culture and ideology, educate and guide the masses to consciously resist illegal religious activities, and promptly report problems that have been found to the local township or town people's governments and sub-district offices.

Article 9 The government departments for religious affairs shall, in accordance with the law, administer religious affairs involving the interests of the State and the public. Other government departments including public security, civil affairs, education, planning and natural resources, housing and urban-rural development, and culture and tourism shall, within their respective scopes of competency, exercise their respective duties and functions in relevant administrative work.

This Municipality shall establish and improve the working mechanism for joint law enforcement in the religious field as needed, and strengthen coordination and cooperation of all relevant government departments in administrative law enforcement in the religious field.

Article 10 The government departments for religious affairs shall establish and improve the complaint and reporting mechanism, and handle the complaints and reports that fall within the scope of their duties in a timely manner; those that fall within the scope of duties of other government departments shall be transferred to the relevant government departments in a timely manner. Feedback on the handling or transfer shall be given to complainants or informants.

Chapter II Religious Groups, Religious Schools and Religious Workers

Article 11 To establish, change or cancel a religious group, the applicant shall submit an application to the municipal or district government department for religious affairs, and the latter shall issue examination opinions within 20 days from the date of accepting the application. With the examination and approval of the municipal or district government department for religious affairs, the applicant shall register with the government department for civil affairs at the same level in accordance with relevant provisions of the State on the administration of registration of social organizations.

Without examination and approval of the government department for religious affairs and registration with the government department for civil affairs, no activity may be carried out in the name of a religious group.

Article 12 A religious group shall, in accordance with the provisions of laws, regulations, rules and its statutes, establish and improve its organizational structure, management system and democratic decision-making mechanism.

A religious group shall guide religious affairs, formulate rules and regulations in respect of religious workers, activities, finance, safety and other aspects in accordance with relevant

宗教院校、宗教活动场所和宗教教职人员应当遵守宗教团体制定的规章制度。

第十三条 宗教团体应当协助人民政府贯彻落实法律、法规、规章和政策，培养、认定、管理宗教教职人员，对宗教教职人员和信教公民进行爱国主义和法治教育，引导宗教教职人员和信教公民增强国家意识、法治意识、公民意识。

宗教团体应当联系、服务宗教教职人员和信教公民，听取意见建议，反映合理诉求，维护宗教教职人员和信教公民的合法权益。

第十四条 宗教团体应当充分利用本市文化资源，进行宗教文化、宗教典籍研究，开展宗教思想建设，深入挖掘宗教教义教规中有利于社会和谐、时代进步、健康文明的内容，对教义教规作出符合当代中国发展进步要求、符合中华优秀传统文化的阐释。

第十五条 宗教院校由全国性宗教团体或者市宗教团体设立，其他任何组织或者个人不得在本市设立宗教院校。

市宗教团体拟设立宗教院校，应当向市宗教事务部门提出申请。市宗教事务部门应当自收到申请之日起三十日内提出意见，报国务院宗教事务部门审批。

宗教院校变更校址、校名、隶属关系、培养目标、学制、办学规模等以及合并、分设和终止，应当按照前款规定的程序办理相关手续。

第十六条 市宗教团体应当依法履行宗教院校办学主体责任，加强对所设立宗教院校的日常管理和指导监督。

宗教院校应当坚持正确的办学方向，完善内部管理和运行机制，合理设置教学课程，加强师资队伍建设和日常教学管理，积极开展宗教学术研究，对在校学生、宗教教职人员进行教育培训。

第十七条 宗教教职人员经市宗教团体认定并报市宗教事务部门备案，方可以宗教教职人员的身份从事宗教教务活动。未取得或者已丧失宗教教职人员资格的，不得以宗教教职人员的身份从事活动。

宗教教职人员放弃、被解除或者因其他原因丧失宗教教职人员身份的，原认定其宗教教职人员身份的宗教团体应当及时到市宗教事务部门办理注销备案手续。

provisions, and supervise and urge the implementation thereof.

Religious schools, places of religious activities and religious workers shall abide by the rules and regulations formulated by religious groups.

Article 13 Religious groups shall assist the people's government in implementing laws, regulations, rules and policies, train, recognize and manage religious workers, educate religious workers and religious citizens in patriotism and the rule of law, and guide religious workers and religious citizens to enhance their awareness of the State, the rule of law and citizenship.

Religious groups shall maintain contact with and serve religious workers and religious citizens, listen to their opinions and suggestions, convey their reasonable demands, and safeguard their legitimate rights and interests.

Article 14 Religious groups shall make full use of this Municipality's cultural resources, conduct research on religious culture and ancient religious books and records, carry out development of religious thoughts, deeply explore the contents of religious doctrines and rules that are conducive to social harmony, progress of the times, health and civilization, and interpret religious doctrines and rules in line with the requirements of the development and progress of contemporary China and the excellent traditional Chinese culture.

Article 15 Religious schools shall be established by national or municipal religious groups. No other organization or individual may establish religious schools in this Municipality.

To establish a religious school, a municipal religious group shall submit an application to the municipal government department for religious affairs. The municipal government department for religious affairs shall issue an opinion within 30 days from the date of receiving the application, and submit it to the religious affairs department under the State Council for examination and approval.

Where a religious school intends to change its address, name, affiliation, training objective, length of schooling, size, etc., or to be merged, establish a branch or to be terminated, it shall go through relevant formalities in accordance with the procedures specified in the preceding paragraph.

Article 16 A municipal religious group shall fulfill the main responsibility for running religious schools according to law, and strengthen daily management, guidance and supervision of the religious schools it has established.

Religious schools shall adhere to the correct training goals, improve the internal management and operation mechanism, reasonably set up teaching courses, strengthen teaching staff capacity building and routine teaching management, actively carry out religious academic research, and provide education and training for students and religious workers.

Article 17 A religious worker may engage in religious affairs activities in the capacity as a religious worker only after being recognized by a municipal religious group and reported to the municipal government department for religious affairs for the record. No one may engage in activities in the capacity as a religious worker without having obtained or after losing the qualification of a religious worker.

Where the status as a religious worker is abandoned by a religious worker, is cancelled or otherwise gets lost, the religious group that has recognized his or her status as a religious worker shall go through the cancellation and filing procedures at the municipal government department for religious affairs in a timely manner.

宗教教职人员担任或者离任宗教活动场所主要教职，经本宗教的宗教团体同意后，报市或者区宗教事务部门备案。

第十八条 本市宗教团体邀请非本市宗教教职人员到本市主持宗教活动，应当事前报市或者区宗教事务部门备案；本市宗教院校、宗教活动场所邀请非本市宗教教职人员到本市主持宗教活动，应当事前经本宗教的宗教团体同意，报市或者区宗教事务部门备案。

非本市宗教教职人员到本市宗教活动场所临时居住，应当遵守该宗教活动场所的各项制度，并按照国家和本市有关规定办理暂住登记。

第十九条 宗教教职人员依法参加社会保障并享有相关权利。宗教团体、宗教院校、宗教活动场所应当按照规定为宗教教职人员办理社会保险登记，提供必要的生活保障，帮助解决困难。

第三章 宗教活动场所

第二十条 宗教活动场所包括寺院、宫观、清真寺、教堂（以下简称寺观教堂）和其他固定宗教活动处所。

宗教团体可以设立宗教活动场所，其他任何组织或者个人不得设立宗教活动场所。

宗教团体筹备设立宗教活动场所的，应当向拟设立的宗教活动场所所在地的区宗教事务部门提出申请。区宗教事务部门收到设立其他固定宗教活动处所申请的，应当在三十日内作出批准或者不予批准的决定；收到设立寺观教堂申请的，应当在三十日内提出审核意见，并报市宗教事务部门，市宗教事务部门应当在三十日内作出批准或者不予批准的决定。

宗教活动场所的设立申请获批准后，方可办理筹建事项。建设完工后，应当向所在地的区宗教事务部门申请登记。

第二十一条 市、区人民政府应当统筹考虑城市功能定位和宗教活动实际，将宗教活动场所建设纳入国土空间规划。

Where a religious worker holds or leaves a major religious post in a place of religious activities, the matter shall, with the consent of the religious group of the religion he or she believes in, be reported to the municipal or district government department for religious affairs for the record.

Article 18 Where a religious group in this Municipality invites a religious worker outside this Municipality to preside over religious activities in this Municipality, the matter shall be reported to the municipal or district government department for religious affairs for the record in advance; where a religious school or place of religious activities in this Municipality invites a religious worker outside this Municipality to preside over religious activities in this Municipality, the matter shall obtain the consent of the religious group of the same religion in advance, and shall be reported to the municipal or district government department for religious affairs for the record.

When a religious worker outside this Municipality stays in a place of religious activities in this Municipality, he or she shall abide by various systems thereof and complete registration of temporary residence in accordance with relevant provisions of the State and this Municipality.

Article 19 Religious workers shall participate in social security and enjoy relevant rights according to law. Religious groups, religious schools and places of religious activities shall, in accordance with relevant provisions, complete social insurance registration for religious workers, provide them with necessary living guarantee, and help them solve difficulties.

Chapter III Places of Religious Activities

Article 20 Places of religious activities shall include Buddhist temples, Taoist temples, mosques, churches (hereinafter referred to as “temples and churches”) and other fixed places of religious activities.

Religious groups may establish places of religious activities, and no other organization or individual may establish places of religious activities.

Where a religious group intends to establish a place of religious activities, it shall submit an application to the government department for religious affairs of the district where the proposed place is located. The district government department for religious affairs shall, within 30 days after receiving an application for establishment of other fixed places of religious activities, make a decision to approve or not to approve, and shall, within 30 days after receiving an application for establishment of temples and churches, issue examination opinions and report to the municipal government department for religious affairs. The municipal government department for religious affairs shall make a decision to approve or not to approve within 30 days.

Preparations for establishing a place for religious activities may be made only after the application for its establishment has been granted approval. After the construction is completed, an application for registration shall be submitted to the local government department for religious affairs.

Article 21 The municipal and district people’s governments shall take into overall consideration urban functional positioning and the reality of religious activities, and incorporate the construction of places of religious activities into the land space planning.

新建、改建、扩建、重建宗教活动场所或者宗教活动场所内建筑物，应当符合规划、建设、宗教事务、文物保护等有关法律、法规的规定，体现中国风格和中国元素，与周边环境相协调。

宗教事务部门应当规范引导宗教团体以租赁、购买等方式，解决宗教活动场所问题。

第二十二条 宗教活动场所符合法人条件的，经宗教团体同意，并报所在地的区宗教事务部门审查同意后，可以到民政部门办理法人登记。

第二十三条 宗教活动场所应当成立管理组织，实行民主管理，并按照规定建立健全各项内部管理制度。管理组织应当由宗教教职人员、信教公民代表和其他有关人员组成。管理组织成员应当经民主协商推选，并报区宗教事务部门备案。

第二十四条 宗教活动场所应当加强安全管理，制定突发事件应急预案，落实人防、技防、物防措施，及时排查安全隐患，防范发生重大事故或者伤害信教公民宗教感情、破坏民族团结、影响社会稳定的事件，并接受宗教事务等有关部门和乡镇人民政府、街道办事处的指导、监督、检查。

发生突发事件时，宗教活动场所应当立即报告，启动应急预案，服从人民政府的指挥和安排，配合开展工作。

第二十五条 景区内宗教活动场所的，景区管理组织和宗教活动场所应当建立沟通机制，明确各自责任，共同落实国家和本市有关宗教、旅游、安全、票务等方面的规定。

景区管理组织应当为宗教活动场所开展正常宗教活动提供便利和必要的服务保障，不得干涉宗教活动场所的正常宗教活动和内部事务；宗教活动场所应当自觉维护景区的安全秩序，配合景区管理组织做好景区的安全管理工作，不得干扰景区的正常运营。

宗教事务、园林绿化、文化和旅游、文物等部门应当加强沟通协调，及时处理景区管理组织和宗教活动场所遇到的问题，维护景区秩序，保护正常的宗教活动。

Construction, improvement, expansion or reconstruction of places of religious activities or buildings in places of religious activities shall conform to the provisions of relevant laws and regulations on planning, construction, religious affairs and preservation of cultural relics, reflect Chinese style and elements, and be in harmony with the surrounding environment.

The government departments for religious affairs shall guide religious groups to solve the problem of places of religious activities by leasing, purchase and other means.

Article 22 Where a place for religious activities meets the conditions of a legal person, it may register as a legal person at the government department for civil affairs with the consent of the religious group and with the examination and approval of the government department for religious affairs of the district where it is located.

Article 23 In a place of religious activities, a management organization shall be established, democratic management shall be implemented, and various internal management systems shall be established and improved as stipulated. The management organization shall be composed of religious workers, representatives of religious citizens and other relevant persons. Members of the management organization shall be elected through democratic consultation and reported to the district government department for religious affairs for the record.

Article 24 In a place of religious activities, it is necessary to strengthen safety management, formulate emergency response plans, implement preventive measures in terms of human, technical and material resources, timely investigate potential safety hazards, prevent major accidents or incidents that harm religious feelings of religious believers, undermine ethnic unity or affect social stability, and accept the guidance, supervision and inspection of the government departments for religious affairs and other relevant government departments, township or town people's governments and sub-district offices.

In the event of an emergency, a place of religious activities shall immediately report on it, start the emergency plan, obey the command and arrangement of the people's government, and render cooperation in the work.

Article 25 Where there is a place of religious activities in a scenic spot, the scenic spot management organization and the place of religious activities shall establish a communication mechanism, clarify their respective responsibilities, and jointly implement the provisions of the State and this Municipality on religion, tourism, safety, ticket service, etc.

The scenic spot management organization shall provide convenience and necessary service guarantee for normal religious activities in the place of religious activities, and shall not interfere in the normal religious activities and internal affairs of the place of religious activities; the place of religious activities shall consciously maintain the safety and order of the scenic spot, cooperate with the scenic spot management organization in the safety management of the scenic spot, and shall not interfere with the normal operation of the scenic spot.

The government departments for religious affairs, landscaping, culture and tourism, cultural relics, etc. shall strengthen communication and coordination, timely deal with the problems encountered by scenic spot management organizations and places of religious

第二十六条 禁止在寺观教堂外修建露天宗教造像。禁止在宗教活动场所以外的公共场所设置宗教设施。

第二十七条 进入宗教活动场所应当遵守宗教活动场所的管理制度，尊重宗教习惯；不得干扰宗教活动的正常开展；不得进行不同信仰或者不同宗教、同一宗教不同派别之间的争论和宣传。

第四章 宗教活动

第二十八条 信教公民的集体宗教活动，一般应当在宗教活动场所内举行，由宗教活动场所、宗教团体或者宗教院校组织，由宗教教职人员或者符合本宗教规定的其他人员主持，按照教义教规进行。

符合本宗教规定可以主持宗教活动的其他人员，应当由市宗教团体报市宗教事务部门备案。

第二十九条 在本市举行跨省、自治区、直辖市超过宗教活动场所容纳规模的大型宗教活动，或者在宗教活动场所外举行大型宗教活动，主办活动的宗教团体、寺观教堂应当在拟举行日的三十日前，报举办地的区宗教事务部门批准。区宗教事务部门应当自受理之日起十五日内，在征求区公安机关意见后，作出批准或者不予批准的决定；作出批准决定的，向市宗教事务部门备案。

第三十条 宗教团体、宗教院校、宗教活动场所举办或者与其他组织、个人合作举办研讨会、论坛等活动，应当符合其宗旨和章程规定，在拟举办日的二十日前向举办地的区宗教事务部门备案，并按照有关规定报相关部门进行审批。

第三十一条 宗教团体、宗教院校、宗教活动场所应当通过各类教育培训加强对宗教教职人员的培养，提高宗教教职人员的宗教学识、文化素质和道德修养。

宗教团体和寺观教堂开展培养宗教教职人员、学习时间在三个月以上的宗教教育培训，应当按照规定报市或者区宗教事务部门审批。

activities, maintain the order of scenic spots, and protect normal religious activities.

Article 26 It is prohibited to build open-air religious statues outside temples and churches, or set up religious facilities in public places other than places of religious activities.

Article 27 Whoever enters a place of religious activities shall abide by its management systems and respect its religious customs, and shall not interfere with normal religious activities, or make arguments or propaganda for different beliefs or religions or for different sects of the same religion.

Chapter IV Religious Activities

Article 28 Collective religious activities of religious citizens shall generally be held in places of religious activities, organized by places of religious activities, religious groups or religious schools, presided over by religious workers or other persons conforming to religious provisions, and conducted in accordance with religious doctrines and rules.

Other persons who may preside over religious activities in accordance with religious provisions shall be reported by the municipal religious groups to the municipal government department for religious affairs for the record.

Article 29 To hold a large religious activity beyond the seating capacity of a place of religious activities across provinces, autonomous regions or municipalities directly under the Central Government, or to hold a large religious activity outside places of religious activities, the religious group, temple or church that sponsors the activity shall report to the government department for religious affairs of the district where the activity is to be held for approval 30 days before the date when the activity is to be held. The district government department for religious affairs shall, within 15 days from the date of receipt, make a decision to approve or not to approve after soliciting opinions from the district public security organ; a decision to approve shall be reported to the municipal government department for religious affairs for the record.

Article 30 Where a religious group, religious school or place of religious activities holds a seminar, forum or any other activity on its own or in cooperation with other organizations or individuals, it shall comply with its purpose and statutes, report to the government department for religious affairs of the district where the activity is to be held 20 days before the date when the activity is to be held for the record, and report to the relevant department for examination and approval in accordance with relevant provisions.

Article 31 Religious groups, religious schools and places of religious activities shall, through various kinds of education and training, strengthen the training of religious workers, so as to improve their religious knowledge, cultural quality and moral integrity.

Religious groups, temples and churches shall, in accordance with relevant provisions, report to the municipal or district government department for religious affairs for examination and approval any religious education or training for religious workers that lasts more than 3 months.

宗教团体、寺观教堂举办的其他宗教教育培训班以及其他固定宗教活动处所举办的宗教教育培训班应当报市或者区宗教事务部门备案。

第三十二条 非宗教团体、非宗教院校、非宗教活动场所、非指定的临时活动地点不得组织、举行宗教活动，不得接受宗教性的捐赠。

非宗教团体、非宗教院校、非宗教活动场所不得开展宗教教育培训，不得组织公民出境参加宗教方面的培训、会议、活动等。

第三十三条 禁止在宗教活动场所、宗教院校、指定的临时活动地点以外的公共场所、办公场所、生产经营场所传教。

第三十四条 禁止在宗教院校以外的学校以及其他教育培训机构传教、举行宗教活动、成立宗教组织、设立宗教活动场所。

禁止以举办夏（冬）令营、研学旅行等方式传教或者开展宗教方面的教育培训活动。

高等院校等各类学校以及其他教育培训机构应当做好抵御利用宗教进行渗透工作。

第三十五条 从事互联网宗教信息服务，应当经市宗教事务部门审核同意后，按照国家互联网信息服务管理有关规定办理。

互联网宗教信息的内容应当符合法律、法规、规章和宗教事务管理的相关规定。网络运营者、互联网宗教信息服务提供者对发现的违法和不良信息，应当立即停止传输，采取消除等处置措施，防止信息扩散，保存有关记录，并及时向有关部门报告。

第三十六条 宗教团体应当加强自建网络平台建设和管理，指导、监督宗教院校、宗教活动场所依法开展互联网宗教信息服务，规范宗教教职人员在互联网上发布信息的行为。

第三十七条 宗教团体、宗教院校和寺观教堂按照国家有关规定可以编印、发送宗教内部资料性出版物或者其他宗教印刷品。出版公开发行的宗教出版物，按照国家出版管理的规定办理。

Other religious education and training classes held by religious groups, temples and churches, and religious education and training classes held by other fixed places of religious activities shall be reported to the municipal or district government departments for religious affairs for the record.

Article 32 Non-religious groups, non-religious schools, places of non-religious activities and non-designated temporary activity places shall not organize or hold religious activities or accept religious donations.

Non-religious groups, non-religious schools and places of non-religious activities shall not provide religious education and training, or organize citizens to participate in religious training, meetings or activities abroad.

Article 33 Missionary activities shall be prohibited in public places other than places of religious activities, religious schools and designated temporary activity places, work places and business places.

Article 34 It is prohibited to hold missionary or religious activities, set up religious groups, or establish places of religious activities in schools and other educational and training institutions other than religious schools.

Missionary activities or religious education and training shall be prohibited in such forms as summer (winter) camps and study tours.

Institutions of higher learning and other schools, as well as other educational and training institutions, shall do a good job in resisting religious infiltration.

Article 35 Internet religious information services shall be provided in accordance with the provisions of the State on the administration of Internet information services after being examined and approved by the municipal government department for religious affairs.

The contents of Internet religious information shall conform to laws, regulations, rules and relevant provisions on the administration of religious affairs. Network operators and Internet religious information service providers shall immediately stop transmission of illegal and malicious information that has been found, take removal and other measures to prevent information spread, keep relevant records, and report to relevant departments in a timely manner.

Article 36 Religious groups shall strengthen construction and management of self-built network platforms, guide and supervise religious schools and places of religious activities in providing Internet religious information services in accordance with the law, and regulate the behaviors of religious workers in releasing information on the Internet.

Article 37 Religious groups, religious schools, temples and churches may, in accordance with relevant provisions of the State, compile, print and distribute internal religious publications or other religious materials. The publication of religious publications for public distribution shall be handled in accordance with the provisions of the State on publication administration.

超出个人自用、合理数量的宗教印刷品、音像制品和其他宗教用品进境，或者以其他方式进口宗教印刷品、音像制品和其他宗教用品，应当按照国家有关规定办理。

任何组织或者个人不得编印、接收、复制、运送、销售和散发非法宗教印刷品和音像制品。

第三十八条 本市依法保护和管理外国人的宗教活动，外国人进行宗教活动应当遵守有关境内外国人宗教活动管理的法律、法规、规章及国家和本市有关规定。

第三十九条 在本市开展涉外文化旅游、展会、公益慈善、文艺演出等活动的政府部门、企业事业单位和其他组织等有关单位，应当了解活动期间的宗教活动需求，帮助外国人了解国家和本市有关宗教事务管理的规定，引导其依法依规参加宗教活动。宗教事务部门应当对有关单位加强指导。

在本市举行大型国际活动期间，活动主办方应当会同宗教事务部门按照国家有关规定做好外国人在本市参加宗教活动的服务保障工作。

第五章 宗教财产

第四十条 宗教团体、宗教院校、宗教活动场所合法使用的土地，合法所有或者使用的房屋、构筑物、设施，以及其他合法财产、收益，受法律保护，任何组织或者个人不得侵占、哄抢、私分、损毁或者非法查封、扣押、冻结、没收、处分。

第四十一条 宗教团体、宗教院校、宗教活动场所对其所有的房屋和使用的土地等不动产，应当依法办理权属登记，领取不动产权证书；产权变更、转移的，应当及时办理变更、转移登记。

涉及宗教团体、宗教院校、宗教活动场所土地使用权变更或者转移时，不动产登记机构应当征求宗教事务部门的意见。

宗教事务、住房和城乡建设、规划和自然资源等部门及有关区人民政府应当在各自职责范围内做好宗教房屋、土地的确权登记等工作。具体办法由市宗教事务部门会同有关部门制定。

To import religious materials, audio-visual products and other religious articles in excess of a reasonable quantity for personal use, or to otherwise import religious materials, audio-visual products and other religious articles, relevant provisions of the State shall be followed.

No organization or individual may compile, print, receive, reproduce, transport, sell or distribute illegal religious materials and audio-visual products.

Article 38 This Municipality shall protect and administer the religious activities of foreigners in accordance with the law. When conducting religious activities, foreigners shall abide by the laws, regulations and rules on the administration of religious activities of foreigners in China, as well as relevant provisions of the State and this Municipality.

Article 39 Government departments, enterprises, institutions, and other organizations that carry out foreign-related cultural and tourism activities, exhibitions, public welfare and charity activities, artistic performances and other activities in this Municipality shall understand the religious needs during the activities, help foreigners understand the provisions of the State and this Municipality on the administration of religious affairs, and guide them to participate in religious activities in accordance with laws and regulations. The government departments for religious affairs shall strengthen guidance to relevant units.

During large-scale international activities in this Municipality, sponsors shall, together with the government departments for religious affairs, do a good job in serving foreigners who participate in religious activities in this Municipality in accordance with relevant provisions of the State.

Chapter V Religious Property

Article 40 No organization or individual may encroach on, plunder, privately divide, damage or illegally place under seal, seize, freeze, confiscate or dispose of the land lawfully used by religious groups, religious schools and places of religious activities, the buildings, structures and facilities lawfully owned or used thereby, as well as their other lawful property and income, which shall be protected by law.

Article 41 Religious groups, religious schools and places of religious activities shall, in accordance with the law, register the ownership of the houses, land and other real property they own and use, and obtain real property ownership certificates; in the event of change or transfer of property right, the change or transfer shall be registered in a timely manner.

In the event of change or transfer of the land use right of religious groups, religious schools or places of religious activities, real estate registration agencies shall solicit opinions from the government departments for religious affairs.

The government departments for religious affairs, housing and urban-rural development, planning and natural resources, etc., as well as relevant district people's governments, shall exercise their respective duties and functions and do a good job in the affirmation and registration of religious houses and land. Specific measures shall be formulated by the municipal government department for religious affairs together with relevant departments.

第四十二条 为了公共利益需要征收宗教团体、宗教院校或者宗教活动场所房屋的，房屋征收部门应当会同宗教事务部门征求宗教团体、宗教院校或者宗教活动场所的意见，按照国家和本市有关规定执行。宗教团体、宗教院校或者宗教活动场所可以选择货币补偿、房屋产权调换或者重建。

宗教活动场所用于宗教活动的房屋、构筑物及其附属的宗教教职人员生活用房不得转让、抵押或者作为实物投资。

第四十三条 宗教团体、宗教院校、宗教活动场所应当按照相关法律、法规规定，加强对管理、使用的文物和历史建筑的日常巡查和维护，接受文物、规划和自然资源、住房和城乡建设部门的指导监督。

属于国有不可移动文物的宗教活动场所和宗教建筑，由使用人负责修缮、保养；属于非国有不可移动文物的宗教活动场所和宗教建筑，由所有人负责修缮、保养，对于有损毁危险，所有人不具备修缮能力的，市、区人民政府应当给予帮助。

第四十四条 宗教团体、宗教院校、宗教活动场所应当执行国家统一的财务、资产、会计制度，坚持公开透明的原则，以适当方式定期向本宗教信教公民公布财务收支状况，并接受宗教事务、民政等部门的监督管理。

第六章 法律责任

第四十五条 宗教团体、宗教院校、宗教活动场所违反本条例第十八条第一款、第三十条、第三十一条第三款规定，未办理备案的，由宗教事务部门责令改正；情节较重的，由民政或者宗教事务部门责令该宗教团体、宗教院校、宗教活动场所撤换直接负责的主管人员；情节严重的，由民政或者宗教事务部门责令停止日常活动，改组管理组织，限期整改，拒不整改的，依法吊销其登记证书或者设立许可；有违法所得、非法财物的，由宗教事务部门予以没收。

第四十六条 违反本条例第二十六条、第三十三条规定，有下列情形之一的，由宗教事务部门予以警告，责令改正或者停止活动，可以并处二千元以上一万元以下罚

Article 42 Where it is necessary to expropriate houses of religious groups, religious schools or places of religious activities for the sake of public interests, the government departments for housing expropriation shall, together with the government departments for religious affairs, solicit opinions from religious groups, religious schools or places of religious activities, and implement relevant provisions of the State and this Municipality. Religious groups, religious schools or places of religious activities may choose monetary compensation, exchange of house property rights or reconstruction.

Houses and structures used for religious activities in places of religious activities and the appurtenant living quarters of religious workers may not be transferred, mortgaged, or used as investment in kind.

Article 43 Religious groups, religious schools and places of religious activities shall, in accordance with relevant laws and regulations, strengthen routine inspection and maintenance of cultural relics and historical buildings under their management and use, and accept the guidance and supervision of the government departments for cultural relics, planning and natural resources, and housing and urban-rural development.

Users of places of religious activities and religious buildings that belong to state-owned immovable cultural relics shall be responsible for their repair and maintenance; owners of places of religious activities and religious buildings that belong to non-state-owned immovable cultural relics shall be responsible for their repair and maintenance. The municipal and district people's governments shall give assistance to owners lacking the ability to repair those in danger of damage.

Article 44 Religious groups, religious schools and places of religious activities shall implement the unified financial, asset and accounting systems of the State, adhere to the principles of openness and transparency, regularly disclose their financial revenues and expenditures to their religious believers in an appropriate way, and accept the supervision and administration of the government departments for religious affairs, civil affairs, etc.

Chapter VI Legal Liability

Article 45 Where a religious group, religious school or place of religious activities, in violation of the provisions of Paragraph 1 of Article 18, Article 30 or Paragraph 3 of Article 31 of the Regulations, fails to go through the filing procedures, it shall be ordered by the government department for religious affairs to make corrections; if the circumstances are relatively serious, the government department for civil affairs or for religious affairs shall order the religious group, religious school or place of religious activities to replace the person in charge who is directly responsible; if the circumstances are serious, the government department for civil affairs or for religious affairs shall order it to suspend daily activities, reorganize the management organization and make rectification within a prescribed time limit; if it refuses to do so, the registration certificate or establishment license shall be revoked according to law; the illegal income and property, if any, shall be confiscated by the government department for religious affairs.

Article 46 Whoever violates the provisions of Article 26 or 33 of the Regulations and falls under any of the following circumstances shall be given a warning and ordered to make corrections or suspend activities by the government department for religious affairs,

款：有违法所得、非法财物的，予以没收；构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任：

（一）在寺观教堂外修建大型露天宗教造像以外的其他露天宗教造像的；

（二）在宗教活动场所以外的公共场所设置宗教设施的；

（三）在宗教活动场所、宗教院校、指定的临时活动地点以外的公共场所、办公场所、生产经营场所传教的。

违反本条例第二十六条规定，在寺观教堂外修建大型露天宗教造像的，按照《宗教事务条例》的规定处理。

第四十七条 违反本条例第三十四条第二款规定，以举办夏（冬）令营、研学旅行等方式传教或者开展宗教方面的教育培训活动的，由宗教事务部门会同有关部门责令停止活动，可以并处五万元以上二十万元以下罚款；有违法所得、非法财物的，予以没收；构成犯罪的，依法追究刑事责任。

第七章 附 则

第四十八条 本条例自 2020 年 11 月 1 日起施行。

and may be concurrently fined not less than 2,000 yuan but not more than 10,000 yuan; the illegal income and property, if any, shall be confiscated; any violation of the administration of public security shall be given punishment for administration of public security by the public security organ in accordance with the law; if a crime is constituted, criminal liability shall be investigated for according to law:

(1) building open-air religious statues other than large open-air religious statues outside temples and churches;

(2) setting up religious facilities in public places other than places of religious activities; or

(3) carrying out missionary activities in public places other than places of religious activities, religious schools and designated temporary activity places, work places or business places.

Those who violate the provisions of Article 26 of the Regulations and build large open-air religious statues outside temples and churches shall be dealt with in accordance with the provisions of the Regulations on Religious Affairs.

Article 47 Where anyone, in violation of the provisions of Paragraph 2 of Article 34 of the Regulations, carries out missionary activities or religious education and training in such forms as summer (winter) camps and study tours, the government department for religious affairs shall, together with relevant departments, order him or her to suspend activities, and may concurrently impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; the illegal income and property, if any, shall be confiscated; if a crime is constituted, criminal liability shall be investigated for according to law.

Chapter VII Supplementary Provisions

Article 48 The Regulations shall come into force as of November 1, 2020.

关于生产经营清真食品必须尊重少数民族风俗习惯的若干规定

(1988年3月29日北京市人民政府京政办发26号文件发布)

根据1997年12月31日北京市人民政府第12号令第一次修改 根

据2004年6月1日北京市人民政府第150号令第二次修改)

为保证生产经营清真食品的行业切实尊重回族、维吾尔族、哈萨克族、柯尔克孜族、塔吉克族、乌孜别克族、塔塔尔族、东乡族、撒拉族、保安族等少数民族(以下简称回族等少数民族)的风俗习惯,增进民族团结,特作如下规定。

一、凡在本市行政区域内生产经营清真食品的单位和个人(包括副食商店、食品商店的清真专柜,以下统称清真食品生产经营者),均须遵守本规定。

二、单位或个人生产经营清真食品,向工商行政管理机关申领营业执照后,应当经区、县民族工作部门登记、审验,悬挂由市民族工作部门统一制发的清真标牌。清真食品生产经营者改业、歇业,除向工商行政管理机关登记外,应当将清真标牌交回区、县民族工作部门。

三、清真食品生产经营者,必须遵守下列规定:

(一)单位的从业人员中回族等少数民族比例,在经销单位不得少于25%,在生产单位不得少于10%;负责人中至少有一名是回族等少数民族的成员;饮食服务业单位的厨师和主要岗位以及其他单位的采购、仓库保管、技术指导等岗位必须有回族等少数民族的人员。单位的职工食堂必须设清真灶。

(二)在生产经营场所显著位置,悬挂市民族工作部门统一制发的清真标牌。

(三)清真食品的包装上应印有清真标志。牛、羊、驼、鸡、鸭等必须按清真屠宰习惯屠宰,自行采购的要有清真屠宰证明。不得出售回族等少数民族禁忌的食品。

Several Provisions on Respect for Customs of National Minorities in Production and Operation of Halal Food

(Promulgated by Document Jing Zheng Ban Fa No. 26 of the People's Government of Beijing Municipality on March 29, 1988, revised for the first time in accordance with Decree No. 12 of the People's Government of Beijing Municipality on December 31, 1997, and revised for the second time in accordance with Decree No. 150 of the People's Government of Beijing Municipality on June 1, 2004)

The following provisions are hereby formulated for the purposes of ensuring that the halal food production and operation industry earnestly respect the customs of Hui, Uyghur, Kazak, Kirgiz, Tajik, Uzbek, Tatar, Dongxiang, Salar, Baoan and other national minorities (hereinafter referred to as Hui and other national minorities) and promoting national unity.

1. All units and individuals engaged in production and operation of halal food within the administrative area of this Municipality (including halal counters of non-staple food stores and food stores, hereinafter referred to as halal food producers and operators) shall abide by the Provisions.

2. Units or individuals engaged in production and operation of halal food, after applying for a business license from the administrative departments for industry and commerce, shall be registered with and examined by the district or county ethnic affairs departments, and hang the halal sign uniformly prepared and issued by the municipal ethnic affairs department. In the event of diversion to another industry or suspension of business, halal food producers and operators shall register with the administrative departments for industry and commerce, and return the halal sign to the district or county ethnic affairs departments.

3. Halal food producers and operators must abide by the following provisions:

(1) The employees of Hui and other national minorities shall account for no less than 25% of the total employees in a distribution unit and no less than 10% of the total employees in a production unit; at least one of the persons in charge shall be a member of Hui and other national minorities; there must be members of Hui and other national minorities among cooks and main posts of catering service units as well as among the procurement, warehouse keeping, technical guidance and other posts of other units. Staff cafeteria must be equipped with halal kitchen.

(2) Production and business places must be hung with the halal sign uniformly prepared and issued by the municipal ethnic affairs department in prominent positions.

(3) The packaging of halal food shall be printed with the halal mark. Cattle, sheep, camels, chickens, ducks, etc. must be slaughtered according to the halal slaughtering habits, and the halal slaughtering certificate must be issued for procurement. It is not allowed to sell

（四）非清真食品店和副食店中设置的清真专柜，要距出售猪肉及其制品柜三米以上，加工、运输、计量等器具和冷库冷柜等食品容器必须专用。服务人员不得与非清真柜混岗。

（五）教育全体从业人员尊重少数民族风俗习惯，不得在经营场地食用回族等少数民族禁忌的食品。

四、违反本规定的，视其具体情节，给予如下处理：

（一）未经批准擅自生产经营清真食品的，由区、县民族工作部门会同工商行政管理机关责令停业或转营他业，没收其非法收入，并对负责人处以 200 元以下罚款。

（二）违反本规定第三条的，由区、县民族工作部门会同工商行政管理机关，分别给予警告、责令停业整顿，对单位负责人处以 100 元以下罚款。

五、本规定由市民族事务委员会组织实施并负责解释。

六、本规定经市人民政府批准，自 1988 年 4 月 1 日起施行。

the food that is a taboo to Hui and other national minorities.

(4) The halal counters set up in non-halal food stores and non-staple food stores shall be more than 3 meters away from the counters for pork and pork products, and there must be special processing, transportation and measuring instruments, refrigerators and other food containers. The service personnel shall not concurrently serve non-halal counters.

(5) All employees shall be educated to respect the customs of national minorities, and not to eat the food that is a taboo to Hui and other national minorities in business places.

4. Violations of the Provisions shall be dealt with as follows as appropriate:

(1) Where any unit engages in production and operation of halal food without approval, the district or county ethnic affairs department shall, together with the administrative department for industry and commerce, order suspension or change of business, confiscate its illegal income, and impose a fine of not more than 200 yuan on the person in charge;

(2) Where any unit violates Article 3 of the Provisions, the district or county ethnic affairs department shall, together with the administrative department for industry and commerce, give a warning or order suspension of business for rectification, and shall impose a fine of not more than 100 yuan on the person in charge.

5. The Municipal Commission of Ethnic Affairs shall organize the implementation and be responsible for the interpretation of the Provisions.

6. The Provisions shall come into force as of April 1, 1988 with the approval of the Municipal People's Government.

（六）行政综合

北京市实施《中华人民共和国突发事件应对法》办法

（2008年5月23日北京市第十三届人民代表大会常务委员会
第四次会议通过）

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第一章 总 则

第一条 为了实施《中华人民共和国突发事件应对法》，根据本市实际情况，制定本办法。

第二条 本办法适用于本市行政区域内突发事件的预防与应急准备、监测与预警、应急处置与救援、事后恢复与重建等应对活动。

本办法所称突发事件，是指突然发生，造成或者可能造成严重社会危害，需要采取应急处置措施予以应对的自然灾害、事故灾难、公共卫生事件和社会安全事件。

按照社会危害程度、影响范围等因素，自然灾害、事故灾难、公共卫生事件分为特别重大、重大、较大和一般四级。法律、行政法规或者国务院另有规定的，依照其

vi. Administrative Integration

Measures of Beijing Municipality for Implementing the Emergency Response Law of the people' s Republic of China

(Adopted at the 4th Meeting of the Standing Committee of the 13th
People's Congress of Beijing Municipality on May 23, 2008)

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Chapter I General Provisions

Article 1 These Measures are formulated by taking into account the particular situations of this Municipality for the purpose of implementing the Emergency Response Law of the people's Republic of China.

Article 2 These Measures are applicable to prevention of, and preparation for response to emergencies, monitoring and early warning, emergency handling and rescue, and post-emergency rehabilitation and reconstruction, and other activities in response to emergencies within the administrative area of this Municipality.

The term "emergencies" in these Measures refers to natural disasters, calamitous accidents, public health accidents and public security incidents, which occur abruptly and cause or may potentially cause serious social harm and for which measures for handling emergencies need to be adopted.

According to the degree of social harm, done and the extent of repercussions and other factors, natural disasters, calamitous accidents and public health accidents are classified in four grades: especially serious, serious, relatively serious and common. Where any law, administrative regulation or the State Council provides otherwise, the provisions thereof shall prevail.

规定执行。

第三条 本市突发事件应对工作坚持预防为主、预防与应急相结合的原则，实行统一领导、综合协调、分类管理、分级负责、属地管理为主的应急管理体制。

第四条 市和区、县人民政府应当组织编制应急体系建设规划，并将其纳入国民经济和社会发展规划。

第五条 市和区、县人民政府是突发事件应对工作的行政领导机关。市和区、县人民政府设立突发事件应急委员会，统一领导、协调本行政区域内突发事件应对工作；根据实际需要，设立突发事件专项应急指挥部，组织、协调、指挥相关类别突发事件的应对工作。

市突发事件应急委员会由市有关负责人，市有关部门、北京卫戍区和武警北京市总队的负责人组成，市人民政府主要负责人任主任；市突发事件专项应急指挥部由市有关负责人任总指挥。区、县突发事件应急委员会和专项应急指挥部的组成，参照市突发事件应急委员会和专项应急指挥部的组成确定。

市和区、县突发事件应急委员会和专项应急指挥部，应当设立常设办事机构，配备专职工作人员。办事机构负责值守应急、信息汇总、综合协调等工作。

第六条 市和区、县人民政府有关部门按照法律、法规、规章的规定和本级人民政府确定的职责，负责相关突发事件应对工作，指导、协助下级人民政府及其相应部门做好有关突发事件的应对工作。

市人民政府有关部门可以根据实际情况设立应急管理机构，配备专职工作人员。

乡镇人民政府、街道办事处应当设立或者确定应急管理机构，配备专职工作人员。

第七条 市和区、县人民政府应当按照有关规定建立突发事件信息公开制度，完善信息发布和新闻发言人制度，建立健全重大突发事件新闻报道快速反应机制和舆情收集、分析机制，加强对信息发布、新闻报道工作的组织协调和管理。

Article 3 In the work of this Municipality on response to emergencies, the principle of giving priority to prevention and combining prevention with emergency response shall be adhered to and the system for administration of emergency response, which is characterized by unified leadership, all-round coordination, control according to grades, responsibility at different levels and, chiefly, territorial jurisdiction, shall be exercised.

Article 4 The municipal, district and county people's governments shall organize the compilation of planning on the establishment of emergency response management system and include it in the plan for national economic and social development.

Article 5 The municipal, district and county people's governments shall be the leading administrative organs for response to emergencies. The municipal, district and county people's governments shall each establish an emergency response committee to exercise unified leadership and coordinate the efforts to respond to emergencies which occur within their own administrative areas; and they shall, in light of actual need, establish specialized commands for emergency response, which shall organize, coordinate and direct the work of coping with the specific grades of emergencies.

The municipal emergency response committee shall be composed of the relevant leading persons of this Municipality, the leading persons of the municipal departments concerned and the leading persons of Beijing Garrison Command and of Beijing Armed Police Corps, with the principal leading person of the municipal people's government as the Director of this committee. The relevant leading person of this Municipality shall act as the general commander of the municipal specialized command for emergency response. The composition of district and county emergency response committees and specialized commands for emergency response shall be decided by referring to the composition of the municipal emergency response committee and the municipal specialized command for emergency response.

The municipal, district and county emergency response committees and specialized commands for emergency response shall each establish a standing working body staffed with full-time workers. The working body shall be responsible for such work as emergency watching-over, information collection and overall coordination.

Article 6 Relevant departments of the municipal, district and county people's governments shall, as provided by laws, regulations and rules and according to their respective duties defined by the people's government at the same level, be responsible for the relevant work of responding to emergencies, and shall give guidance and assistance to the people's governments at lower levels and their relevant departments in making a success of the response to emergencies.

Relevant departments of the municipal people's government may, in light of the particular situations, establish emergency response administration institutions which shall be staffed with full-time workers.

The township and town people's governments and the neighborhood offices shall establish or designate their own emergency response administration institutions which shall be staffed with full-time workers.

Article 7 The municipal, district and county people's governments shall, in accordance with the relevant regulations, establish the emergency information publication system, improve the information release and spokesperson system, establish and improve the rapid response mechanism for news reporting of serious emergencies and the mechanism for collection and analysis of public opinions, and enhance the organization, coordination and administration of information release and news reporting.

新闻媒体和网站应当客观、真实、准确地报道有关突发事件的信息。

第八条 本市建立健全与国家有关部门，驻京中国人民解放军、中国人民武装警察部队，中央驻京大型国有企业、事业单位，周边省、自治区、直辖市的应急联动机制，加强信息沟通和资源共享，提高突发事件应对能力。

第九条 市和区县人民政府及其部门、乡镇人民政府、街道办事处的突发事件应对工作实行行政领导负责制。

本市将突发事件应对工作纳入行政机关主要负责人和有关负责人职责绩效考核范围，建立健全责任追究制度。

第十条 本市建立有效的社会动员机制，充分发挥公民、法人和其他组织在突发事件应对中的作用，增强全民的公共和社会责任意识，提高全社会避险、自救、互救等能力。

公民、法人和其他组织有义务参与突发事件应对工作。法人和其他组织应当在所在地人民政府的领导下开展突发事件应对工作，建立突发事件应对工作责任制，其主要负责人全面负责。

居民委员会和村民委员会应当根据所在地人民政府的要求，结合各自的实际情况，开展应急知识宣传教育活动和必要的应急演练；将突发事件应对工作作为自治管理的重要内容，明确突发事件应对工作责任人，协助政府及其有关部门做好突发事件应对工作。

第十一条 市和区、县人民政府及其部门应当对在突发事件应对工作中做出突出贡献的单位和个人给予表彰或者奖励。

第二章 预防与应急准备

第十二条 本市建立健全科学、规范的突发事件应急预案体系。

市人民政府根据有关法律、法规、规章和国务院及其有关部门的应急预案，结合

The news media and websites shall objectively, truthfully and accurately report the information relating to emergencies.

Article 8 This Municipality shall establish and improve the coordinated mechanism for emergency response jointly with the relevant departments of the State, the units of the Chinese People's Liberation Army and of the Chinese People's Armed Police Force stationed in Beijing, the Beijing-based large scale State-owned enterprises and institutions under the Central Government, and the neighboring provinces, autonomous regions and municipalities directly under the Central Government, strengthen information communication and resource sharing, so as to improve the ability of response to emergencies.

Article 9 In the work on response to emergencies, the municipal, district and county people's governments and their departments, township and town people's governments and sub-district offices shall practice a system under which administrative leaders assume responsibility.

In this Municipality, the work on response to emergencies shall be taken as an item of duty performance assessment for principal leading members and other leading members concerned of administrative organs, and a sound system of investigation for responsibility shall be introduced.

Article 10 This Municipality shall establish an effective social mobilization mechanism, so as to bring into full play the role of citizens, legal persons and other organizations in response to emergencies, enhance all citizens' awareness of the importance of public security and social responsibility, and help increase the ability of the entire society of risk avoidance, self-rescue and mutual rescue.

Citizens, legal persons and other organizations shall be obligated to participate in responding to emergencies. Legal persons and other organizations shall, under the leadership of the people's government at the place where they are located, carry out the work on response to emergencies and establish a responsibility system in this respect, and their principal leading members shall assume full responsibility.

The residents' committees and villagers' committees shall, in compliance with the requirements of the people's government at the place where they are located and by taking into account their respective particular situations, conduct dissemination of and education on the knowledge on emergency response and the necessary emergency response drills, and they shall make the work on response to emergencies an important part of self-administration, make clear the responsible persons for the work on response to emergencies and give assistance to the governments and their relevant departments in making a success of the response to emergencies.

Article 11 The municipal, district and county people's governments and their departments shall commend or reward the units and individuals that make outstanding contributions in the work on response to emergencies.

Chapter II Prevention of, and Preparation for Response to Emergencies

Article 12 This Municipality shall establish and improve a scientific and standardized precautionary system for emergency response.

The municipal people's government shall, in accordance with the relevant laws, regulations, rules, and the precautionary plans in response to emergencies made by the State Council and its relevant departments and in light of the particular situations of this Municipality, make the overall precautionary plans in response to emergencies, the

本市实际情况，制定本市突发事件总体应急预案、专项应急预案和应急保障预案。市人民政府有关部门根据各自职责和市人民政府相关应急预案，制定突发事件部门应急预案。

区、县人民政府制定本区、县突发事件总体应急预案、专项应急预案和应急保障预案。区、县人民政府有关部门制定突发事件部门应急预案。

乡镇人民政府、街道办事处制定本区域突发事件应急预案。

机关、团体和企业、事业单位应当根据法律、法规和本市关于制定应急预案的要求，结合实际情况，制定本单位突发事件应急预案。

大型社会活动的主办者应当按照国家和本市关于大型社会活动的管理规定，制定保障大型社会活动安全的应急预案。

第十三条 区、县突发事件总体应急预案、专项应急预案和应急保障预案，应当向市人民政府备案；部门应急预案应当向本级人民政府备案；乡镇人民政府、街道办事处制定的应急预案，应当向区、县人民政府备案。

市和区、县人民政府确定的重点单位的应急预案，应当按照有关规定分别向市或者所在地区、县人民政府备案；其他单位的应急预案应当向所在地乡镇人民政府、街道办事处备案。

第十四条 市和区县人民政府及其部门、乡镇人民政府、街道办事处制定应急预案，应当根据法律、法规的规定，针对突发事件的性质、特点和可能造成的社会危害，具体规定突发事件应对工作的组织指挥体系与职责和突发事件的预防与预警机制、处置程序、应急保障措施以及事后恢复与重建措施等内容。

制定应急预案的行政机关和单位应当根据实际需要和情势变化，适时修订应急预案。

市和区县人民政府及其部门、乡镇人民政府、街道办事处制定的应急预案应当按照有关规定及时向社会公布。

specialized precautionary plans in response to emergencies and the precautionary plans for guarantee measures for emergency response. The relevant departments of the municipal people's government shall, in compliance with their respective duties and the relevant precautionary plans made by the municipal people's government, make their departmental precautionary plans in response to emergencies.

The district and county people's governments shall make their own overall precautionary plans in response to emergencies, the specialized precautionary plans in response to emergencies and the precautionary plans for guarantee measures for emergency response. The relevant departments of district and county people's governments shall make their departmental precautionary plans in response to emergencies.

The township and town people's governments and the neighborhood offices shall make their own precautionary plans in response to emergencies.

The State organs, public organizations, enterprises and institutions shall, in compliance with the laws and regulations and the requirements of this Municipality on making the precautionary plans in response to emergencies and by taking into account their particular situations, make their own precautionary plans in response to emergencies.

The sponsors of large-scale public events shall, in compliance with the regulations of the State and this Municipality on the administration of large-scale public events, make the precautionary plans in response to emergencies for ensuring the safety of large-scale public events.

Article 13 The district and county overall precautionary plans in response to emergencies, the specialized precautionary plans in response to emergencies and the precautionary plans for guarantee measures for emergency response shall be put on record at the municipal people's government; the departmental precautionary plans in response to emergencies shall be put on record at the people's government at the same level; the precautionary plans in response to emergencies made by the township and town people's governments and the neighborhood offices shall be put on record at the district and county people's government.

The precautionary plans in response to emergencies made by the key units designed by the municipal, district and county people's governments shall, in compliance with the relevant regulations, be put on record respectively at the municipal people's government or the district or county people's governments at the place where they are located; the precautionary plans in response to emergencies made by other units shall be put on record at the township and town people's governments or the neighborhood offices at the place where they are located.

Article 14 When making their precautionary plans in response to emergencies, the municipal, district and county people's governments and their departments, the township and town people's governments, and the neighborhood offices shall, in accordance with the provisions of the relevant laws and regulations and in light of the nature and characteristics of the emergencies and the potential social harm they may cause, specify therein the organizational setup of command in response to the emergencies and the duties of administration, the mechanism for prevention and early warning, the procedure for emergency handling, the guarantee measures for emergency response, the measures for post-emergency rehabilitation and reconstruction, etc.

The administrative organs and the units making precautionary plans in response to emergencies shall make timely modification of the same according to the actual needs and changes in the situation.

The precautionary plans in response to emergencies made by the municipal, district

第十五条 市突发事件应急委员会应当组织编制突发事件应急预案的制定规范，明确应急预案的体系构成、主要内容、制定和审批程序、管理责任与要求等。

制定应急预案执行国家规定的突发事件分级标准。国家尚未制定分级标准的，市人民政府可以先行制定，报国务院或者国务院确定的部门备案。

第十六条 城乡规划应当符合应对突发事件的需要，统筹安排应对突发事件所必需的设备和基础设施建设，合理确定应急避难场所。已有的城乡规划不符合突发事件应对需要的，应当依照法定程序进行修改；已有的建筑物、构筑物和其他设施不符合突发事件应对需要的，市和区、县人民政府应当采取必要的防范措施，并制订改造计划，逐步组织实施。

市和区、县人民政府确定的应急避难场所，应当设置明显标志，并按照有关规定向社会公布。

应急避难场所的所有权人或者管理使用单位，应当加强对应急避难场所的维护和管理，保证其正常使用。

第十七条 本市建立突发事件风险管理体系，健全风险识别、评估、控制等风险管理制度和风险管理信息化系统，对可能发生的突发事件进行综合性评估，预防和减少突发事件的发生，最大限度地减轻突发事件的影响。

第十八条 市和区、县人民政府应当建立危险源、危险区域的管理制度，依法对本行政区域内容易引发突发事件的危险源、危险区域进行调查、登记、风险评估，定期检查、监控，责令有关单位采取安全防范措施。登记的危险源、危险区域应当按照有关规定向社会公布。

市和区、县人民政府应当建立危险源、危险区域的信息数据库，按照有关规定实行分类分级管理和动态监控，实时检查、更新和分析信息数据。

第十九条 矿山、建筑施工单位和易燃易爆物品、危险化学品、放射性物品、病原微生物等危险物品的生产、经营、储运、使用、处置单位，应当制定具体应急预案，对生产经营场所、有危险物品的建筑物、构筑物及周边环境定期开展隐患排查和风险

and county people's governments and their departments, the township and town people's governments and the neighborhood offices shall be made known to the public in a timely manner.

Article 15 The municipal emergency response committee shall organize the compilation of the criteria for making precautionary plans in response to emergencies and make clear their structure, main contents, procedures for their making and approval, and responsibilities and requirements for administration.

The standards for classifying the grades of emergencies formulated by the State shall be followed when making precautionary plans in response to emergencies. Where the State has not yet formulated such standards, the municipal people's government may formulate the standards beforehand and report to the State Council or the department designated by the State Council for record.

Article 16 Urban or rural planning shall meet the need for emergency response, overall arrangements shall be made for the equipment and infrastructure necessitated for emergency response, and the sites of shelters for emergency shall be rationally located. Where an existing urban or rural planning does not meet the need for emergency response, it shall be revised in accordance with the legal procedures; where an existing building, structure or other facility does not meet the need for emergency response, the municipal, district and county people's governments shall take necessary prevention measures, make a plan for its renovation and organize the implementation of the plan in a gradual manner.

Obvious signs shall be set up at the sites of shelters for emergency designated by the municipal, district and county people's governments and such shelters shall be made known to the public in accordance with the relevant regulations.

The property owners of or the units managing or using the shelters for emergency shall strengthen maintenance and management of such shelters so as to ensure they are ready for normal use.

Article 17 This Municipality shall establish the risk management system for emergencies, improve the risk management system for identification, assessment and control of risks and the risk management information system, make comprehensive assessment of emergencies which may occur, prevent against and reduce the chance of their occurrence and mitigate their repercussions to the maximum extent.

Article 18 The municipal, district and county people's governments shall establish the system for management of the sources of danger and management of the dangerous areas, and, according to law, check and register the sources of danger, which are liable to give rise to emergencies, and the dangerous areas within their respective administrative areas, conduct regular inspections and monitoring of such sources and areas, and order the units concerned to take safety and prevention measures. The registered sources of danger and dangerous areas shall, in accordance with the relevant regulations, be made known to the public in a timely manner.

The municipal, district and county people's governments shall establish the information database of the sources of danger and the dangerous areas, exercise control according to types and grades and conduct dynamic monitoring in accordance with the relevant regulations, and carry out real-time examination, updating and analysis of the information data.

Article 19 Mines, construction units, and the units manufacturing, distributing, storing, transporting, using or disposing of such hazardous articles as inflammable and explosive substances, hazardous chemicals and radioactive substances, or pathogenic

评估，及时采取措施消除隐患。

供水、排水、供电、供煤、供油、供气、供热、交通、通信、有线电视网络等公共设施的经营、管理单位，应当制定具体应急预案，建立安全巡检制度，及时消除事故隐患，保障安全运营。

第二十条 车站、机场、体育场（馆）、影剧院、歌舞厅、医院、商（市）场、宾馆、饭店、旅游区（点）、互联网上网服务营业场所等公共场所和其他人员密集场所的经营、管理单位，应当遵守下列安全管理规定：

（一）制定有效的安全管理措施和突发事件应急救援预案，配备应急救援人员；

（二）设置符合要求并且标志明显的安全出口和疏散通道，配备应急广播、应急照明设施、消防设备和器材；

（三）有关人员掌握应急救援预案的内容，熟练使用应急广播、消防设备和器材，了解安全出口和疏散通道的位置以及本岗位的应急救援职责；

（四）根据需要设置相应的安全技术防范设施，建立安全检查制度；

（五）对本单位可能发生的突发事件和采取安全措施的情况，及时向所在地人民政府或者人民政府有关部门报告。

第二十一条 公共交通工具的经营、管理单位应当制定具体应急预案，为公共交通工具配备报警装置和应急照明设备、消防器材、应急避险工具等应急救援设备，注明其使用方法，并确保正常使用。

城市轨道交通的运营单位应当组织制定安全运营规章制度和操作规程，定期对供电、通信、监控等安全保障系统进行检测、维修、更新和改造；设置导向、疏散、提示、警告、限制、禁止等各类安全标志；乘客流量达到控制标准时，及时进行疏导，并采取分时进入或者限制进入等措施。

第二十二条 本市建立矛盾纠纷排查调处制度，对排查出的可能引发社会安全事件的矛盾纠纷，所在地人民政府和有关部门应当采取措施及时予以化解。

microorganisms shall make precautionary plans in response to specific emergencies, regularly conduct screening inspection and risk assessment of the production and business premises and the buildings and structures where hazardous articles are placed and the peripheries, to see if there are hidden dangers and take timely measures to eliminate them, if any.

The units operating or managing such public facilities as the ones for water supply, drainage, power supply, coal supply, oil supply, gas supply, heat supply, transportation, communications or cable television network shall make precautionary plans in response to specific emergencies, introduce the safety patrol system, and eliminate the hidden dangers in a timely manner, so as to ensure their safe operation.

Article 20 The units operating or managing such public places as stations, airports, stadiums (gymnasiums), cinemas, theaters, singing and dancing halls, hospitals, emporiums, markets, hotels, restaurants, scenic areas (spots) and business places providing internet surfing services, as well as other places with a high concentration of people, shall abide by the following provisions on safety management:

(1) Making effective safety management measures and precautionary plans for emergency rescue, and assigning emergency rescuers;

(2) Setting up safety exits and evacuation passages measuring up to the requirements and with obvious signs, and installing emergency broadcasting system, emergency lighting facilities, fire-fighting equipments and instruments;

(3) The persons concerned shall master the contents of the precautionary plans for emergency rescue, proficiently use the emergency broadcasting system, fire-fighting equipments and instruments, know the locations of safety exits and evacuation passages and the responsibilities of their posts in respect of emergency rescue;

(4) Installing technical prevention facilities for safety according to the needs, and establishing the safety inspection system; and

(5) Reporting in a timely manner the emergency which may occur in the unit and the safety measures taken therefor to the people's government or its relevant department at the place where the unit is located.

Article 21 The units operating or managing public means of transportation shall make precautionary plans in response to specific emergencies, install on the means of transportation such emergency rescue equipments as alarm devices, emergency lighting equipments, fire-fighting instruments, and tools for risk avoidance in case of emergencies, clearly indicate their usage, and ensure that they are ready for normal use.

The unit operating urban rail transit shall organize the making of the rules and systems for safe operation and the flows for operation, carry out regular tests, repairs, updating and transform of such safety protection systems as power supply, communications and monitoring, install all kinds of safety signs for direction, evacuation, alert, warning, restriction and prohibition, and, when the flux of passengers reaches the control standard, carry out timely regulation and take such measures as periodical entrance or entrance restriction.

Article 22 This Municipality shall establish the system for screening inspection, mediation and handling of conflicts and disputes. As to the conflicts and disputes that are found, the local people's governments and the relevant departments shall take measures to have them, solved in a timely manner if they may cause incidents endangering public

第二十三条 市和区、县人民政府应当建立公共安全形势分析会议制度，定期研判突发事件应对的总体形势，部署相关工作。

第二十四条 市和区、县人民政府应当建立突发事件应对专业人才库，根据实际需要聘请有关专家组成专家组，为突发事件应对工作提供决策和处置建议。

第二十五条 本市国家机关应当建立应急管理培训制度，针对不同对象确定教育内容、考核标准，增强国家机关工作人员的安全意识，提高其应对突发事件的决策和处置能力。

第二十六条 市和区县人民政府及其部门、乡镇人民政府、街道办事处应当通过多种形式，广泛开展突发事件应对法律、法规和应急知识的宣传教育。

工会、共产主义青年团、妇女联合会以及其他社会团体，应当结合工作特点，协助人民政府开展突发事件应对法律、法规和应急知识的宣传教育。

新闻媒体应当无偿开展突发事件应对工作和应急知识的公益宣传。

第二十七条 本市各级各类学校应当将应急知识教育纳入教学内容，根据学生的年龄和认知能力，采取多种形式开展应急知识教育，培养学生的安全意识和自救与互救能力。

教育主管部门应当对学校开展应急知识教育进行指导、监督。

第二十八条 企业、事业单位应当根据本市有关规定，制定突发事件应对的教育培训计划，对本单位职工进行突发事件应对法律、法规和安全生产管理制度、安全操作规程以及应急知识等方面的教育培训，提高职工安全防范的意识和能力。

第二十九条 本市统筹规划建设防灾减灾教育基地，开展公共安全与应急管理知识的宣传教育。政府投资建设的防灾减灾教育基地应当免费向公众开放。

第三十条 市人民政府依托市公安消防专业队伍，建立综合应急救援队伍。市人民政府有关部门和区、县人民政府应当根据实际需要建立专业应急救援队伍；依托社会力量建立专业应急救援队伍的，应当签订协议，明确双方的权利和义务。

security.

Article 23 The municipal, district and county people's governments shall establish the meeting system for the analysis of public safety situation, regularly study and assess the overall situation of emergency response and make arrangements for the work in this respect.

Article 24 The municipal, district and county people's governments shall set up pools of professionals in response to emergencies and, in light of actual need, invite experts in this respect to form expert groups so as to offer suggestions for decision-making in the work of emergency response or for handling emergencies.

Article 25 The State organs of this Municipality shall establish the training system for control of emergencies and, in light of the difference of trainees, determine the training contents and appraisal standards, so as to enhance the awareness of the importance of safety among staff members of the State organs and improve their ability of making decisions in emergency response and of handling emergencies.

Article 26 The municipal, district and county people's governments and their departments, township and town people's governments and the neighborhood offices shall, by various means, extensively conduct dissemination of and education on the laws, regulations and knowledge on emergency response.

The labor unions, communist youth leagues, women's federations and other social organizations shall, in combination with the nature of their work, assist the people's governments to conduct dissemination of and education on the laws, regulations and knowledge on emergency response.

The news media shall, for the public good, disseminate gratis the work and the knowledge on emergency response.

Article 27 The schools at various levels and of different types in this Municipality shall include the knowledge on emergency response in their teaching curriculums and, in light of the age range and cognition capability level of their students, carry out education on the said knowledge by various means, in order to help them foster their awareness of the importance of safety and acquire the ability of self-rescue and mutual rescue.

The competent departments of education shall give guidance to and supervise the schools in their efforts to spread the knowledge on emergency response among the students.

Article 28 The enterprises and institutions shall, in accordance with the regulations of this Municipality, make the plans for education and training on emergency response, and carry out education and training among their staff members on the laws and regulations on emergency response, safety management systems, safety operation flows and knowledge on emergency response, in order to increase their awareness of the importance of safety and prevention as well as their ability in this respect.

Article 29 This Municipality shall make overall plans for the construction of educational bases for education on the knowledge on disaster prevention and mitigation and conduct dissemination of and education on the knowledge on public safety and administration of emergency response. The educational bases for education on the knowledge on disaster prevention and mitigation, if constructed with government investments, shall be open to the public without any charge.

Article 30 Taking the professional teams of public security fire-fighting departments of this Municipality as the basis, the municipal people's government shall organize teams for all-round emergency rescue. The relevant departments of the municipal people's government and the district and county people's governments shall organize professional teams for

市和区县人民政府有关部门、乡镇人民政府、街道办事处可以组织建立由成年志愿者组成的应急救援队伍。

机关、团体和企业、事业单位应当建立由本单位职工组成的专职或者兼职应急救援队伍。

建立应急救援队伍的行政机关和单位应当加强对应急救援队伍专业技能的培训，提高抢险救援和安全防护能力。

第三十一条 市和区县突发事件应急委员会、市专项应急指挥部应当采取多种形式，组织跨地区、跨行业的综合应急演练，提高协调配合和现场处置能力。

市和区县人民政府有关部门、乡镇人民政府、街道办事处应当按照有关规定组织开展应急演练。

机关、团体和企业、事业单位应当根据实际情况，每年开展不同形式和规模的应急演练。

第三十二条 市和区、县人民政府应当设置应对突发事件专项准备资金，保障突发事件应对工作所需经费。应对突发事件专项准备资金的使用办法由市和区、县人民政府制定。

市和区、县人民政府有关部门所需的突发事件预防与应急准备、监测与预警等工作经费列入部门预算，同级财政部门应当予以保障。

突发事件应对工作经费应当专款专用，审计、财政、监察部门应当加强对突发事件应对工作经费使用的监督。

第三十三条 本市建立统一的应急救援物资、应急处置装备和生活必需品等应急物资的储备保障制度。

市发展改革委、市商务行政部门应当定期组织征集应急物资储备需求，会同有关部门统筹规划建设应急物资储备库，完善重要应急物资的监管、生产、储备、调拨和紧急配送体系，并根据应对突发事件的需要，采取生产能力储备等方式，与有关企业签订合同，保障应急处置与救援所需物资的生产、供给。

emergency rescue in light of actual need; where a professional team for emergency rescue is organized by taking social resources as the basis, an agreement shall be entered into to make clear the rights and obligations of both parties.

The relevant departments of the municipal, district and county people's governments, township and town people's governments and the neighborhood offices may organize teams for emergency rescue composed of adult volunteers.

The organs, organizations, enterprises and institutions shall organize full-time or part-time teams for emergency rescue composed of their staff members.

The administrative organs and units that have organized teams for emergency rescue shall strengthen training on professional skills of these teams, in order to improve their ability of rescue and of safety protection.

Article 31 The municipal, district and county emergency response committees and specialized commands for emergency response shall, by various means, organize all-round emergency response drills involving different regions and industries so as to increase the ability of coordination and cooperation and of on-scene handling of emergencies.

The relevant departments of the municipal, district and county people's governments, township and town people's governments and the neighborhood offices shall organize and conduct emergency response drills in accordance with the relevant regulations.

All organs, organizations, enterprises and institutions shall, in light of the particular situations, conduct emergency response drills in different forms and scales every year.

Article 32 The municipal, district and county people's governments shall set up the specialized reserve fund for emergency response so as to guarantee provision of the funds needed for emergency response. The measures for using the specialized reserve fund for emergency response shall be made by the municipal, district and county people's governments.

The funds needed by the relevant departments of the municipal, district and county people's governments for prevention of, and preparation for response to, emergencies, and for monitoring and early warning shall be listed into the budgets of these departments, and the finance departments at the same level shall guarantee the provisions of such funds.

The funds needed for emergency response shall be used for the specified purpose, and the auditing department, the finance department and the supervisory department shall strengthen supervision over the use of such funds.

Article 33 This Municipality shall establish a unified system for reservation and guarantee of such materials for emergency response as emergency rescue materials, emergency handling gears and daily necessities.

The municipal administrative departments for development and reform and commerce shall organize regular collection of demands for the reservation of materials for emergency response, make overall plans for the construction of reserve warehouses of materials for emergency response together with the relevant departments, improve the system, of control, production, reservation, allocation and urgent distribution of the important materials for emergency response, and, in light of the need for emergency response and by taking such manners as reservation of productivity, sign agreements with the enterprises concerned to

市人民政府应当建立与其他省、自治区、直辖市的应急物资调剂供应渠道。

第三十四条 本市制定应急管理技术系统建设规范，统一规划建设应急管理信息化工程，保证应急管理技术系统的互联互通、资源共享。

应急管理信息化工程的建设单位，应当将工程项目的需求效益、规划布局、技术标准、网络与信息安全、信息资源共享以及其他相关内容，报市突发事件应急委员会常设办事机构、市信息化行政部门审查。

第三章 监测与预警

第三十五条 市人民政府应当建立统一的突发事件信息系统，汇集、储存、分析、传输有关突发事件的信息，并逐步实现与国务院及其部门突发事件信息系统的互联互通。

第三十六条 本市建立由各级人民政府、有关主管部门以及专业机构、监测网点、居民委员会和村民委员会等构成的信息收集与报送网络，通过多种途径收集突发事件信息。

区、县人民政府及其有关部门应当在居民委员会、村民委员会和有关单位建立专职或者兼职信息报告员制度。

本市设立并公布全市统一的紧急救助电话号码，方便公众报告突发事件信息。

获悉突发事件信息的公民、法人或者其他组织，应当立即向所在地人民政府、有关主管部门或者其指定的专业机构报告。

第三十七条 获悉发生或者可能发生突发事件信息的行政机关，应当按照下列规定报送信息，必要时可以越级上报：

（一）乡镇人民政府、街道办事处向区、县人民政府报告；

（二）区、县人民政府有关部门向本级人民政府、市人民政府有关主管部门报告，同时向本级人民政府有关部门和发生地乡镇人民政府、街道办事处通报；

ensure the production and supply of the materials for emergency handling and emergency rescue.

The municipal people's government shall maintain the channels for allocation and supply of materials for emergency response with other provinces, autonomous regions and municipalities directly under the Central Government.

Article 34 This Municipality shall establish the norms for the construction of technical systems for administration of emergency response, make unified plans for the construction of informatization projects for administration of emergency response, and ensure the interconnection of the technical systems for administration of emergency response and share of resources among these systems.

The project owners of informatization projects for administration of emergency response shall report the desired results, planned distribution, technical standards, network and information safety, share of information resources and other relevant contents to the standing working body of the municipal emergency response committee and the municipal administrative department for informatization for examination.

Chapter III Monitoring and Early Warning

Article 35 The municipal people's government shall establish a unified information system for emergencies, to collect, store, analyze and transmit information on emergencies, and to have its system interconnected with the emergency information systems of the State Council and its departments.

Article 36 This Municipality shall establish the information collection and submission network composed of the people's governments at various levels, the relevant competent departments, the specialized institutions, the emergency monitoring networks, the residents' committees and the neighborhood committees, so as to collect information on emergencies through a variety of channels.

The district and county people's governments and their relevant departments shall establish a full-time or part-time information reporter system in the neighborhood committees, the villagers' committees and the units concerned.

This Municipality shall designate and announce a unified telephone number for emergency assistance to facilitate the public to report information on emergencies.

The citizens, legal persons and other organizations that get information on emergencies shall immediately report to the local people's governments, the relevant competent departments or the designated specialized institutions.

Article 37 The administrative organ that gets information on an emergency or on an emergency which may occur shall submit or report the information in accordance with the following provisions , and, when necessary, may do so by bypassing the government at the next higher level:

(1)The township or town people's government or the neighborhood office shall report to the district or county people's government;

(2)The relevant department of the district or county people's government shall report to the people's government at the same level and to the relevant competent department of the

（三）区、县人民政府向市人民政府报告，同时向市人民政府有关主管部门通报；

（四）市人民政府有关部门向市人民政府报告，并按照规定向国务院有关主管部门报告，同时向发生地区、县人民政府和本级人民政府有关部门通报；

（五）市人民政府获悉重大、特别重大突发事件信息，向国务院报告，必要时通报相关地区人民政府。

第三十八条 获悉发生或者可能发生突发事件信息的行政机关，按照本办法第三十七条规定报送信息，并遵守下列规定：

（一）突发事件信息的报送，应当做到及时、客观、真实和准确，不得迟报、谎报、瞒报、漏报，涉及国家秘密的，应当遵守国家有关保密规定；

（二）对较大、重大和特别重大突发事件信息，应当立即报告；

（三）对事件本身比较重要或者发生在重点地区、特殊时间的突发事件信息，应当立即报告，法定节假日、重要会议和重大活动等特殊时期，实行每日报告制度；

（四）及时续报事件处置的进展情况，直至应急处置工作结束。

第三十九条 本市建立专业监测和社会监测相结合的突发事件监测体系，建立健全基础信息数据库，对可能发生的突发事件进行跨部门、跨区域、跨灾种的综合监测。

第四十条 市和区、县人民政府及其有关部门，应当及时分析突发事件隐患和预警信息，必要时组织相关部门、专业技术人员、专家学者进行会商，对发生突发事件的可能性及其可能造成的影响进行评估。

第四十一条 本市按照国家制定的预警级别划分标准建立健全突发事件预警制度。国家尚未制定预警级别划分标准的，市人民政府可以先行制定，报国务院或者国务院确定的部门备案。

municipal people's government, and shall, at the same time, circulate the information among the relevant departments of the people's government at the same level and the township or town people's, government or the neighborhood office at the place where the emergency occurs or may occur;

(3)The district or county people's government shall report to the municipal people's government, and shall circulate the information among the relevant competent departments of the municipal people's government at the same time;

(4)The relevant department of the municipal people's government shall report to the municipal people's government and, as provided, to the relevant competent department of the State Council, and shall, at the same time, circulate the information among the district or county people's government at the place where the emergency occurs or may occur and the relevant departments of the people's government at the same level;and

(5)Where the municipal people's government gets information on a serious or especially serious emergency, it shall report to the State Council, and shall circulate the information among the people's governments of the relevant places when necessary.

Article 38 The administrative organ that gets information on an emergency or on an emergency which may occur shall submit or report the information in accordance with Article 37 of these Measures and abide by the following provisions:

(1)When submitting or reporting the information on an emergency, it shall do it in a timely and objective manner and make sure that the information is authentic and accurate, and it may not delay such submission or report, give false report, or conceal or omit certain facts ; where any state secrets are involved, shall abide by the relevant regulations of the State on safeguarding confidentiality;

(2)The information on a relatively serious, serious, or especially serious emergency shall be reported immediately;

(3)The information on an emergency that is relatively significant or on an emergency that occurs in an important area or at a special time shall be reported immediately; the daily report system shall be adopted in legal holidays and other special periods in which important meetings or major events are held;and

(4)The follow-up information on emergency handling shall be reported in a timely manner till the end of the work in this respect.

Article 39 This Municipality shall establish the emergency monitoring system by combining professional monitoring and social monitoring and establish a sound basic information database, in order to carry out all-round monitoring on emergencies that may occur, in which different departments, regions, and disasters or accidents are involved.

Article 40 The municipal, district and county people's governments and their relevant departments shall, in a timely manner, analyze the information on the hidden dangers that may lead to emergencies and the early warnings about emergencies and, when necessary, they shall organize consultation among the departments concerned, professional technicians, experts and scholars to assess the possibility of occurrence of emergencies and the repercussions of the emergencies.

Article 41 This Municipality shall establish a sound early warning system for emergencies according to the standard for classifying the grades of early warnings set forth by the State. Where the State has not yet set forth such a standard, the municipal people's government may establish such standard beforehand and report to the State Council or the department designated by the State Council for record.

可以预警的自然灾害、事故灾难和公共卫生事件的预警级别，按照突发事件发生的紧急程度、发展势态和可能造成的危害程度分为一级、二级、三级和四级，分别用红色、橙色、黄色和蓝色标示，一级为最高级别。

第四十二条 本市依托市气象部门建立统一的预警信息发布平台，规范预警发布的权限和程序。

可以预警的自然灾害、事故灾难或者公共卫生事件即将发生或者发生的可能性增大时，根据有关法律、行政法规和国务院规定的权限和程序，由区、县人民政府或者市人民政府授权的有关部门发布三级、四级警报，宣布进入预警期，并报市人民政府备案；发布一级、二级警报，由市人民政府统一发布或者授权市人民政府有关部门、区县人民政府发布，宣布进入预警期，并向驻京部队和可能受到危害的毗邻地区或者相关地区的人民政府通报。

第四十三条 发布三级、四级警报，宣布进入预警期后，市人民政府授权的有关部门或者区、县人民政府应当根据即将发生的突发事件的特点和可能造成的危害，采取下列措施：

（一）启动应急预案；

（二）责令有关部门、专业机构、监测网点和负有特定职责的人员及时收集、报告有关信息，向社会公布反映突发事件信息的渠道，加强对突发事件发生、发展情况的监测、预报和预警工作；

（三）组织有关部门和机构、专业技术人员、有关专家学者，随时对突发事件信息进行分析评估，预测发生突发事件可能性的大小、影响范围和强度以及可能发生的突发事件的级别；

（四）定时向社会发布与公众有关的突发事件预测信息和分析评估结果，并对相关信息的报道工作进行管理；

（五）及时按照有关规定向社会发布可能受到突发事件危害的警告，宣传避免、

According to degree of urgency of an emergency, its trend of development and the extent of damage it may cause, the early warnings about natural disasters, calamitous accidents and public health incidents that may be forewarned shall be classified in four grades: Grade 1, Grade 2, Grade 3 and Grade 4 , which shall be indicated respectively in red, orange, yellow and blue, Grade 1 being the highest one.

Article 42 This Municipality shall establish a unified platform for issuing early warning information by relying on the municipal meteorological department, and standardize the authority and procedure for giving early warnings.

Within the limits of power and in compliance with the procedures as prescribed by relevant laws and administrative regulations and by the State Council, when a natural disaster, calamitous accident or public health incident that can be forewarned is imminent or the possibility of its occurrence increases, the alarm of Grade 3 or 4 and the beginning of the period of early warning shall be given and declared by the district or county people's government or the relevant department authorized by the municipal people's government, and a report shall be made to the municipal people's government for record; the alarm of Grade 1 or 2 and the beginning of the period of early warning shall be given and declared by the municipal people's government or by the relevant department of the municipal people's government or the district or county people's government authorized thereby, and a notification shall be given to the army units stationed in Beijing and the people's governments of the adjacent or related areas which may be endangered.

Article 43 After giving the alarm, of Grade 3 or 4 and declaring the beginning of the period of early warning, the relevant department authorized by the municipal people's government or the district or county people's government shall, in light of the characteristics of the imminent emergency and the damage it may cause, take the following measures:

- (1) launching the precautionary plan in response to emergency;
- (2) instructing the relevant departments, specialized institutions, monitoring networks and the persons charged with specified duties to collect and report the relevant information in a timely manner, announcing to the public the channels through which to report information about emergencies, and strengthening the monitoring, forecasting and forewarning of the occurrence and development of the emergency;
- (3) organizing the relevant departments and institutions, professional technicians and the related experts and scholars to analyze and assess information on the emergency at any time, to predict the possibility of its occurrence, the scale and intensity of its repercussions and the grade of the potential emergency;
- (4) regularly announcing the information forecast and the results of analysis and assessment in respect of the emergency which concerns the general public, and keeping control of the coverage of the relevant information; and
- (5) according to relevant regulations, issuing warning to the public in a timely manner about the damage that the emergency may inflict on them, disseminating common knowledge about ways to avoid and mitigate the damage, and announcing telephone numbers for information.

减轻危害的常识，公布咨询电话。

第四十四条 发布一级、二级警报，宣布进入预警期后，市或者区县人民政府、市人民政府授权的有关部门除采取本办法第四十三条规定的措施外，还应当针对即将发生的突发事件的特点和可能造成的危害，采取下列一项或者多项措施：

（一）责令应急救援队伍、负有特定职责的人员进入待命状态，并动员后备人员做好参加应急救援和处置工作的准备；

（二）调集应急救援所需物资、设备、工具，准备应急设施和避难场所，并确保其处于良好状态、随时可以投入正常使用；

（三）加强对重点单位、重要部位和重要基础设施的安全保卫，维护社会治安秩序；

（四）采取必要措施，确保交通、通信、供水、排水、供电、供气、供热等公共设施的安全和正常运行；

（五）及时向社会发布有关采取特定措施避免或者减轻危害的建议、劝告；

（六）转移、疏散或者撤离易受突发事件危害的人员并予以妥善安置，转移重要财产；

（七）关闭或者限制使用易受突发事件危害的场所，控制或者限制容易导致危害扩大的公共场所的活动；

（八）法律、法规、规章规定的其他必要的防范性、保护性措施。

第四十五条 市或者区县人民政府、市人民政府授权的有关部门发布警报后，应当根据事态的发展情况，按照有关规定适时调整预警级别并重新发布，同时调整已经采取的有关措施。

有事实证明不可能发生突发事件或者危险已经解除的，发布警报的市或者区县人民政府、市人民政府授权的有关部门应当立即宣布解除警报，终止预警期，并解除已经采取的有关措施。

Article 44 After giving the alarm of Grade 1 or 2 and declaring the beginning of the period of early warning, the municipal, district or county people's government or the relevant department authorized by the municipal people's government shall, in addition to the measures specified in Article 43 of these Measures, take one or more of the following measures in light of the characteristics of the imminent emergency and the damage it may cause:

(1) instructing the teams for emergency rescue and the persons charged with specified duties to await order, and mobilizing the reserves to be well prepared for participating in emergency rescue and emergency handling;

(2) assembling the materials, equipment and instruments needed for emergency rescue, preparing facilities and shelters for emergency use, and ensuring that they are in good repair and ready for normal use at any time;

(3) strengthening protection of the safety of key units, key positions and key infrastructure and maintaining public security order;

(4) taking the necessary measures to guarantee safety and normal operation of such public facilities as the ones for transportation, communications, water supply, drainage, power supply, gas supply and heat supply;

(5) announcing to the public in a timely manner suggestions and advice on taking special measures to avoid or mitigate damage;

(6) helping the persons who are vulnerable to damage in the emergency to move to other places, disperse or evacuate, and having them properly resettled, and moving important property to other places;

(7) closing or restricting the use of such places as are vulnerable to damage in the emergency, and controlling or restricting such activities in public places as are liable to cause the expansion of the scale of damage; and

(8) other necessary preventive and protective measures as are provided for by laws, administrative regulations and rules.

Article 45 After giving the alarm of an emergency, the municipal, district or county people's government or the relevant department authorized by the municipal people's government shall, in accordance with the relevant regulations and, in light of the development of the situation, make an appropriate adjustment of the grade of the early warning and publish the same anew, and shall make an adjustment of the relevant measures taken.

Where there are facts to prove that the occurrence of an emergency is unlikely or the danger has been eliminated, the municipal, district or county people's government or the relevant department authorized by the municipal people's government that gives the alarm shall immediately announce the lifting of the alarm, terminate the period of early warning and call off the relevant measures taken.

第四章 应急处置与救援

第四十六条 自然灾害、事故灾难或者公共卫生事件发生后，市和区、县人民政府应当根据突发事件的性质、特点和危害程度，按照下列规定指挥协调应急处置工作：

（一）一般突发事件发生后，由发生地区、县突发事件应急委员会指挥协调应急处置工作，根据实际需要，市专项应急指挥部协助做好相关应急处置工作；

（二）较大突发事件发生后，发生地在东城区、西城区、崇文区、宣武区、朝阳区、海淀区、丰台区、石景山区的，由市专项应急指挥部指挥协调应急处置工作；发生地在其他区、县的，由发生地区、县突发事件应急委员会指挥协调应急处置工作，必要时，市专项应急指挥部协助做好相关应急处置工作；

（三）重大或者特别重大突发事件发生后，由市突发事件应急委员会统一指挥应急处置工作，相关专项应急指挥部负责具体指挥和处置。

前款第二项、第三项规定由市突发事件应急委员会、市专项应急指挥部指挥协调应急处置工作的突发事件，发生地区、县人民政府应当按照市总体应急预案、市专项应急预案确定的职责和要求，立即采取措施控制事态发展，组织应急救援和处置，并做好服务保障工作。

突发事件发生后，需要市或者区县突发事件应急委员会、市专项应急指挥部负责人到现场指挥协调的，有关负责人应当及时赶赴现场，指挥协调应急处置工作。

发生地区、县人民政府不能有效控制突发事件事态，或者不能消除突发事件引起的严重社会危害的，应当及时报请市人民政府统一领导应急处置工作；当本市不能有效控制突发事件事态，或者不能消除突发事件引起的严重社会危害时，市人民政府应当报请国务院统一领导应急处置工作。

第四十七条 突发事件发生后，发生地乡镇人民政府、街道办事处应当组织进行人员疏散、引导救援等工作，并立即向区、县人民政府报告，必要时可以越级上报。

Chapter IV Emergency Handling and Rescue

Article 46 After a natural disaster, calamitous accident or public health incident occurs, the municipal, district or county people's government shall, in accordance with the following provisions, direct and coordinate the work on emergency handling in light of the nature, characteristics and degree of damage of the emergency:

(1) After a common emergency occurs, the emergency response committee of the district or county at the place where it occurs shall direct and coordinate the work on emergency handling, and the municipal specialized command for emergency response shall, according to actual needs, give assistance in making a success of emergency handling;

(2) After a relatively serious emergency occurs and it occurs in Dongcheng District, Xicheng District, Chongwen District, Xuanwu District, Chaoyang District, Haidian District, Fengtai District or Shijingshan District, the municipal specialized command for emergency response shall direct and coordinate the work on emergency handling, where it occurs in any other district or county, the emergency response committee of the district or county at the place where it occurs shall direct and coordinate the work on emergency handling, and, when necessary, the municipal specialized command for emergency response shall give assistance in making a success of emergency handling ;

(3) After a serious or especially serious emergency occurs, the municipal emergency response committee shall direct and coordinate the work on emergency response in a unified way, and the relevant specialized command for emergency response shall be responsible for the specific work in this regard.

As to the emergency handled under the direction and coordination of the municipal emergency response committee and the municipal specialized command for emergency response as provided for in subparagraph 2 and 3 of the preceding paragraph, the people's government of the district or county at the place where it occurs shall, in accordance with the duties and requirements defined in the municipal overall precautionary plans in response to emergencies and the municipal specialized precautionary plans in response to emergencies, take immediate measures to control the development of the situations, organize emergency rescue and handling, and make a success of offering service.

Where, after an emergency occurs, it is necessary for the leading person of the municipal, district or county emergency response committee or of the municipal specialized command for emergency response to conduct on-scene direction and coordination, the leading person concerned shall rush to the scene to direct and coordinate emergency handling.

Where the district or county people's government at the place where an emergency occurs is unable to keep the development of the situation under effective control, or is unable to eliminate the serious social harm caused by the emergency, it shall, in a timely manner, report the matter to the municipal people's government and request for its unified leadership in handling the emergency; where this Municipality is unable to keep the development of the situation under effective control, or is unable to eliminate the serious social harm caused by the emergency, the municipal people's government shall report the matter to the State Council and request for its unified leadership in handling the emergency.

Article 47 After an emergency occurs, the township or town people's government or the neighborhood office at the place where the emergency occurs shall organize evacuation of people, offer guiding service for rescue, and, without delay, report the matter to the district or county people's government, or, when necessary, do so by passing the people's

第四十八条 受到自然灾害危害或者发生事故灾难、公共卫生事件的单位，应当采取必要措施防止危害扩大，同时向所在地区、县人民政府报告；对因本单位的问题引发的或者主体是本单位人员的社会安全事件，有关单位应当按照规定上报情况，并迅速派出负责人赶赴现场开展劝解、疏导工作。

第四十九条 自然灾害、事故灾难或者公共卫生事件发生后，市或者区、县人民政府根据突发事件的性质、特点和危害程度，可以采取下列一项或者多项应急处置措施：

（一）组织营救和救治受害人员，疏散、撤离并妥善安置受到威胁的人员以及采取其他救助措施；

（二）迅速控制危险源，标明危险区域，封锁危险场所，划定警戒区，实行交通管制以及其他控制措施；

（三）立即抢修被损坏的交通、通信、供水、排水、供电、供气、供热等公共设施，向受到危害的人员提供避难场所和生活必需品，实施医疗救护和卫生防疫以及其他保障措施；

（四）禁止或者限制使用有关设备、设施，关闭或者限制使用有关场所，中止人员密集的活动或者可能导致危害扩大的生产经营活动以及采取其他保护措施；

（五）启用本级人民政府设置的财政预备费和储备的应急救援物资，必要时调用其他急需物资、设备、设施、工具；

（六）组织公民参加应急救援和处置工作，要求具有特定专长的人员提供服务；

（七）保障食品、饮用水、燃料等基本生活必需品的供应；

（八）依法从严惩处囤积居奇、哄抬物价、制假售假等扰乱市场秩序的行为，稳定市场价格，维护市场秩序；

（九）依法从严惩处哄抢财物、干扰破坏应急处置工作等扰乱社会秩序的行为，维护社会治安；

（十）进入相关场所进行检查和封存物品；

（十一）拆除、迁移妨碍应急处置和救援的设施、设备或者其他障碍物等；

government at the next higher level.

Article 48 The unit that suffers natural disaster or in which a calamitous accident or public health incident occurs shall take necessary measures for preventing the expansion of the scale of damage, and at the same time, it shall report the matter to the district or county people's government at the place where it is located; if a social safety incident is caused by the problem of the unit itself or if its own staff members constitute the main participants in the incident, the said unit shall, according to relevant regulations, report the matter to the authority at a higher level and promptly send its leading persons to rush to the scene and conduct persuasion and mediation.

Article 49 After a natural disaster, calamitous accident or public health incident occurs, the municipal, district or county people's government may, in light of the nature, characteristics and degree of damage of the emergency, take one or more of the following measures for handling the emergency:

(1)Organizing the rescue and treatment of victims, dispersing and evacuating persons exposed to danger and having them properly resettled, or taking other measures to help them;

(2)Promptly keeping the source of danger under control, clearly marking the endangered areas, blockading the endangered places, demarcating the security areas, exercising traffic control, and taking other control measures;

(3) Immediately doing rush repairs of such damaged public facilities as the ones for transportation, communications, water supply, drainage, power supply, gas supply and heat supply, providing the victims with shelters and daily necessities, and giving them first aid, and taking sanitation and anti-epidemic measures and other safeguard measures;

(4)Prohibiting or restricting the use of the relevant equipment and facilities, closing or restricting the use of related places, suspending the activities which draw a high density of people or the production or business activities which may lead to increased scale of damage, and taking other protective measures;

(5)Bringing into use the fiscal reserve funds set aside and the emergency rescue materials reserved by the said people's government and, when necessary, appropriating other materials, equipment, facilities and instruments which are urgently needed;

(6)Organizing citizens to participate in emergency rescue and handling³and requiring the ones with given specialties to provide services;

(7)Guaranteeing the supply of food, drinking water, fuels and other basic daily necessities;

(8)In accordance with law, imposing severe punishment on persons who disrupt market order by hoarding and cornering, forcing up prices, making and selling counterfeit goods, etc., to stabilize market prices and maintain market order;

(9)In accordance with law, imposing severe punishment on persons who disrupt public order by looting, and interfering with and sabotaging emergency handling, etc., to maintain public security;

(10)Entering relevant sites for inspection and sealing up Articles;

(11) Dismantling and removing the facilities, equipments or other obstacles hindering emergency handling and rescue;

(十二) 防止发生次生、衍生事件的必要措施;

(十三) 有关法律、法规、规章规定以及市人民政府认为必要的其他应急处置措施。

第五十条 社会安全事件发生后, 市或者区、县人民政府应当立即组织有关部门并由公安机关针对事件的性质和特点, 依照有关法律、行政法规和国家其他有关规定, 采取下列一项或者多项应急处置措施:

(一) 强制隔离使用器械相互对抗或者以暴力行为参与冲突的当事人, 妥善解决现场纠纷和争端, 控制事态发展;

(二) 对特定区域内的建筑物、交通工具、设备、设施以及燃料、燃气、电力、水的供应进行控制;

(三) 封锁有关场所、道路, 查验现场人员的身份证件, 限制有关公共场所内的活动;

(四) 加强对易受冲击的核心机关和单位的警卫, 在国家机关、军事机关、国家通讯社、广播电台、电视台、外国驻华使领馆等单位附近设置临时警戒线;

(五) 法律、行政法规和国务院规定的其他必要措施。

严重危害社会治安秩序的事件发生时, 公安机关应当立即依法出动警力, 根据现场情况依法采取相应的强制性措施, 尽快使社会秩序恢复正常。

第五十一条 市或者区县突发事件应急委员会、市专项应急指挥部应当组织协调运输经营单位, 优先运送处置突发事件所需物资、设备、工具、应急救援人员和受到突发事件危害的人员; 配有统一应急标志的交通工具在应急处置与救援期间优先通行; 有关通信运营单位应当采取措施, 确保应急指挥通信畅通。

第五十二条 市和区、县人民政府应当按照有关规定统一、准确、及时发布有关突发事件事态发展和应急处置工作的信息。

市和区、县人民政府可以通过新闻媒体和政府门户网站, 采取授权发布、接受记者采访、举行新闻发布会等形式发布信息。

任何单位和个人不得编造、传播有关突发事件事态发展或者应急处置工作的虚假信息。

(12) Taking necessary measures for preventing the occurrence of secondary and derivative incidents; and

(13) Taking other measures for handling the emergency as specified by relevant laws, regulations or rules or deemed necessary by the municipal people's government.

Article 50 After a social safety incident occurs, the people's government responsible for organizing the handling of the emergency shall immediately mobilize the relevant departments, and the public security organs shall, in light of the nature and characteristics of the incident and in accordance with the relevant law, administrative regulations and other relevant regulations of the State, take one or more of the following measures for handling the emergency:

(1) Compulsorily keeping apart the parties that fight each other with tools or participate in conflicts with violence, properly resolving the disputes and controversies on the spot, and taking control of the development of the situation;

(2) Taking control of the buildings, means of transportation, equipment and facilities and the supply of fuels, gas, power and water in a given area;

(3) Blockading the related places and roads, examining the identity certificates of the persons at the scene, and restricting the activities held in the related public places;

(4) Keeping close guard of the key organs and units which are vulnerable to attack, and posting temporary security cordons around such units as the State organs, military organs, State news agencies, radio and TV broadcasting stations, and foreign embassies and consulates in China; and

(5) Taking other necessary measures as specified by laws and administrative regulations and by the State Council.

When an incident seriously endangering public security occurs, the public security organs shall immediately send out policemen and, in light of the situation at the scene, take the appropriate compulsory measures according to law to restore social order as soon as possible.

Article 51 The municipal, district or county emergency response committee and the municipal specialized command for emergency response shall organize and coordinate the units engaged in transportation, to give priority to the transportation of the materials, equipment, and instruments needed for emergency handling, the emergency rescue persons and victims of the emergency. The means of transportation with unified emergency response signs shall have the right of prior passage during emergency handling and rescue. The relevant units engaged in communications shall take measures to ensure unblocked communications for commanding emergency response.

Article 52 The municipal, district or county people's government shall, according to the relevant regulations, publish uniform, accurate and timely information on the development and handling of the emergency.

The municipal, district or county people's government may, through the news media and the portal website of the government, publish information by means of authorized announcement, interview with journalists or news briefing.

No unit or individual shall fabricate or disseminate false information on the development or handling of an emergency.

第五十三条 市或者区县突发事件应急委员会、市专项应急指挥部，应当根据应对突发事件的实际需要，动员公民、法人和其他组织开展自救和互救，协助维护社会秩序。

公民、法人和其他组织应当服从市或者区县突发事件应急委员会、市专项应急指挥部的指挥和安排，配合做好应急处置和救援工作。

第五章 事后恢复与重建

第五十四条 突发事件的威胁和危害得到控制或者消除后，市或者区、县人民政府应当及时宣布应急处置结束，停止执行应急处置措施，同时采取或者继续实施必要措施，防止发生自然灾害、事故灾难、公共卫生事件的次生、衍生事件或者重新引发社会安全事件。

第五十五条 突发事件应急处置工作结束后，市和区、县人民政府应当及时组织相关部门和专业技术力量，按照有关规定对突发事件造成的损失进行统计、核实和评估。

市和区、县人民政府应当及时组织有关部门和专家调查、分析突发事件发生的原因、过程，对信息报送、应急决策与处置等应对工作进行全面客观的评估，总结经验教训，制定改进措施。

第五十六条 市和区、县人民政府应当加强对恢复与重建工作的统一领导和部署，按照短期恢复与长远发展并重的原则，制定恢复重建计划，落实恢复与重建所需的资金、物资和技术保障。区、县人民政府落实恢复与重建所需的资金、物资和技术保障有困难的，市人民政府应当予以保障。

市和区、县人民政府应当加强对恢复与重建资金和物资的监督管理，保证其规范使用。

第五十七条 市和区、县人民政府应当组织力量尽快恢复受影响地区的生产、生活和社会秩序，尽快组织修复被损坏的交通、通信、供水、排水、供电、供气、供热、

Article 53 The municipal, district or county emergency response committee and the municipal specialized command for emergency response shall, in light of actual need of emergency response, mobilize citizens, legal persons and other organizations to rescue themselves and each other, and help maintain social order.

Citizens, legal persons and other organizations shall follow the direction and arrangements of the municipal, district or county emergency response committee and the municipal specialized command for emergency response, and cooperate to make a success of emergency handling and rescue.

Chapter V Post-Emergency Rehabilitation and Reconstruction

Article 54 After the threat of and the damage caused by an emergency is brought under control or eliminated, the municipal, district or county people's government shall, in a timely manner, announce the completion of emergency handling and terminate the implementation of the measures for handling the emergency, and shall, at the same time, take or continue to implement the necessary measures to prevent the occurrence of the secondary or derivative incidents of the natural disaster, calamitous accident or public health incident or the recurrence of the social safety incident.

Article 55 After completion of the handling of an emergency, the municipal, district or county people's government shall, in a timely manner, organize the relevant departments and the professional technicians to count, verify and assess the losses caused by the emergency in accordance with the relevant provisions.

The municipal, district or county people's government shall, in a timely manner, organize the relevant departments and the experts to ascertain the cause and the process of development of the emergency, conduct overall and objective assessment of such work on emergency response as information submission, decision making and emergency handling, analyze the experience and lessons, and introduce measures for improvement.

Article 56 The municipal, district or county people's government shall strengthen its unified leadership and arrangement of the work on rehabilitation and reconstruction, make rehabilitation and reconstruction plans and guarantee the funds, materials and technical support for rehabilitation and reconstruction according to the principle of laying equal stress on short-term rehabilitation and long-term development. Where the district or county people's government has difficulties in guaranteeing such funds, materials or technical support, the municipal people's government shall make the guarantee.

The municipal, district or county people's government shall strengthen its supervision over and administration of the funds and materials for rehabilitation and reconstruction, and ensure they are used properly.

Article 57 The municipal, district or county people's government shall organize the efforts to rapidly restore production, normal life and social order in the affected areas, organize the efforts to repair, as soon as possible, the damaged public facilities for transportation, communications, water supply, drainage, power supply, gas supply,

广播、电视等公共设施，及时组织救灾物资和生活必需品的调拨，保障居民基本生活。

公安机关应当根据实际情况组织加强治安管理工作，预防和制止各种破坏与犯罪活动。

第五十八条 市和区、县人民政府因应对突发事件采取措施造成公民、法人和其他组织财产损失的，应当按照国家规定给予补偿；国家没有规定的，市人民政府应当组织制定补偿办法。

审计、监察等部门应当对补偿物资和资金的安排、拨付和使用进行监督。

第五十九条 市和区、县人民政府应当制定居民住房和基本配套设施修建计划，对受突发事件影响地区的居民进行妥善安置。

第六十条 公民参加应急救援工作或者协助维护社会秩序期间，其在本单位的工资待遇和福利不变。没有工作单位的，由所在地区、县人民政府给予补贴。

市和区、县人民政府对在应急救援工作中伤亡的人员，依法给予抚恤。

第六十一条 市和区、县人民政府应当根据损失评估情况和有关规定，对受突发事件影响较大的地区和行业给予费用减免、贷款贴息、财政资助等政策扶持，组织提供物资、人力等支持。

第六十二条 市和区、县人民政府及其部门应当将突发事件损失情况及时向保险监督管理机构和保险服务机构通报，协助做好保险理赔工作。

第六十三条 市和区、县人民政府及其部门在突发事件应对工作中，应当组织开展心理咨询、抚慰等心理危机干预工作。

第六十四条 本市建立突发事件应对档案管理制度，对突发事件应对工作进行记录。

第六章 法律责任

第六十五条 对违反本办法的行为，《中华人民共和国突发事件应对法》以及其他有关法律、行政法规已经规定法律责任的，依照法律、行政法规的规定处理。

heat supply, broadcasting and TV, and shall, in a timely manner, organize the allocation of materials for disaster relief and daily necessities so as to ensure the basic living of the residents.

Public security organs shall, in light of the particular situations, strengthen security administration to prevent and stop all kinds of destruction and criminal activities.

Article 58 Where the municipal, district or county people's government causes property losses to citizens, legal persons or other organizations because of the measures taken for emergency response, it shall compensate the losses according to the regulations of the State. Where the State has no such regulations, the municipal people's government shall organize to make compensation measures.

The auditing department, the supervisory department and other departments concerned shall exercise supervise over the arrangement, appropriation and use of the materials and funds for compensation.

Article 59 The municipal, district or county people's government shall make the plan for building residential houses and fundamental supplementary facilities, so as to properly resettle the residents of the areas affected by an emergency.

Article 60 During the period when a citizen participates in emergency rescue or helps in maintaining social order, his salary and welfare benefits given by his employing unit shall remain unchanged. Where he has no employing unit, the district or county people's government at the place where he is located shall give him allowance.

The municipal, district or county people's government shall, in accordance with law, make compensation to the persons who are injured or killed in the course of emergency rescue.

Article 61 The municipal, district or county people's government shall, in accordance with the assessment of losses and the relevant provisions, give such policy- oriented supports as charge exemption, loan discount and financial aid to the areas and industries greatly affected by an emergency, and organize the provision of help in materials and manpower.

Article 62 The municipal, district or county people's government and its departments shall, in a timely manner, notify the losses of an emergency to the insurance regulatory institution and the insurance service institution, and give assistance in making a success of the settlement of insurance claims.

Article 63 In response to emergencies, the municipal, district or county people's government and its departments shall organize to conduct such psychological crisis intervention as psychological consultation and consolation.

Article 64 This Municipality shall establish the archive management system on emergency response and keep records of the work on emergency response.

Chapter VI Legal Liability

Article 65 Where the Emergency Response Law of the People's Republic of China and other relevant laws and administrative regulations have already stipulated the legal liability

第六十六条 负有突发事件应对管理职责的行政机关违反本办法规定，不履行或者未按照规定履行法定职责的，由其上级行政机关或者监察机关责令改正；有下列情形之一的，根据情节对直接负责的主管人员和其他直接责任人员依法给予行政处分：

- （一）违反本办法第十二条第二、三、四款规定，未制定应急预案的；
- （二）违反本办法第十四条第一款规定，未按照规定制定应急预案的；
- （三）违反本办法第十六条第一款规定，未对不符合突发事件应对需要的建筑物、构筑物和其他设施采取必要的防范措施，或者未制订改造计划的；
- （四）违反本办法第十六条第二款规定，未设置应急避难场所标志，或者未按照有关规定向社会公布应急避难场所的；
- （五）违反本办法第十八条第一款规定，未履行对危险源、危险区域管理职责的；
- （六）违反本办法第二十五条规定，未组织应急管理培训的。

第六十七条 有关单位有下列情形之一的，未采取预防措施，导致发生较大、重大、特别重大突发事件或者突发事件危害扩大的，由市和区、县人民政府责令停产停业，暂扣或者吊销许可证或者营业执照，并处5万元以上20万元以下的罚款；构成违反治安管理行为的，由公安机关依法给予处罚：

- （一）违反本办法第十六条第三款规定，未对应急避难场所进行维护、管理，保证其正常使用的；
- （二）违反本办法第十九条第二款规定，未建立安全巡检制度，或者未及时消除事故隐患的；
- （三）违反本办法第二十条规定，未遵守有关安全管理规定的；
- （四）违反本办法第二十一条第一款规定，未为公共交通工具配备报警装置和应急救援设备的。

前款规定的行为，其他法律、行政法规规定由人民政府有关部门依法决定处罚的，依照其规定执行。

of an act in violation of these Measures, the act shall be dealt with in accordance with such laws and administrative regulations.

Article 66 Where an administrative organ with the duty of administration of emergency response, in violation of the provisions of these Measures, fails to perform its statutory duties or fails to observe the relevant provisions in performing its statutory duties, it shall be ordered by its superior administrative organ or a supervisory organ to make rectification; under one of the following circumstances, the leading person directly in charge and the other persons directly responsible shall be given sanctions according to law in light of the seriousness of the case:

(1) violating Paragraph 2, 3 or 4 of Article 12 of these Measures and failing to make a precautionary plan in response to emergencies;

(2) violating Paragraph 1 of Article 14 of these Measures and failing to make the precautionary plan in response to emergencies as prescribed;

(3) violating Paragraph 1 of Article 16 of these Measures and failing to take necessary prevention measures or make a renovation plan for the buildings, structures or other facilities not meeting the need for emergency response;

(4) violating Paragraph 2 of Article 16 of these Measures and failing to set up signs at the sites of shelters for emergency or failing to have such shelters made known to the public in accordance with the relevant regulations;

(5) violating Paragraph 1 of Article 18 of these Measures and failing to perform the duty of managing danger sources and dangerous areas; or

(6) violating Article 25 of these Measures and failing to organize training for control of emergencies.

Article 67 Under one of the following circumstances, a related unit that causes the occurrence of a relatively serious, serious or especially serious emergency or the expansion of the scale of the damage inflicted by the emergency because of its failure in taking preventive measures, it shall be ordered by the municipal, district or county people's government to suspend production or business operation, the said government shall have its permit or business license suspended or revoked, and in addition, impose on it a fine of not less than 50,000 yuan but not more than 200,000 yuan; and if its act constitutes a violation of the regulations for administration of public security, a penalty shall be imposed on it By the public security organ according to law:

(1) violating Paragraph 3 of Article 16 of these Measures and failing to maintain and manage shelters for emergencies so as to ensure they are ready for normal use;

(2) violating Paragraph 2 of Article 19 of these Measures and failing to introduce the safety patrol system or failing to eliminate the hidden dangers in a timely manner;

(3) violating Article 20 of these Measures and failing to abide by the provisions on safety management; or

(4) violating Paragraph 1 of Article 21 of these Measures and failing to install on the means of transportation alarm devices or emergency rescue equipment.

Where any other law or administrative regulation provides that the relevant department of the people's government shall decide the penalty to be imposed on an act prescribed in the preceding paragraph according to law, such provision shall prevail.

第七章 附 则

第六十八条 本办法自 2008 年 7 月 1 日起施行。

Chapter VII Supplementary Provisions

Article 68 These Measures shall be effective as of July 1, 2008.

北京市信访条例

(1994年9月8日北京市第十届人民代表大会常务委员会第十二次会议通过 2006年9月15日北京市第十二届人民代表大会常务委员会第三十次会议修订)

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第一章 总 则

第一条 为了保持国家机关同人民群众的密切联系，保护信访人的合法权益，规范信访工作和信访行为，保障信访活动依法有序进行，促进社会主义和谐社会建设，根据《中华人民共和国宪法》、《信访条例》和其他有关法律、行政法规，结合本市实际情况，制定本条例。

Regulations of Beijing Municipality on Letters and Visits

(Adopted at the 12th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 8, 1994 and revised at the 30th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on September 15, 2006)

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Chapter I General Provisions

Article 1 These Regulations are formulated in accordance with the Constitution of the People's Republic of China, the Regulations on Letters and Visits and other relevant laws and administrative regulations, by taking into account the particular situations of this Municipality, for the purposes of enhancing relations between State organs and the people, protecting the lawful rights and interests of letter-writers and visitors, standardizing the handling of letters and visits and the activities of letter-writing and visiting, ensuring that

第二条 本条例所称信访，是指公民、法人或者其他组织采用书信、电子邮件、传真、电话、走访等形式，向本市国家机关反映情况，提出建议、意见或者投诉请求，依法由有关国家机关处理的活动。

本条例所称信访人，是指采用前款规定的形式，反映情况，提出建议、意见或者投诉请求的公民、法人或者其他组织。

本条例所称信访请求，是指信访人向本市国家机关反映的情况，提出的建议、意见或者投诉请求。

本条例所称信访事项，是指本市国家机关依法受理的信访请求。

本条例所称国家机关，是指本市各级人民代表大会及其常务委员会、人民政府及其工作部门、人民法院和人民检察院。

第三条 本条例适用于本市国家机关的信访工作和信访人的信访活动。

国家机关处理信访请求，法律、行政法规另有规定的，依照法律、行政法规的规定执行。

第四条 国家机关应当加强信访工作，畅通信访渠道，认真处理来信、接待来访，倾听人民群众的意见、建议和要求，接受人民群众的监督，保障信访工作依法有序进行。

第五条 本市信访工作应当遵循下列原则：

- （一）属地管理、分级负责，谁主管、谁负责；
- （二）依法、及时、就地解决问题与疏导教育相结合；
- （三）有关的国家机关、基层组织、社会团体、企事业单位相互配合；
- （四）方便信访人。

第六条 国家机关信访工作实行领导责任制。

国家机关主要负责人对信访工作负总责，主管负责人负主管责任，其他负责人按照工作分工负分管责任。

第七条 国家机关应当将通过信访渠道收集的信息纳入决策评价体系，科学、民主决策，依法履行职责，从源头上预防、化解导致信访事项的社会矛盾和纠纷。

letter-writing and visiting activities are conducted according to law and in an orderly manner and promoting the building of a socialist harmonious society.

Article 2 The term “letters and visits” in these Regulations means that citizens, legal persons or other organizations give information, make comments or suggestions, or lodge complaints to State organs of this Municipality through correspondence, E-mails, faxes, phone calls, visits, and so on, which are dealt with by the relevant State organs according to law.

The term “letter-writers and visitors” in these Regulations means the citizens, legal persons or other organizations who give information, make comments or suggestions, or lodge complaints by adopting the means as provided for in the preceding paragraph.

The term “letter-or-visit requests” means the information given, comments or suggestions made and complaints lodged by letter-writers and visitors to State organs of this Municipality.

The term “letter-or-visit matters” means the letter-or-visit requests accepted by State organs of this Municipality according to law.

The term “State organs” means the people’s congresses and their standing committees, the people’s governments and their departments, the people’s courts and the people’s procuratorates at all levels of this Municipality.

Article 3 These Regulations are applicable to the undertaking of letters and visits work by State organs of this Municipality and to the letter-writing and visiting activities of letter-writers and visitors.

Where any laws or administrative regulations provide otherwise on the handling of letter-or-visit requests by State organs, such laws or administrative regulations shall apply.

Article 4 State organs shall lay more stress on the letters and visits work by keeping free-flowing channels for letter-writers and visitors, conscientiously dealing with letters, receiving visitors, heeding people’s comments, suggestions and complaints and accepting their supervision, so as to ensure that the letters and visits work is legally carried out in good order.

Article 5 The letters and visits work of this Municipality shall follow the following principles:

- (1) being subject to territorial jurisdiction, responsibilities being assumed at different levels, the department in charge being the department responsible;
- (2) combining the need to solve problems lawfully, timely, and locally with persuasion;
- (3) promoting cooperation among relevant State organs, grass-roots organizations, social organizations, enterprises and institutions; and
- (4) creating convenience for letter-writers and visitors.

Article 6 The leadership accountability system shall be implemented by State organs in the letters and visits work.

With regard to the letters and visits work, the principal responsible person of a State organ shall take the overall responsibility, the competent responsible person shall take the competent responsibility, and other responsible persons shall take the responsibilities according to the division of their work.

Article 7 State organs shall bring the information collected through the channel of letter-writing and visiting into the decision evaluation system, make policy decisions in

国家机关应当建立健全社会利益协调机制，综合运用法律、行政、经济、政策等手段和教育、协调、调解等方法，依法、及时、合理地处理群众反映的问题。

第八条 国家机关应当建立健全信访工作责任制，将信访工作纳入机关绩效评价指标体系。

第九条 本市建立矛盾纠纷排查调处制度，对排查出的可能影响社会稳定的重大社会矛盾和纠纷，采取疏导、协调、交办、督办、工作建议等方式予以化解。

国家机关发现重大、紧急信访信息时，应当按照有关规定及时上报，并在职责范围内依法及时采取措施。

第十条 本市建立信访工作联席会议制度，通过会商、协调、督查等方式，研究处理重大、复杂、疑难信访事项。

第十一条 国家机关应当建立和完善人民建议征集制度。信访人提出的建议对国民经济和社会发展或者对改进工作以及保护社会公共利益有贡献的，由有关国家机关给予奖励和表彰。

第十二条 本市社会团体、企业事业单位的主要负责人对本单位信访工作负总责。

本市社会团体、企业事业单位应当兼顾单位利益、职工利益和社会公共利益，主动排查、妥善处理本单位导致信访事项的矛盾和纠纷，积极协助国家机关做好涉及本单位的信访工作，共同维护社会稳定。

第十三条 国家机关可以聘请律师、心理咨询师、相关领域专家、社会志愿者，为信访人和国家机关提供法律和其他专业知识的咨询服务。

司法行政部门应当根据信访工作需要，组织律师采取多种形式为信访人提供法律咨询服务。

第十四条 本市信访工作所需经费，列入各级财政预算。

a scientific and democratic manner, perform their functions and duties according to law and prevent and resolve social contradictions and disputes at source from leading to letter-writing and visiting.

State organs shall establish and improve the coordination mechanism of social interests and deal with the problems raised by the masses in a lawful, timely and reasonable way through the comprehensive application of legal, administrative, economic and policy means and the methods of education, coordination and intermediation.

Article 8 State organs shall establish and improve the responsibility system for the letters and visits work and bring this work into the performance evaluation system of respective organs.

Article 9 This Municipality shall establish the system for investigation into, mediation, and disposition of contradictions and disputes. Any major social contradictions and disputes that are found in investigation and likely to affect social stability shall be resolved through persuasion, coordination, assignment for handling, supervision over the handling, suggestions work or other manners.

When a State organ finds any major or emergency information about letter-writing or visiting, it shall report such information to the authority at a higher level according to the relevant provisions and promptly take measures within the scope of its functions and duties according to law.

Article 10 This Municipality shall establish the joint meeting system for the letters and visits work, whereby major, complicated, and difficult letter-or-visit matters are studied and dealt with through consultation, coordination, supervision and check and other manners.

Article 11 State organs shall establish and improve the system for collection of people's suggestions. The relevant State organs shall commend and reward the letter-writers or visitors who, by presenting suggestions in their letters or visits, have made contributions to the national economic and social development or to the improvement of work and the protection of public interests.

Article 12 The principal responsible person of a social organization, enterprise or institution of this Municipality shall take the overall responsibility for the letters and visits work of its own unit.

A social organization, enterprise or institution of this Municipality shall pay equal attention to the interests of the unit, the interests of its employees and the public interests, investigate on its own initiative and properly deal with the contradictions and disputes leading to letter-or-visit matters within its own unit, actively assist State organs in bringing success to the letters and visits work in which it is involved, so as to jointly maintain the social stability.

Article 13 State organs may engage lawyers, psychological consultants, experts in relevant fields and social volunteers to provide consultation service in law and other professional expertise for letter-writers and visitors and State organs.

Administrative departments of justice shall, in light of the needs of the letters and visits work, organize lawyers to provide letter-writers and visitors with legal consultation service in a variety of ways.

Article 14 The outlay needed for the letters and visits work of this Municipality shall

第二章 信访人的权利和义务

第十五条 信访人依法信访受法律保护，任何组织和个人不得压制、打击报复。

第十六条 信访人在信访活动中依法享有下列权利：

- （一）了解信访工作制度和信访事项的处理程序；
- （二）要求信访工作人员提供与其信访请求有关的咨询服务；
- （三）对有直接利害关系的信访工作人员提出回避请求；
- （四）向办理机关查询其信访事项的办理情况；
- （五）要求对姓名以及涉及个人隐私的事项予以保密；
- （六）法律、法规、规章规定的其他权利。

第十七条 信访人在信访活动中应当依法履行下列义务：

- （一）遵守法律、法规，尊重社会公德，自觉维护社会公共秩序和信访秩序，不得损害国家、社会、集体的利益和其他公民的合法权利；
- （二）提出的信访请求客观真实，不得歪曲、捏造事实，不得诬告、陷害他人；
- （三）依照法律、法规规定的方式和程序进行信访活动；
- （四）履行符合法律、法规、规章、政策的处理决定；
- （五）法律、法规规定的其他义务。

第三章 信访工作机构和信访工作人员

第十八条 各级人民代表大会常务委员会应当设立信访工作机构，配备专职工作人员。

各级人民政府及街道办事处应当设立信访工作机构，配备专职信访工作人员；各级人民政府工作部门应当根据需要设立或者确定负责信访工作的机构，配备相应的专、兼职工作人员。

be incorporated into the financial budgets of the people's governments concerned.

Chapter II Rights and Obligations of Letter-writers and Visitors

Article 15 Letter-writers and visitors who conduct letter-writing and visiting activities according to law are protected by law, and no organization or individual may suppress or retaliate against them.

Article 16 Letter-writers and visitors are entitled to enjoy the following rights according to law during their letter-writing and visiting activities:

- (1) to understand the system for the letters and visits work and the procedures for dealing with letter-or-visit matters;
- (2) to request the staff members for letters and visits to provide consultation service related to their letter-or-visit requests;
- (3) to request the staff members for letters and visits who have direct interests to recuse;
- (4) to inquire about the handling of their letter-or-visit matters at the handling organs;
- (5) to request to maintain the confidentiality of their names and the matters involving private affairs; and
- (6) other rights as provided for in laws, regulations and rules.

Article 17 Letter-writers and visitors shall perform the following obligations according to law during their letter-writing and visiting activities:

- (1) to abide by laws and regulations, respect social morality, conscientiously maintain public order and the order in handling letters and visits, and not to harm the interests of the State, society or the collective or infringe upon the lawful rights of other citizens;
- (2) to ensure the objectiveness and truthfulness of their letter-or-visit requests, and not to make up stories, distort facts frame or bring a false charge against others;
- (3) to conduct letter-writing and visiting activities by following the manners and procedures as provided for in laws and regulations;
- (4) to implement decisions of disposition that conform to laws, regulations , rules and policies; and
- (5) to perform other obligations as provided for in laws and regulations.

Chapter III Departments for Letters and Visits and Staff Members for Letters and Visits

Article 18 Standing committees of people's congresses at all levels shall set up departments for letters and visits which shall be equipped with full-time staff members.

People's governments at all levels and neighborhood offices shall set up departments for letters and visits which shall be equipped with full-time staff members for letters and visits. Departments of people's governments at all levels shall, according to needs, set up or

各级人民法院、人民检察院应当根据需要设立或者确定负责信访工作的机构，配备相应的工作人员。

第十九条 信访工作机构履行下列职责：

- （一）处理信访请求；
- （二）办理信访事项；
- （三）协调、督促检查信访请求的处理和信访事项办理意见的落实，提出改进工作、追究责任的建议；
- （四）提供与信访人提出的信访请求有关的咨询服务；
- （五）研究、分析信访情况，开展调查研究，及时向有关国家机关提出完善政策和改进工作的建议；
- （六）指导、督促、检查下级国家机关的信访工作，总结交流信访工作经验；
- （七）宣传有关法律、法规、政策，引导信访人依法信访；
- （八）其他依法应当履行的职责。

第二十条 信访工作机构应当在信访接待场所、本机关网站或者通过其他方式向社会公布下列事项：

- （一）信访工作机构的通信地址、电子信箱、受理电话、接待场所、来访接待时间；
- （二）本机关信访事项受理范围；
- （三）与信访工作有关的法律、法规、规章、工作规范以及信访事项的处理程序；
- （四）查询信访事项办理情况的方式；
- （五）实行负责人信访接待日的机关，公开接待日的安排；
- （六）其他方便信访人的事项。

信访人要求对公示内容予以说明、解释的，信访工作机构应当予以说明、解释。

第二十一条 信访工作机构应当通过互联互通的信访信息系统，实现国家机关信访工作机构之间信访信息资源共享。

第二十二条 信访工作人员在信访工作中，应当遵守下列规定：

designate departments responsible for the letters and visits work which shall be equipped with appropriate full-time or part-time staff members.

People's courts and people's procuratorates at all levels shall, according to needs, set up departments responsible for the letters and visits work which shall be equipped with appropriate staff members.

Article 19 A department for letters and visits shall perform the following functions and duties:

- (1) to deal with letter-or-visit requests;
- (2) to handle letter-or-visit matters;
- (3) to coordinate, urge and examine the disposition of letter-or-visit requests and the putting into effect of the decisions on the handling of letter-or-visit matters and make suggestions on improving work and investigating and affixing responsibilities;
- (4) to provide consultation service related to letter-or-visit requests submitted by letter-writers and visitors;
- (5) to study and analyze the situation of letter-writing and visiting, conduct investigation and study and, in a timely manner, make suggestions to the relevant State organs on improving policies and work;
- (6) to direct, urge and examine the letters and visits work undertaken by the State organs at a lower level, and summarize and exchange experience get in the letters and visits work;
- (7) to publicize relevant laws, regulations and policies and guide letter-writers and visitors to conduct letter-writing and visiting activities according to law; and
- (8) to perform other functions and duties that shall be performed according to law.

Article 20 A department for letters and visits shall, at the place for receiving letter-writers and visitors or its website or through other means, make the following matters known to the public:

- (1) the mailing address, E-mail address, telephone number for acceptance of letter-or-visit matters, place and time for receiving letter-writers and visitors of the department for letters and visits;
- (2) the scope of letter-or-visit matters to be accepted by the department;
- (3) the laws, regulations, rules and work standards concerning the letters and visits work and the procedures for handling letter-or-visit matters;
- (4) the methods of inquiring about the progress of the letter-or-visit matters handled thereby;
- (5) the open-reception days' arrangements of the department whose responsible person receives visitors on specific dates; and
- (6) other matters creating convenience for letter-writers and visitors.

Where a letter-writer or visitor requests an explanation or interpretation on the publicized contents, the department for letters and visits shall make an explanation or interpretation.

Article 21 Departments for letters and visits shall share information resources among departments for letters and visits of State organs through interconnected information systems for letters and visits.

（一）文明接待，尊重信访人，不得刁难和歧视信访人。对依法不予受理的信访请求，应当告知信访人并做好解释、疏导工作；

（二）按照信访工作的处理程序，依法及时处理信访事项，不得置之不理、敷衍塞责、推诿拖延。对不属于本机关受理的信访请求，应当告知信访人向有权处理的国家机关提出；

（三）坚持原则，秉公办事，不得徇私舞弊、收受贿赂、接受信访人请客送礼；

（四）遵守保密制度，不得泄露控告人、检举人的姓名及控告、检举的内容，不得泄露、扩散信访人要求保密及可能对信访人权益造成损害的内容；

（五）对信访人有关信访事项办理情况的查询，除涉及国家秘密、商业秘密、个人隐私的事项外，应当如实答复，不得拒绝；

（六）与信访人或者信访事项有直接利害关系的，应当回避；

（七）按照档案管理的规定，建立并妥善保管信访档案，不得丢失、篡改、隐匿或者擅自销毁。

第四章 信访请求的提出

第二十三条 信访人提出信访请求，应当向依法有权处理的国家机关提出。

对依法应当通过诉讼、仲裁、行政复议等法定途径解决的信访请求，信访人应当依照法定程序提出。

第二十四条 信访人提出信访请求，一般应当采用书信、电子邮件等书面形式；提出投诉请求的，应当提供真实姓名（名称）、住址、联系方式和基本事实、理由、明确的请求。

信访人采用口头形式提出信访请求的，有关国家机关应当如实记录。

国家机关为方便、规范信访人提出信访请求，可以向信访人提供格式化文本。

第二十五条 信访人采用走访形式提出信访请求的，应当在公布的接待时间到依

Article 22 Staff members for letters and visits shall abide by the following provisions in the letters and visits work:

(1) to receive letter-writers and visitors in a civilized manner and respect them, and not to create difficulties for or discriminate against them; to notify letter-writers or visitors and make ample explanation and persuasion to them if their letter-or-visit requests are not accepted according to law;

(2) to handle letter-or-visit matters in time and according to law by following the procedures for handling letter-or-visit matters, and not to put them aside, perform their functions and duties in a perfunctory manner, shift responsibility onto others or delay handling letter-or-visit matters; to notify letter-writers or visitors to present their letter-or-visit matters to State organs that have the power to handle if their letter-or-visit requests do not fall within the scope of letter-or-visit matters to be accepted by the department;

(3) to uphold principles and handle affairs in an impartial way, and not to engage in malpractice for personal gains, take bribes or accept treats and gifts given by letter-writers and visitors;

(4) to observe the confidentiality system, not to divulge the names of letter-writers and visitors or the contents of accusations or exposures, and not to divulge or divulge the contents which are requested by letter-writers or visitors to be treated with confidentiality or the contents that are likely to damage the rights and interests of letter-writers or visitor;

(5) to give replies truthfully, and not to refuse to give replies, to inquiries presented by letter-writers and visitors about the handling of letter-or-visit matters unless State secrets, commercial secrets or private affairs are involved therein;

(6) to recuse themselves from the handling of letter-or-visit matters if they share a direct interest with letter-writers or visitors or have a direct interest in any letter-or-visit matters; and

(7) to establish and properly keep letter-or-visit archives according to the provisions concerning archives management, and not to lose, tamper, conceal or, without authorization, destroy such archives.

Chapter IV Presentation of Letter-Or-Visit Requests

Article 23 To present a letter-or-visit request, a letter-writer or visitor shall present it to a State organ that has the power to deal with the request according to law.

Where, as provided for in law, a letter-or-visit request shall be handled through litigation, arbitration, administrative reconsideration or other statutory means, the letter-or-visitor shall present it by following the statutory procedures.

Article 24 A letter-writer or visitor shall, in general, present a letter-or-visit request through correspondence, E-mail or in any other written form. Where a complaint is lodged, the real name (name), address and means of contact of the letter-writer or visitor as well as the main facts, grounds and clear requests shall be stated.

Where a letter-writer or visitor presents a letter-or-visit request orally, the relevant State organ shall make factual records.

With a view to facilitating and standardizing the presentation of letter-or-visit requests by letter-writers and visitors, a State organ may provide formatted texts to them.

Article 25 Where a letter-writer or visitor intends to present a letter-or-visit request

法有权处理的本级或者上级机关设立或者指定的信访接待场所提出。

多人采用走访形式提出共同信访请求的，应当推举代表，代表人数不得超过五人。

代表应当如实向其他信访人转达处理或者答复意见。

第二十六条 信访人要求采用书面形式告知、答复的，应当采用书信、传真、电子邮件或者走访形式提出信访请求。

第二十七条 信访人可以委托代理人提出信访请求。代理人向有关国家机关提出信访请求时，应当出示授权委托书，在授权范围内行使代理权。

委托人明确表示不再提出信访请求，代理人继续提出的，有关国家机关不再受理。

第二十八条 无民事行为能力人或者限制民事行为能力人的信访请求，由其监护人代为提出。

因身体障碍不能正常表述本人意愿者提出信访请求的，应当委托他人代为提出。

传染病患者、疑似传染病患者需要以走访形式提出信访请求的，应当委托他人代为提出。

第五章 人民代表大会及其常务委员会信访事项的受理和办理

第二十九条 信访人可以就下列事项向本市各级人民代表大会及其常务委员会提出信访请求：

（一）对本级人民代表大会及其常务委员会颁布的地方性法规，通过的决议、决定的意见和建议；

（二）对本级人民政府的决定、制定的规范性文件的意见和建议；

（三）对本级人民政府、人民法院、人民检察院工作的意见和建议；

（四）对本级人民代表大会及其常务委员会选举、决定任命、批准任命的国家机关工作人员违法失职行为的申诉、控告或者检举；

（五）对本级人民代表大会代表、人民代表大会常务委员会组成人员以及人民代

through visit, the letter-writer or visitor shall, within the reception hours made known to the public, go and present the request at the reception place established or designated by the organ at the corresponding level or at a higher level that has the statutory power to deal with the request.

Where two or more letter-writers or visitors intend to present the same request through visit, they shall elect their representatives, and the number of such representatives shall not exceed five. The representatives shall truthfully convey the decision on handling the request or replies to other letter-writers and visitors.

Article 26 Where a letter-writer or visitor requests to be notified or replied in written form, the letter-writer or visitor shall present the letter-or-visit request thereof through correspondence, fax, E-mail, or visit.

Article 27 A letter-writer or visitor may entrust a proxy to present a letter-or-visit request. The proxy shall, while presenting the letter-or-visit request to a relevant State organ, produce the letter of authorization and exercise the power as a proxy within the scope of power authorized thereto.

Where a proxy keeps on. presenting a letter-or-visit request after the principal has explicitly expressed not to present the request any longer, the relevant State organ shall no longer accept the request.

Article 28 The letter-or-visit request of a person without capacity for civil conduct or with limited capacity for civil conduct shall be presented by the guardian thereof on behalf of the said person.

Where a person who cannot normally express his own will because of physical disability intends to present a letter-or-visit request, another person shall be entrusted with the presentation of the request on behalf of the said person.

Where a patient of an infectious disease or of a suspected infectious disease intends to present a letter-or-visit request through visit, another person shall be entrusted with the presentation of the request on behalf of the said person.

Chapter V Accepting and Handling of Letter-Or-Visit Matters by People's Congresses and Their Standing Committees

Article 29 A letter-writer or visitor may present a letter-or-visit request to people's congresses at all levels of this Municipality and their standing committees on following matters:

(1) opinions and suggestions concerning local regulations promulgated, and resolutions and decisions adopted, by the people's congress at the corresponding level and its standing committee;

(2) opinions and suggestions concerning decisions made, and regulatory documents formulated by the people's government at the corresponding level;

(3) opinions and suggestions concerning the work of the people's government, the people's court and the people's procuratorate at the corresponding level;

(4) complaints, accusations, or exposures against any violation of law or dereliction of duty by staff members of State organs who are elected by, or appointed upon decision or approval by, the people's congress at the corresponding level and its standing committee;

表大会常务委员会机关工作人员的建议、批评、意见和违法失职行为的申诉、控告或者检举；

（六）对下一级人民代表大会及其常务委员会不适当的决议、决定的意见和建议；

（七）依法应当由人民代表大会及其常务委员会受理的其他信访请求。

第三十条 本市各级人民代表大会及其常务委员会对人民政府、人民法院、人民检察院职责范围内的信访事项不包办代替、不直接处理。

第三十一条 市和区、县人民代表大会常务委员会信访工作机构收到信访请求，应当予以登记，在 15 日内分别按下列方式处理：

（一）属于本级人民代表大会及其常务委员会信访事项受理范围内的信访请求，转送常务委员会有关工作机构办理，并答复信访人；

（二）属于本级或者下级人民政府及其工作部门、人民法院、人民检察院职责范围内的信访请求，转送相关国家机关处理，可以要求反馈处理结果，由办理机关答复信访人。

第三十二条 下列信访请求不予受理：

（一）对依照法律程序正在审理之中的案件提出的信访请求；

（二）经过行政机关复核，信访人仍然以同一事实和理由提出的信访请求；

（三）其他依照法律规定不予受理的信访请求。

第六章 人民政府及其工作部门信访事项的受理和办理

第一节 受理和办理

第三十三条 信访人对下列组织、人员的职务行为可以向有关行政机关提出信访请求：

（一）行政机关及其工作人员；

（二）法律、法规授权的具有管理公共事务职能的组织及其工作人员；

(5) suggestions, criticisms and opinions concerning deputies to the people's congress at the corresponding level, component members of the standing committee of the people's congress at the corresponding level and staff members working for the standing committee of the people's congress at the corresponding level, and complaints, accusations or exposures against their violation of law or dereliction of duty;

(6) opinions and suggestions concerning improper resolutions or decisions of people's congresses at the next lower level and their standing committees; and

(7) other letter-or-visit requests that shall, as provided for in law, be accepted by people's congresses and their standing committees.

Article 30 People's congresses at all levels of this Municipality and their standing committees shall neither take everything into their own hands in terms of letter-or-visit matters that fall within the scopes of functions and duties of the people's government, the people's court or the people's procuratorate, nor directly handle such letter-or-visit matters.

Article 31 The department for letters and visits of the standing committee of the people's congress at the municipal, district or county level shall, upon receiving a letter-or-visit request, register the letter-or-visit request and handle it within 15 days in any of the following ways:

(1) where a letter-or-visit request falls within the scope of acceptance of letter-or-visit matters by the people's congress at the corresponding level and its standing committee, the said department shall transfer such request to the relevant working office of the standing committee for handling and give a reply to the letter-writer or visitor; or

(2) where a letter-or-visit request falls within the scopes of functions and duties of people's governments and their departments, people's courts or people's procuratorates at the corresponding or lower level, the said department shall transfer such request to the relevant State organ for handling and may request a feedback on the result of the handling, and the organ handling the request shall give a reply to the letter-writer or visitor.

Article 32 The following letter-or-visit requests shall not be accepted:

(1) a letter-or-visit request presented on a case which is being tried according to the legal procedures;

(2) a letter-or-visit request presented by a letter-writer or visitor based on the same facts and grounds even though the case has been reexamined by an administrative organ; and

(3) other letter-or-visit requests that shall not be accepted as provided for in law.

Chapter VI Accepting and Handling Of letter-Or-Visit Matters by People's Governments and Their Departments

Section 1 Accepting and Handling

Article 33 A letter-writer or visitor may present a letter-or-visit request to the relevant administrative organs on the performance of functions and duties by the following organizations or individuals:

(1) administrative organs and their staff members;

（三）提供公共服务的企业事业单位及其工作人员；

（四）社会团体或者其他企业事业单位中由国家行政机关任命、派出的人员；

（五）村民委员会、居民委员会及其成员。

第三十四条 人民政府信访工作机构收到信访请求，应当予以登记，在 15 日内分别按下列方式处理：

（一）依照法定职责属于本级人民政府或者其工作部门处理的信访请求，应当转送有权处理的行政机关；情况重大、紧急的，应当及时提出建议，报请本级人民政府决定；

（二）依照法定职责属于下级行政机关处理的信访请求，区分情况，转送下一级人民政府信访工作机构，或者直接转送有权处理的机关并抄送下一级人民政府信访工作机构；

（三）对转送中的重要情况需要反馈结果的，可以直接交有权处理的行政机关，并要求其在指定期限内反馈结果。

县级以上人民政府信访工作机构应当定期向下一级人民政府信访工作机构通报转送、交办情况，下级人民政府信访工作机构应当定期向上级人民政府信访工作机构报告转送、交办信访请求的受理或者办理情况。

第三十五条 人民政府信访工作机构以外的政府工作部门收到信访请求，应当登记，并自收到信访请求之日起 15 日内分别按下列方式处理：

（一）信访人直接向其提出的信访请求，按照本部门法定职责范围和本条例第二十三条第二款规定作出受理或者不予受理的决定，并书面告知信访人；属于下级工作部门职责范围内的，转送下级工作部门，同时告知信访人；

（二）上级工作部门转送、交办的信访请求，属于本部门法定职责范围的，应当受理，并书面告知信访人，按要求报告上级工作部门；不属于本部门职责范围内的，应当自收到该信访请求之日起 5 个工作日内向转送、交办工作部门提出异议，并交还相关材料。

(2) organizations that are authorized by laws or regulations to perform the functions of administration of public affairs, and their staff members as well;

(3) enterprises or institutions providing public service, and their staff members as well;

(4) individuals in public organizations or other enterprises or institutions who are appointed or dispatched by State administrative organs; and

(5) villagers' committees, residents' committees and their members.

Article 34 The department for letters and visits of the people's government shall, upon receiving a letter-or-visit request, register the letter-or-visit request and handle it within 15 days in any of the following ways:

(1) where the letter-or-visit request shall be handled by the people's government at the corresponding level or the department thereof according to its statutory functions and duties, the said department for letters and visits shall transfer such request to the administrative organ which has the power to handle it or, in case of any important or urgent matter, make timely suggestions and submit such request to the people's government at the corresponding level for decision;

(2) where the letter-or-visit request shall be handled by the people's government at a lower level according to its statutory functions and duties, the said department for letters and visits shall, on the merits of each case, transfer such request to the department for letters and visits of the people's government at the next lower level, or directly transfer such request to the organ which has the power to handle it and send a copy of the request to the department for letters and visits of the people's government at the next lower level; or

(3) where the feedback on any important matters in transference is required, the said department for letters and visits shall send the request directly to the administrative organ which has the power to handle it, and ask the organ to give a feedback within the specified time limit.

The department for letters and visits of the people's government at or above the county level shall, at regular intervals, circulate a notice to the department for letters and visits of the people's government at the next lower level on the transference and assignment for handling of letter-or-visit requests, and the department for letters and visits of the people's government at a lower level shall, at regular intervals, make a report to the department for letters and visits of the people's government at the next higher level on the acceptance or handling of letter-or-visit requests transferred and assigned thereto for handling.

Article 35 A governmental department other than the department for letters and visits of the people's government shall, upon receiving a letter-or-visit request, register the letter-or-visit request and handle it within 15 days in any of the following ways:

(1) where the letter-writer or visitor presents the letter-or-visit request to it directly; it shall, on the basis of the scope of its statutory functions and duties and according to the provisions of the second paragraph of Article 23 of these Regulations, make a decision on whether or not to accept the request and notify the letter-writer or visitor in written form; where the request falls within the scope of the functions and duties of a department at a lower level, it shall transfer the request to the said department and notify the letter-writer or visitor; or

(2) where the letter-or-visit request transferred or assigned for handling by the department at a higher level falls within the scope of its statutory functions and duties, it shall accept the request, notify the letter-writer or visitor in written form and make a report

第三十六条 人民政府信访工作机构对本级政府工作部门或者下级人民政府，上级政府工作部门对下级政府工作部门应当受理的信访请求而未受理的，可以要求其受理，在指定时限内办结，并报告办理结果。

第三十七条 有下列情形之一的，信访人向受理、办理机关的上级机关再提出同一信访请求的，该上级机关不予受理：

（一）信访请求正在审查期间的；

（二）信访事项已经受理或者正在办理的；

（三）信访事项的办理、复查意见作出后，信访人无正当理由未在规定期限内提出复查、复核申请的。

第三十八条 信访事项涉及两个以上工作部门的，由相关工作部门依照各自职责分别受理；需要共同受理的，出现争议时，应当上报其共同的上一级行政机关决定主办机关。

第三十九条 人民政府工作部门受理信访事项后，认为涉及本级人民政府其他工作部门法定职责需要协调的，可以请求本级人民政府信访工作机构协调。协调后仍然不能达成一致意见的，信访工作机构可以向本级人民政府报告，按决定办理。

第四十条 人民政府及其工作部门决定受理的信访事项，应当自受理之日起 60 日内办结；情况复杂的，经本机关负责人批准，可以适当延长办理期限，但延长期限不得超过 30 日，并告知信访人延期理由。法律、行政法规另有规定的，从其规定。

第四十一条 人民政府及其工作部门对于重大、复杂、疑难的信访事项，可以依照规定程序举行听证。

第四十二条 人民政府及其工作部门受理信访事项后，应当依据相关的法律、法规、规章及其他有关规定，分别作出以下处理，并书面答复信访人：

（一）请求事实清楚，符合或者部分符合法律、法规、规章或者其他有关规定的，予以支持或者部分支持；

（二）请求缺乏事实根据或者不符合法律、法规、规章或者其他有关规定的，不

to the department at a higher level as required; where the request does not fall within the scope of its functions and duties, it shall, within five working days from the date of receipt of the letter-or-visit request, raise an objection and return the relevant materials to the department that has transferred or assigned the request to it for handling.

Article 36 With regard to a letter-or-visit request that shall be accepted but fails to be accepted, the department for letters and visits of the people's government may request the governmental department at the corresponding level or the people's government at a lower level, and the governmental department at a higher level may require the governmental department at a lower level, to accept the request, handle it within a prescribed time limit and make a report on the result of the handling.

Article 37 Where a letter-writer or visitor presents a letter-or-visit request to the organ at a level higher than the organ that has accepted and handled the same request, the said organ at a higher level shall not accept the request in any of the following circumstances:

- (1) the letter-or-visit request is being examined;
- (2) the letter-or-visit matter has been accepted or is being handled; and
- (3) after the decision on handling a letter-or-visit matter or the reexamination opinion on this matter has been given, the letter-writer or visitor fails to submit an application for reexamination or review within the prescribed time limit without justifiable cause.

Article 38 Where a letter-or-visit matter involves two or more departments, it shall be accepted by the relevant departments according to their functions and duties respectively. Should it be jointly accepted by these departments but a dispute arises therefrom, the case shall be reported to their common administrative organ at the next higher level which shall determine the competent organ for handling the matter.

Article 39 Where a department of the people's government, after accepting a letter-or-visit matter, considers that the matter involves the statutory functions and duties of another department of the people's government at the corresponding level and therefore coordination is required for the handling of this matter, it may request the department for letters and visits of the people's government at the corresponding level to coordinate. Where no agreement can be reached after the coordination, the department for letters and visits may report it to the people's government at the corresponding level and handle it according to the people's government's decision.

Article 40 A letter-or-visit matter that the people's government or any of its department has decided to accept shall be handled within 60 days from the date it is accepted. If the matter is complicated, the time limit for handling may be extended appropriately upon the approval by the responsible person of the organ concerned, but the period extended shall not exceed 30 days, and the letter-writer or visitor shall be notified of the grounds for such extension. Where laws or administrative regulations provide otherwise, the provisions therein shall prevail.

Article 41 To handle an important, complicated or difficult letter-or-visit matter, the people's government or its department may hold a hearing in accordance with the prescribed procedures.

Article 42 The people's government or its department shall, after accepting a letter-or-visit matter, make a decision as follows according to the relevant laws, regulations, rules or other provisions and give a written reply to the letter-writer or visitor:

- (1) to support or partially support the request if it is based on clear facts and conforms

予支持；

（三）请求事由缺乏法律依据无法解决的，告知信访人，并做好解释工作。

人民政府及其工作部门依照前款第（一）项规定作出支持或者部分支持信访请求意见的，应当督促有关机关或者单位执行。

第四十三条 信访事项答复意见应当包括下列事项：

- （一）信访人的投诉请求；
- （二）对基本事实的认定；
- （三）依据的法律、法规、规章及其他有关规定；
- （四）对信访事项的处理意见；
- （五）信访人不服答复意见寻求救济的法定途径和期限。

第四十四条 人民政府及其工作部门对于以下情形，分别按照下列方式处理：

（一）信访事项涉及多个有权处理机关办理的，由主办机关集中相关办理意见，答复信访人；

（二）多人提出共同信访事项的，可以对代表告知、答复；

（三）与信访请求有关的咨询，以及建议、意见类信访事项，可以口头告知、答复；

（四）因信访人的姓名（名称）、住址、联系方式不清、不实等原因无法告知、答复的，不予告知、答复。

第四十五条 人民政府及其工作部门自收到信访请求之日起 15 日内已经办结的信访事项，经信访人同意，可以口头告知、答复。

第四十六条 人民政府及其工作部门对交办的信访事项应当在指定的期限内将办理结果报送至交办机关；不能按期办结的，应当说明原因并报告阶段性工作情况。法律、法规另有规定的，从其规定。

or partially conforms to laws, regulations s rules or other provisions;

(2) not to support the request if it is not based on facts or does not conform to laws, regulations, rules or other provisions; or

(3) to notify the letter-writer or visitor that the request lacks legal basis and therefore cannot be satisfied, and make ample explanations to the letter-writer or visitor.

Where the people's government or its department decides to support or partially support a request according to the provisions of Item (1) of the preceding paragraph, it shall urge the relevant organs or units to execute its decision.

Article 43 A decision given as a reply to a letter-or-visit matter shall include the following particulars:

(1) the complaint lodged by the letter-writer or visitor;

(2) the basic facts that have been affirmed;

(3) the laws, regulations, rules or other relevant provisions taken as the basis;

(4) the decision on handling the letter-or-visit matter; and

(5) the statutory means and the time limit for seeking remedies by the letter-writer or visitor if he is not satisfied with the decision given as a reply.

Article 44 The people's government or its department shall deal with the following circumstances respectively in any of the following ways:

(1) where more than one organ that have the power to handle a letter-or-visit matter are involved in the handling of the matter, the competent organ shall pool the decisions of other relevant: organs on handling the matter and reply the letter-writer or visitor;

(2) where the same letter-or-visit matter is presented by more than one letter-writers or visitors, the notification and reply may be made to the representative only;

(3) where any consultation related to a letter-or-visit request is conducted or a letter-or-visit matter is presented to make suggestions or express opinions, the letter-writer or visitor may be notified and replied orally; or

(4) where a letter-writer or visitor cannot be notified or replied because the name (title) , address or means of contact of the letter-writer or visitor are not clear or truthful, it is allowable not to notify or reply the letter-writer or visitor.

Article 45 The people's government or its department may, upon consent of the letter-writer or visitor, give an oral notification and reply to the letter-writer or visitor if it has accomplished the handling of a letter-or-visit matter within 15 days from the date of receipt of the matter.

Article 46 The people's government or its department shall, within the specified time limit, report the result of the handling of the letter-or-visit matter assigned to it for handling to the assigning organ. Where it cannot accomplish the handling of the letter-or-visit matter within the specified time limit, it shall explain the grounds and report the progress made in the Handling. Where laws or regulations provide otherwise, the provisions therein shall prevail.

第二节 复查、复核和督办

第四十七条 信访人对人民政府及其工作部门作出的信访事项办理意见不服的，可以自收到办理意见之日起 30 日内请求原办理机关的上一级行政机关复查；对复查意见不服的，可以自收到复查意见之日起 30 日内请求复查机关的上一级行政机关复核。

信访人的复查、复核申请应当针对答复意见，以书面形式提出，并附办理意见；提出复核申请的，还应当附复查意见。

第四十八条 乡、镇人民政府和街道办事处是信访事项办理机关的，区、县人民政府是复查机关；区、县人民政府是办理、复查机关的，市人民政府是复查、复核机关；区、县人民政府工作部门是办理机关的，上一级工作部门或者本级人民政府是复查机关；市人民政府工作部门是办理、复查机关的，市人民政府是复查、复核机关。

对实行垂直领导的行政机关的办理意见、复查意见不服的，向上一级主管部门申请复查、复核。

第四十九条 市和区、县人民政府应当成立由本级人民政府分管领导负责，相关工作部门负责人参加的复查、复核委员会，负责本级人民政府的复查、复核工作。复查、复核委员会确定办事机构，负责日常工作。

市人民政府工作部门可以成立复查、复核委员会，负责本部门的复查、复核工作。

第五十条 复查、复核机关经审查决定受理复查、复核申请的，应当书面告知信访人，自收到申请之日起 30 日内，按照下列方式作出复查、复核意见，并书面答复：

（一）办理、复查意见认定事实清楚，适用依据正确的，予以维持；

（二）办理、复查意见认定事实不清，适用依据错误，或者违反法定程序的，区分情况，予以撤销、变更或者责令办理、复查机关限期重新作出答复意见。

Section 2 Reexamination, Review, and Supervision Over Handling

Article 47 Where a letter-writer or visitor is not satisfied with the decision made by the people's government or its department on the handling of a letter-or-visit matter, the letter-writer or visitor may, within 30 days from the date of receipt of the decision, request the administrative organ at the next higher level of the original organ that has handled the matter to reexamine the matter. Where the letter-writer or visitor is not satisfied with the decision made after reexamination, the letter-writer or visitor may, within 30 days from the date of receipt of the decision made after reexamination, request for review by the administrative organ at the next higher level of the reexamination organ.

An application of a letter-writer or visitor for reexamination or review shall be made on the decision given as a reply, and the application shall be presented in written form and attached with the decision on the handling. Where an application for review is presented, the reexamination opinion shall also be attached thereto.

Article 48 Where the people's government of a town or township or a neighborhood office is the organ handling a letter-or-visit matter, the people's government of a district or county shall be the reexamination organ; where the people's government of a district or county is the organ handling or reexamining a letter-or-visit matter, the municipal people's government shall be the reexamination or review organ; where a department of the people's governments of a district or county is the organ handling a letter-or-visit matter, the department at the next higher level or the people's government at the corresponding level shall be the reexamination organ; where a department of the municipal people's government is the organ handling or reexamining a letter-or-visit matter, the municipal people's government shall be the reexamination or review organ.

Where a letter-writer or visitor is not satisfied with the decision on the handling of a letter-or-visit matter or the decision made after reexamination, which is made by an administrative organ under a vertical leadership system, the letter-writer or visitor shall apply for reexamination or review to the competent department at the next higher level.

Article 49 The people's government at the municipal, district or county level shall each set up a reexamination and review committee presided over by the leader in charge of the people's government at the corresponding level and joined in by the responsible persons of the relevant departments, and the committee shall be responsible for the reexamination and review work of the people's government at the corresponding level. The reexamination and review committee shall designate its working organ which shall be responsible for the daily work.

A department of the municipal people's government may set up its reexamination and review committee which shall be responsible for the reexamination and review work of the department.

Article 50 Where, upon examination, a reexamine or review organ decides to accept an application for reexamination or review, it shall notify the letter-writer or visitor in written form and, within 30 days from the date of receipt of the application, make an reexamination or review decision in any of the following ways and give a reply in written form:

(1) where the decision on the handling of a letter-or-visit matter or the decision made after reexamination is based on clear facts and correct application of basis, the organ shall maintain the decision; or

办理、复查机关由于认定事实不清、适用依据错误，被责令重新作出答复意见的，不得作出与原意见相同或者基本相同的答复意见。

复查、复核机关经审查决定不予受理的复查、复核申请，应当书面告知信访人理由。

复杂、疑难的信访事项在法定期限内无法作出复查、复核意见的，经本级复查、复核委员会批准，可以延长期限，但延长期限不得超过 30 日，并告知信访人延期理由。

第五十一条 信访人对复核意见不服，仍然以同一事实和理由提出信访请求的，人民政府信访工作机构和相关部门不再受理。

第五十二条 市和区、县人民政府信访工作机构发现下级人民政府及其工作部门有下列情形之一的，应当及时督办，并提出改进建议：

- （一）无正当理由未按规定的办理期限办结信访事项的；
- （二）未按规定反馈信访事项办理结果的；
- （三）未按规定程序办理信访事项的；
- （四）办理信访事项推诿、敷衍、拖延的；
- （五）不执行信访答复意见的；
- （六）答复意见认定事实不清、依据或者程序存在明显错误的；
- （七）虚报办理结果或者办理结果不落实的；
- （八）其他需要督办的情形。

收到改进建议的行政机关应当在指定时限内书面反馈情况，未采纳建议的，应当在 3 个工作日内说明理由。

第五十三条 市和区、县人民政府信访工作机构和政府工作部门应当针对信访人在一定时期内反映的热点、难点问题开展调查研究工作，向本级人民政府及其工作部门或者通过本级向上级人民政府及其工作部门提出完善政策或者改进工作的建议。

(2) where the decision on the handling of a letter-or-visit matter or the decision made after reexamination is not based on clear facts or correct application of basis, or is made in violation of statutory procedures, the organ shall, on the merits of each case, either revoke or modify the decision or order the organ that has handled or reexamined the matter to give a reply anew within the prescribed time limit.

Where the organ that has handled or reexamined the letter-or-visit matter is ordered to give a reply anew because the decision made thereby is not based on clear facts or correct application of basis, it shall not give a reply that is identical with or basically identical with the original decision.

Where, upon, examination, a reexamine or review organ decides not to accept an application for reexamination or review, it shall notify the letter-writer or visitor of the grounds in written form.

Where it is impossible to make a reexamination or review decision within the statutory time limit on a complicated or difficult letter-or-visit matter, the time limit may be extended upon approval by the reexamination or review committee at the corresponding level, but the period extended shall not exceed 30 days, and the letter-writer or visitor shall be notified of the grounds for such extension.

Article 51 Where a letter-writer or visitor is not satisfied with the review decision and continues to present a letter-or-visit request based on the same facts and grounds, the department for letters and visits of the people's government or the relevant department shall no longer accept the request.

Article 52 Where the department for letters and visits of the municipal, district or county people's government finds that a people's government at a lower level or its department comes under any of the following circumstances, it shall, without delay, urge to handle the matter concerned and make a suggestion for improvement:

(1) failing to accomplish the handling of a letter-or-visit matter within the prescribed time limit without justifiable cause;

(2) failing to give feedback on the results of the handling of a letter-or-visit matter as required;

(3) failing to handle a letter-or-visit matter according to the prescribed procedures;

(4) shifting the responsibility for handling a letter-or-visit matter onto other departments, taking a perfunctory attitude to the handling of a letter-or-visit matter, or delaying the handling of a letter-or-visit matter;

(5) failing to execute the decision replied to a letter-or-visit matter;

(6) the decision replied is not based on clear facts or there are obvious mistakes in terms of the grounds or procedures;

(7) making a false report on the result of the handling or failing to put into effect the result of the handling; or

(8) other circumstances in which the handling of a letter-or-visit matter needs to be urged.

Upon receiving the suggestion for improvement, the administrative organ shall, within the specified time limit, give feedback in written form. If the organ does not accept the suggestion, it shall explain the reason within three working days.

Article 53 The department for letters and visits of the municipal, district or county people's government and any governmental department shall conduct investigation into and studies on hotspots and difficulties presented by letter-writers and visitors in a certain period of time, and make suggestions on improving policies and work to the people's government

第七章 人民法院、人民检察院信访事项的受理和办理

第五十四条 信访人可以就下列事项向本市各级人民法院提出信访请求：

- （一）对人民法院工作的建议、批评和意见；
- （二）对人民法院工作人员的违法失职行为的举报、控告或者申诉；
- （三）依法应当由人民法院受理的其他信访请求。

第五十五条 信访人可以就下列事项向本市各级人民检察院提出信访请求：

- （一）对人民检察院工作的建议、批评和意见；
- （二）对人民检察院工作人员的违法失职行为的举报、控告或者申诉；
- （三）依法应当由人民检察院受理的其他信访请求。

第五十六条 人民法院、人民检察院对信访人提出的属于其职责范围内的信访请求，应当予以登记，依照法律或者相关规定处理，告知、答复信访人。

第八章 信访秩序

第五十七条 信访活动应当依法、有序进行，国家机关及其工作人员、信访人应当共同维护信访秩序。

社会团体、企业事业单位和基层组织应当协助国家机关维护信访秩序。

第五十八条 信访人应当遵守法律、法规和有关规定，不得有下列行为：

- （一）在非信访接待场所采用走访形式提出信访请求的；
- （二）在国家机关办公场所及其周边、公共场所非法聚集、滋事，围堵、冲击国家机关，拦截公务车辆，堵塞、阻断交通，或者以自杀、自伤、自残相威胁的；
- （三）扰乱机关、团体、企业事业单位正常工作、生产、经营秩序的；
- （四）携带危险物品、管制器具的；
- （五）侮辱、殴打、威胁履行信访工作职责的人员，或者非法限制他人人身自由的；

at the corresponding level or its department or to the people's government at the higher level or its department through the people's government at the corresponding level or its department.

Chapter VII Accepting and Handling of Letter-Or-Visit Matters by People's Courts and People's Procuratorates

Article 54 Letter-writers and visitors may present letter-or-visit requests to people's courts at all levels of this Municipality on the following matters:

- (1) the suggestions, criticisms and opinions on the work of people's courts;
- (2) the complaints, accusations or exposures against the violation of law or dereliction of duty by staff members of people's courts; and
- (3) other letter-or-visit requests that shall be accepted by people's courts as provided for in law.

Article 55 Letter-writers and visitor may present letter-or-visit requests to people's procuratorates at all levels of this Municipality on the following matters:

- (1) the suggestions, criticisms and opinions on the work of people's procuratorates;
- (2) the complaints, accusations or exposures against the violation of law or dereliction of duty by staff members of people's procuratorates; and
- (3) other letter-or-visit requests that shall be accepted by people's procuratorates as provided for in law.

Article 56 A people's court or a people's procuratorate shall, when a letter-or-visit request presented by a letter-writer or visitor falls within the scope of its functions and duties, register the letter-or-visit request, handle it according to law or the relevant provisions and notify and reply the letter-writer or visitor.

Chapter VIII Order of Letter-Writing and Visiting

Article 57 Letter-writing and visiting activities shall be conducted according to law and in an orderly manner. All State organs, their staff members, letter-writers and visitors shall maintain the order of letter-writing and visiting.

Social organizations, enterprises, institutions and grass-roots organizations shall assist State organs in maintaining the order of letter-writing and visiting.

Article 58 Letter-writers and visitors shall abide by laws, regulations and relevant provisions and shall not commit any of the following acts:

- (1) presenting letter-or-visit requests through visits at places not for accepting letters and visits;
- (2) illegally assembling and making troubles around State organs' offices or peripheral areas thereof or public places, encircling and attacking State organs, intercepting official vehicles, jamming and obstructing traffic, or menacing with suicides, self-wounding or self-mutilation;
- (3) disrupting the normal working, production or business order of organs, organizations, enterprises or institutions;
- (4) carrying dangerous articles or tools under control;
- (5) humiliating, beating up or threatening staff members performing the duty of

（六）阻碍国家机关工作人员依法执行职务的；

（七）歪曲、捏造事实，散布谣言或者以其他方法故意扰乱公共秩序的；

（八）煽动、串联、胁迫、以财物诱使、幕后操纵他人信访或者以信访为名借机敛财的；

（九）在信访接待场所滞留，或者将无民事行为能力人、限制民事行为能力人、生活不能自理的人弃留在信访接待场所的；

（十）其他扰乱公共秩序、妨害国家和公共安全的行为。

第五十九条 信访工作机构对滞留的无民事行为能力人、限制民事行为能力人、生活不能自理的人，应当通知其监护人或者有关单位将其带回。

信访工作机构对来访的传染病患者、疑似传染病患者，应当通知属地卫生部门依据相关法律、法规处理。

第六十条 信访人严重扰乱公共秩序、妨害公共安全的，公安机关应当依法、及时采取必要的现场处置措施。事件引发地政府有关部门及相关责任单位应当及时到场，教育、疏导、劝返信访人。事件发生地政府应当积极配合。

第九章 法律责任

第六十一条 国家机关及其工作人员侵害公民、法人或者其他组织的合法权益，导致信访事项发生，造成严重后果，构成犯罪的，对直接负责的主管人员和其他直接责任人员依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第六十二条 国家机关在信访工作中违反本条例规定的，由有权处理的国家机关责令改正；造成严重后果，构成犯罪的，对直接负责的主管人员和其他直接责任人员依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第六十三条 国家机关信访工作人员违反本条例第二十二条规定的，由所在单位批评教育；情节严重，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予

handling letters and visits, or illegally restricting other people's personal freedom;

(6) preventing staff members of State organs from performing their duties according to law;

(7) distorting or fabricating facts, spreading rumors or intentionally disrupting public order by taking other means;

(8) inciting, colluding with, coercing or enticing other persons with money or things of value to write letters or make visits, or manipulating from behind the scenes other persons into doing so, or taking advantage of letter-writing or visiting to accumulate wealth;

(9) lingering at reception places for letters and visits, or leaving persons without capacity for civil conduct, persons with limited capacity for civil conduct or persons who are unable to look after themselves at reception places for letters and visits; and

(10) committing other acts that disrupt public order or impair national or public security.

Article 59 With regard to a person without capacity for civil conduct, a person with limited capacity for civil conduct, or a person unable to look after himself who lingers at the reception place for letters and visits, the department for letters and visits shall notify his guardian or the relevant unit to take him back.

With regard to a patient of an infectious disease or a patient of a suspected infectious disease who makes a visit at the reception place for letters and visits, the department for letters and visits shall notify the local health department to handle the case according to the relevant laws and regulations.

Article 60 Where a letter-writer or visitor seriously disrupts public order or impairs public security, the public security organ shall, according to law, take necessary measures on the spot to handle the case without delay. The relevant governmental department and the relevant responsible unit of the place where the incident is touched off shall arrive at the scene without delay to educate and persuade the letter-writer or visitor, and dissuade him to return. The government of the place where the incident takes place shall provide positive cooperation.

Chapter IX Legal Liability

Article 61 Where a State organ or any of its staff members infringes upon the lawful rights and interests of a citizen, legal person or any other organization and triggers off the occurrence of a letter-or-visit matter, thus resulting in serious consequences and constituting a crime, the person directly in charge and other persons directly responsible shall be investigated for criminal liability according to law; if the act is not serious enough to constitute a crime, they shall be given an administrative sanction according to law.

Article 62 Where a State organ violates the provisions of these Regulations in the letters and visits work, it shall be ordered to make corrections by the State organ that has the power to handle the violation; if the violation results in serious consequences and constitutes a crime, the person directly in charge and other persons directly responsible shall be investigated for criminal liability according to law; if the violation is not serious enough to constitute a crime, they shall be given an administrative sanction according to law.

Article 63 Where a staff member of a State organ violates the provisions of Article 22 of these Regulations, he shall be criticized and educated by the unit to which he belongs;

行政处分。

第六十四条 国家机关违反本条例第五十二条规定，经督办拒不纠正的，由有关国家机关予以通报批评；造成严重后果的，追究其相关责任。

第六十五条 国家机关及其工作人员对可能造成社会影响的重大、紧急信访事项和信访信息，隐瞒、谎报、缓报，或者授意他人隐瞒、谎报、缓报，造成严重后果，构成犯罪的，对直接负责的主管人员和其他直接责任人员依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第六十六条 压制、打击报复信访人，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

第六十七条 信访人违反本条例第十七条、第二十五条、第五十八条规定的，由有关国家机关工作人员劝阻、批评或者教育。

经劝阻、批评或者教育无效的，由公安机关予以警告、训诫或者制止；违反集会游行示威或者治安管理法律、行政法规的，由公安机关依法采取必要的现场处置措施，给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第十章 附 则

第六十八条 本市国有资产监督管理部门监管的企业事业单位的信访工作，由本市国有资产监督管理部门参照本条例制定具体办法。

第六十九条 外国人、无国籍人、外国组织提出的信访请求的处理，参照本条例执行。

第七十条 本条例自 2007 年 1 月 1 日起施行。

if the circumstances are serious enough to constitute a crime, he shall be investigated for criminal liability according to law; if the violation is not serious enough to constitute a crime, he shall be given an administrative sanction according to law.

Article 64 Where a State organ violates the provisions of Article 52 of these Regulations and, upon being urged, refuses to make corrections, it shall be criticized in a notice issued by the relevant State organ; if serious consequences are caused, it shall be investigated for liability.

Article 65 Where a State organ or any of its staff members conceals, makes a false report on, or delays reporting any important or urgent letter-or-visit matters or information which may exert an influence on the society, or incites another person to do so, thus resulting in serious consequences and constituting a crime, the person directly in charge and other persons directly responsible shall be investigated for criminal liability according to law; if the act is not serious enough to constitute a crime, they shall be given an administrative sanction according to law.

Article 66 Whoever suppresses and retaliates against a letter-writer or visitor, thus constituting a crime, shall be investigated for criminal liability according to law; if the act is not serious enough to constitute a crime, he shall be given an administrative sanction according to law.

Article 67 Where a letter-writer or visitor violates the provisions of Article 17, 25 or 58 of these Regulations, the staff member of a State organ concerned shall dissuade, criticize or educate him.

If such dissuasion, criticism or education fails, the public security organ shall warn or admonish the letter-writer or visitor or stop his act. If the letter-writer or visitor violates the laws or administrative regulations on assemblies, processions, demonstrations or public security administration, the public security organ shall, according to law, take necessary measures on the spot to deal with the case and impose thereupon an administrative penalty for public security. If the act constitutes a crime, criminal liability shall be investigated for according to law.

Chapter X Supplementary Provisions

Article 68 The State-owned assets supervision and administration department of this Municipality shall, with reference to these Regulations, formulate specific measures governing the letters and visits work of the enterprises and institutions under its supervision and administration.

Article 69 A letter-or-visit request presented by any foreigner, stateless person or foreign organization shall be handled with reference to these Regulations.

Article 70 These Regulations shall be effective as of January 1, 2007.

北京市规章设定罚款限额规定

(1996年9月3日北京市第十届人民代表大会常务委员会第三十次会议通过 根据2007年3月30日北京市第十二届人民代表大会常务委员会第三十五次会议通过的《北京市规章设定罚款限额规定修正案》修正)

第一条 根据《中华人民共和国行政处罚法》第十三条的规定,结合本市实际情况,制定本规定。

第二条 市人民政府制定的规章,对违反行政管理秩序的行为需要设定罚款的,设定罚款的限额为3万元。但对涉及公共安全、生态环境保护、有限自然资源开发利用以及关系人身健康、生命财产安全方面的违反行政管理秩序的行为,可以设定不超过10万元的罚款。

第三条 市人民政府制定规章时,可以在前条规定的罚款限额内,根据过罚相当的原则,对公民、法人或者其他组织违反行政管理秩序的行为设定不同幅度的罚款。

第四条 法律、法规已经设定了罚款,规章需要在其范围内作具体规定的,不适用本规定。

第五条 本规定自1996年10月1日起施行。

Provisions of Beijing Municipality on the Specific Amounts of Fine Created in Rules

(Adopted at the 30th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 3, 1996, and amended in accordance with the Amendment to the Provisions of Beijing Municipality on the Specific Amounts of Fine Created in Rules adopted at the 35th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on March 30, 2007)

Article 1 These Provisions are formulated in accordance with the provisions of Article 13 of the Law of the People's Republic of China on Administrative Penalty and in light of the actual circumstances of this Municipality.

Article 2 With regard to an act in violation of administration order for which a fine created is necessary, the specific amount of fine created in the rules formulated by the Municipal People's Government shall be 30, 000 Yuan. However, a fine of not more than 100, 000 Yuan may be created with regard to an act in violation of administration order which involves the public security, protection of ecological environment, development and utilization of limited natural resources or relates to human health and safety of people's lives and property.

Article 3 When formulating a rule, the Municipal People's Government may, within the specific amounts of fine prescribed in the previous article and according to the principle of punishment in proportion to offense, creates fines of different degrees for acts committed by citizens, legal persons or other organizations in violation of administration order.

Article 4 Where laws or regulations have already created fines and it is necessary for rules to make specific provisions within the range of such fines, these Provisions shall not be applicable.

Article 5 These Provisions shall be effective as of October 1, 1996.

北京市国家工作人员宪法宣誓组织办法

(2015年11月27日北京市第十四届人民代表大会常务委员会
会第二十三次会议通过 根据2018年3月30日北京市第十五届人
民代表大会常务委员会第三次会议修正)

第一条 为彰显宪法权威，激励和教育国家工作人员忠于宪法、遵守宪法、维护宪法，加强宪法实施，根据《全国人民代表大会常务委员会关于实行宪法宣誓制度的决定》，结合本市实际，制定本办法。

第二条 本市各级人民代表大会选举或者通过，市和区的人民代表大会常务委员(以下简称人大常委会)任命或者决定任命的国家工作人员，以及本市各级人民政府、监察委员会、人民法院、人民检察院任命的国家工作人员，在就职时应当公开进行宪法宣誓。

第三条 市人民代表大会选举或者通过的下列国家工作人员，依照法定程序产生后，应当公开进行宪法宣誓：

- (一) 市人大常委会主任、副主任、秘书长、委员；
- (二) 市人民代表大会专门委员会主任委员、副主任委员、委员；
- (三) 市人民政府市长、副市长；
- (四) 市监察委员会主任；
- (五) 市高级人民法院院长；
- (六) 市人民检察院检察长。

第四条 市人大常委会任命或者决定任命的下列国家工作人员，依照法定程序产生后，应当公开进行宪法宣誓：

- (一) 市人民代表大会专门委员会副主任委员、委员；
- (二) 市人大常委会代表资格审查委员会主任委员、副主任委员、委员；

Measures of Beijing Municipality for Organization of Pledging Allegiance to the Constitution by State Functionaries

(Adopted at the 23rd Session of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 27, 2015 and amended at the 3rd Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on March 30, 2018)

Article 1 These Measures are formulated in accordance with the Decision of the Standing Committee of the National People's Congress on Implementing the System of Pledging Allegiance to the Constitution, by taking into account the particular situations of this Municipality, and for the purposes of manifesting the authority of the Constitution, encouraging and educating state functionaries to be loyal to, abide by and uphold the Constitution, as well as strengthening the implementation of the Constitution.

Article 2 The state functionaries elected or adopted by the people's congresses at all levels of this Municipality, and appointed or decided to be appointed by the standing committees of the people's congresses at the municipal and district level (hereinafter referred to as the standing committees of the people's congresses), as well as the state functionaries appointed by the people's governments, supervisory committees, people's courts and people's procuratorates at various levels in this Municipality shall take a public oath of allegiance to the Constitution while assuming office.

Article 3 The following state functionaries elected or adopted by the Municipal People's Congress shall take a public oath of allegiance to the Constitution after being elected according to legal procedures:

- (1) Director, Deputy Director, Secretary-general and members of the Standing Committee of the Municipal People's Congress;
- (2) Chairperson, Vice-chairperson and members of the special committees of the Municipal People's Congress;
- (3) Mayor and Deputy Mayor of the Municipal People's Government;
- (4) Director of the Municipal Supervisory Committee;
- (5) President of the Municipal High People's Court;
- (6) Procurator-General of the Municipal People's Procuratorate.

Article 4 The following state functionaries appointed or decided to be appointed by the Standing Committee of the Municipal People's Congress shall take a public oath of allegiance to the Constitution after being appointed according to legal procedures:

- (1) Vice-chairperson and members of the special committees of the Municipal People's Congress;
- (2) Chairperson, Vice-chairperson and members of the Delegates Credentials Committee of the Standing Committee of the Municipal People's Congress;

(三) 市人大常委会副秘书长和各工作机构的主任、副主任；

(四) 市人民政府副市长、秘书长和组成部门的局长、主任；

(五) 市监察委员会副主任、委员；

(六) 市高级人民法院副院长、审判委员会委员、庭长、副庭长、审判员，市各中级人民法院、北京知识产权法院、北京铁路运输法院的院长、副院长、审判委员会委员、庭长、副庭长、审判员；

(七) 市人民检察院副检察长、检察委员会委员、检察员，市人民检察院各分院、北京铁路运输检察院的检察长、副检察长、检察委员会委员、检察员。

第五条 市人民政府、市监察委员会、市高级人民法院、市各中级人民法院、北京知识产权法院、北京铁路运输法院、市人民检察院、市人民检察院各分院、北京铁路运输检察院任命的国家工作人员，任命后应当公开进行宪法宣誓。

第六条 宣誓仪式由以下机关分别组织：

(一) 市人民代表大会选举或者通过的市人大常委会主任、副主任、秘书长、委员，市人民代表大会专门委员会主任委员、副主任委员、委员，市人民政府市长、副市长，市监察委员会主任，市高级人民法院院长的宣誓仪式，由市人民代表大会会议主席团组织；

(二) 市人民代表大会选举的市人民检察院检察长的宣誓仪式，经最高人民检察院检察长提请全国人大常委会批准后，由市人大常委会主任会议组织；

(三) 市人大常委会任命或者决定任命的市人民代表大会专门委员会副主任委员、委员，市人大常委会代表资格审查委员会主任委员、副主任委员、委员，市人大常委会副秘书长和各工作机构的主任、副主任，市人民政府副市长、秘书长和组成部门的局长、主任，市监察委员会副主任、委员，市高级人民法院副院长，市各中级人民法院院长、副院长，北京知识产权法院院长、副院长，市人民检察院副检察长，市人民检察院各分院检察长、副检察长的宣誓仪式，由市人大常委会主任会议组织；

(3) Deputy Secretary-General of the Standing Committee of the Municipal People's Congress, as well as Director and Deputy Director of each working body;

(4) Deputy Mayor and Secretary-General of the Municipal People's Government, as well as Director-General and Director of each component department;

(5) Deputy Director and members of the Municipal Supervisory Committee;

(6) Deputy President, members of the judicial committee, presiding judges, deputy presiding judges and judges of the Municipal Higher People's Court, as well as the presidents, deputy presidents, members of the judicial committees, presiding judges, deputy presiding judges and judges of the Municipal Intermediate People's Courts, Beijing Intellectual Property Court and Beijing Rail Transportation Court;

(7) Deputy Chief Procurator, members of the procuratorial committee and procurators of the Municipal People's Procuratorate, as well as chief procurators, deputy chief procurators, members of the procuratorial committees and procurators of the branches of the Municipal People's Procuratorate and Beijing Rail Transportation Procuratorate.

Article 5 The state functionaries appointed by the Municipal People's Government, Municipal Supervisory Committee and Municipal High People's Court, the municipal intermediate people's courts, Beijing Intellectual Property Court, Beijing Rail Transportation Court, the Municipal People's Procuratorate, branches of the Municipal People's Procuratorate and Beijing Rail Transportation Procuratorate shall take a public oath of allegiance to the Constitution after being appointed.

Article 6 The oath-taking ceremony shall be organized respectively by the following organs:

(1) The oath-taking ceremony of the Director, Deputy Director, Secretary-General and members of the Standing Committee of the Municipal People's Congress elected or adopted by the Municipal People's Congress, the chairpersons, vice chairpersons and members of the special committees of the Municipal People's Congress, Mayor and Deputy Mayor of the Municipal People's Government, Director of the Municipal Supervisory Committee, and President of the Municipal High People's Court shall be organized by the presidium of the Municipal People's Congress;

(2) The oath-taking ceremony of the Chief Procurator of the Municipal People's Procuratorate elected by the Municipal People's Congress shall be filed by the Chief Procurator of the Supreme People's Procuratorate with the Standing Committee of the NPG for approval and organized by the meeting of directors of the Standing Committee of the Municipal People's Congress;

(3) The oath-taking ceremony of the deputy chairpersons and members of the special committees of the Municipal People's Congress appointed or decided to be appointed by the Standing Committee of the Municipal People's Congress, Chairperson, Deputy Chairperson and members of the delegates, credentials committee of the Standing Committee of the Municipal People's Congress, Deputy Secretary-General of the Standing Committee of the Municipal People's Congress and directors and deputy directors of all working bodies, Deputy Mayor and Secretary-General of the Municipal People's Government, Director-General and Director of the Constituent Department, Deputy Director and members of the Municipal Supervisory Committee, and Deputy President of the Municipal High People's Court, presidents and deputy presidents of the municipal intermediate people's court, President and Deputy President of Beijing Intellectual Property Court, Deputy Chief Procurator of the Municipal People's Procuratorate, as well as chief procurators and deputy chief procurators of the branches of the Municipal People's Procuratorate shall be organized

（四）市人大常委会任命的市高级人民法院、市各中级人民法院、北京知识产权法院的审判委员会委员、庭长、副庭长、审判员，北京铁路运输法院的院长、副院长、审判委员会委员、庭长、副庭长、审判员的宣誓仪式，由市高级人民法院组织；

（五）市人大常委会任命的市人民检察院、市人民检察院各分院的检察委员会委员、检察员，北京铁路运输检察院检察长、副检察长、检察委员会委员、检察员的宣誓仪式，由市人民检察院组织；

（六）市人民政府、市监察委员会、市高级人民法院、市各中级人民法院、北京知识产权法院、北京铁路运输法院、市人民检察院、市人民检察院各分院、北京铁路运输检察院任命的国家工作人员的宣誓仪式，由市人民政府、市监察委员会、市高级人民法院和市人民检察院分别组织。

第七条 宣誓誓词如下：

我宣誓：忠于中华人民共和国宪法，维护宪法权威，履行法定职责，忠于祖国、忠于人民，恪尽职守、廉洁奉公，接受人民监督，为建设富强民主文明和谐美丽的社会主义现代化强国努力奋斗！

第八条 宣誓场所应当庄重、严肃，悬挂中华人民共和国国旗或者国徽。宣誓仪式应当奏唱中华人民共和国国歌。

宣誓仪式根据情况，可以采取单独宣誓或者集体宣誓的形式。单独宣誓时，宣誓人应当左手抚按《中华人民共和国宪法》，右手举拳，诵读誓词。集体宣誓时，由一人领誓，领誓人左手抚按《中华人民共和国宪法》，右手举拳，领诵誓词；其他宣誓人整齐排列，右手举拳，跟诵誓词。诵读誓词后，宣誓人报出自己姓名。

第九条 由市人民代表大会会议主席团组织的宣誓仪式，一般在市人民代表大会全体会议上进行。

新一届市人大常委会组成人员和市人民代表大会专门委员会组成人员的集体宣誓可以分批进行，主任、副主任、秘书长的集体宣誓，由市人大常委会主任领誓，市人大常委会委员、市人民代表大会专门委员会组成人员的集体宣誓，由一人领誓；市长、

by the meeting of directors of the Standing Committee of the Municipal People's Congress;

(4) The oath-taking ceremony of members of the judicial committees, presiding judges, deputy presiding judges and judges of the Municipal Higher People's Court, the municipal intermediate people's courts and Beijing Intellectual Property Court appointed by the Standing Committee of the Municipal People's Congress, as well as the President, Deputy President, members of the judicial committee, presiding judges, deputy presiding judges and judges of Beijing Rail Transportation Court shall be organized by the Municipal Higher People's Court;

(5) The oath-taking ceremony of members of the procuratorial committees and procurators of the Municipal People's Procuratorate and the branches thereof appointed by the Standing Committee of the Municipal People's Congress, as well as the Chief Procurator, Deputy Chief Procurator, members of the procuratorial committee and procurators of Beijing Rail Transportation Procuratorate shall be organized by the Municipal People's Procuratorate;

(6) The oath-taking ceremony of the state functionaries appointed by the Municipal People's Government, Municipal Supervisory Committee and Municipal High People's Court, the municipal intermediate people's courts, Beijing Intellectual Property Court, Beijing Rail Transportation Court, the Municipal People's Procuratorate and the branches thereof, as well as Beijing Rail Transportation Procuratorate shall be organized respectively by the Municipal People's Government, Municipal Supervisory Committee and Municipal High People's Court and the Municipal People's Procuratorate.

Article 7 The oath is as follows:

"I pledge my allegiance to the Constitution of the People's Republic of China to safeguard the Constitution authority, fulfill my legal obligations, be loyal to the country and the people, be committed and honest in my duty, accept the people's supervision and work for a great modern socialist country that is prosperous, strong, democratic, culturally advanced, harmonious, and beautiful!"

Article 8 The place where the oath is taken shall be solemn and display the national flag or national emblem of the People's Republic of China. The national anthem of the People's Republic of China shall be played at the oath-taking ceremony.

The oath-taking ceremony may take the form of separate oath-taking or collective oath-taking depending on circumstances. In the event of separate oath-taking, the person taking an oath shall touch the Constitution of the People's Republic of China with the left hand and raise a fist with the right hand while reading aloud the oath. In the event of collective oath-taking, the person leading the oath-taking shall touch the Constitution of the People's Republic of China with the left hand and raise a fist with the right hand while taking a lead in reading aloud the oath; other persons taking an oath shall be in order and raise a fist with the right hand to read after the person taking the lead. The persons taking an oath shall state their names after reading the oath.

Article 9 The oath-taking ceremony organized by the presidium of the session of the Municipal People's Congress shall be usually held at the plenary session of the Municipal People's Congress.

The members of the Standing Committee of the new Municipal People's Congress and the members of the special committee of the Municipal People's Congress may take collective oaths in batches. The Director, Deputy Director and Secretary-General shall take collective oaths under the leadership of the Director of the Standing Committee of the Municipal People's Congress, while the members of the Standing Committee of the

副市长的集体宣誓，由市长领誓；市监察委员会主任、市高级人民法院院长分别单独宣誓。

第十条 由市人大常委会主任会议组织的宣誓仪式，一般在市人大常委会全体会议上进行。

市人民检察院检察长经最高人民检察院检察长提请全国人大常委会批准后单独宣誓。

新一届市人大常委会代表资格审查委员会组成人员、副秘书长和各工作机构主任、副主任的集体宣誓，由一人领誓；其中，同时担任市人大常委会、市人民代表大会专门委员会组成人员，在市人民代表大会会议期间已经进行宪法宣誓的，可以不再进行。

新一届市人民政府秘书长和组成部门的局长、主任的集体宣誓，由秘书长领誓；市监察委员会副主任、委员，市各中级人民法院、北京知识产权法院院长和市人民检察院各分院检察长的集体宣誓，由一人领誓。

第十一条 本市区、乡、民族乡、镇的国家工作人员，依照法定程序产生后，根据本办法由以下机关分别组织宣誓：

（一）区人民代表大会选举或者通过的人大常委会主任、副主任、委员，人民代表大会专门委员会主任委员、副主任委员、委员，人民政府区长、副区长，监察委员会主任，人民法院院长；乡、民族乡、镇人民代表大会选举或者通过的人民代表大会议主席、副主席，代表资格审查委员会主任委员、副主任委员、委员，人民政府乡长、副乡长、镇长、副镇长的宣誓仪式，由本级人民代表大会会议主席团组织；

（二）区人民代表大会选举的人民检察院检察长的宣誓仪式，经市人民检察院检察长提请市人大常委会批准后，由区人大常委会主任会议组织；

（三）区人大常委会决定任命的人民政府副区长、工作部门主要负责人，任命的人民代表大会专门委员会副主任委员、委员，人大常委会代表资格审查委员会主任委员、副主任委员、委员，人大常委会各工作机构主任、副主任，监察委员会副主任、委员等的宣誓仪式，由区人大常委会主任会议组织；任命的人民法院副院长、审判委

Municipal People's Congress and the members of the special committees of the Municipal People's Congress shall take collective oaths under the leadership of one member; the Mayor and Deputy Mayor shall take collective oaths under the leadership of the Mayor; the Director of the Municipal Supervisory Committee and the President of the Municipal High People's Court shall take oaths separately.

Article 10 The oath-taking ceremony organized by the meeting of directors of the Standing Committee of the Municipal People's Congress shall be usually held at the plenary meeting of the Standing Committee of the Municipal People's Congress.

The Chief Procurator of the Municipal People's Procuratorate shall take an oath separately after the Chief Procurator of the Supreme People's Procuratorate submits the case to the Standing Committee of the NPG for approval.

The collective oath-taking of the members of the delegates credentials committee, Deputy Secretary-General and Director and Deputy Director of each working body of the new Standing Committee of the Municipal People's Congress, shall be led by one person; those serving as both the members of the Standing Committee of the Municipal People's Congress and members of the special committees of the Municipal People's Congress who have pledged allegiance to the Constitution during the session of the Municipal People's Congress are not required to take repeated oath.

The Secretary-General of the new Municipal People's Government and the Director-General and Director of the constituent departments shall take collective oaths under the leadership of the Secretary-General; the deputy directors and members of the Municipal Supervisory Committee, as well as the presidents of the municipal intermediate people's courts, the Beijing Intellectual Property Court and the branches of the Municipal People's Procuratorate shall take collective oaths under the leadership of one person.

Article 11 The following organs shall organize the oath-taking of the state functionaries at the district, township, nationality township or town level of this Municipality after they are elected according to legal procedures in accordance with these Measures:

(1) The oath-taking ceremony of the Director, Deputy Director and members of the Standing Committee of the People's Congress elected or adopted by the District People's Congress, the Chairperson, Deputy Chairperson and members of the special committees of the People's Congress, heads and deputy heads of the district people's governments, directors of the supervisory committees and presidents of the people's courts, the Chairperson and Deputy Chairperson of the People's Congress elected or adopted by the People's Congress at the township, nationality township or town level, Chairperson, Deputy Chairperson and members of the delegates' credentials committees, as well as Township Head, Deputy Township Head, Town Head and Deputy Town Head of the People's Government shall be organized by the presidium of the People's Congress at the same level;

(2) The oath-taking ceremony of the Chief Procurator of the People's Procuratorate elected by the District People's Congress shall be organized by the meeting of directors of the Standing Committee of the District People's Congress after the Chief Procurator of the Municipal People's Procuratorate submits the case to the Standing Committee of the Municipal People's Congress for approval;

(3) the oath-taking ceremony of the directors and deputy directors of all working organs of the standing committee of the people's congress, and the deputy directors and members of the supervisory committees, Deputy Chairperson and members of the special committees of the People's Congress, Chairperson, Deputy Chairperson and members of the delegates

委员会委员、庭长、副庭长、审判员，人民检察院副检察长、检察委员会委员、检察员的宣誓仪式，由区人大常委会主任会议组织或者由人民法院、人民检察院分别组织；

（四）区、乡、民族乡、镇人民政府，区监察委员会，区人民法院，区人民检察院任命的国家工作人员的宣誓仪式，由本级人民政府、监察委员会、人民法院、人民检察院分别组织。

第十二条 负责组织宣誓仪式的机关，可以根据本办法并结合实际情况，对宣誓具体事项作出规定。

第十三条 宪法宣誓应当在国家工作人员依照法定程序产生后及时进行，一般不超过三十日。

第十四条 本办法自 2016 年 1 月 1 日起施行。

credentials committee of the Standing Committee of the People's Congress, as well as the Director and Deputy director of each working body of the Standing Committee of the People's Congress shall be organized by the meeting of directors of the Standing Committee of the District People's Congress; the oath-taking ceremony of the Deputy President, members of the judicial committee, presiding judges, deputy presiding judges and judges of the People's Court, as well as the Deputy Chief Procurator, members of the procuratorial committee and procurators of the People's Procuratorate appointed by the Standing Committee of the District People's Congress shall be organized by the meeting of directors of the Standing Committee of the District People's Congress or respectively by the People's Court and the People's Procuratorate;

(4) The oath-taking ceremony of the people's governments of districts, townships, ethnic townships and towns, the district supervisory committees, and the district people's courts and the District People's Procuratorate shall be organized respectively by the people's governments, supervisory committees, people's courts, People's Procuratorate at the corresponding levels.

Article 12 The organs responsible for organizing oath-taking ceremonies may provide for specific oath-taking matters according to these Measures and by taking into particular circumstances.

Article 13 State functionaries shall pledge allegiance to the Constitution timely after they are appointed according to legal procedures, which shall not exceed 30 days in general.

Article 14 These Measures shall enter into force as of January 1, 2016.

北京市司法鉴定管理条例

(2020年9月25日北京市第十五届人民代表大会常务委员会第
二十四次会议通过)

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第一章 总 则

第一条 为了加强对司法鉴定机构和司法鉴定人的管理，规范司法鉴定活动，保障司法鉴定质量，维护当事人的合法权益，促进司法公正，根据《全国人民代表大会常务委员会关于司法鉴定管理问题的决定》和有关法律、行政法规的规定，结合本市实际，制定本条例。

第二条 本条例适用于从事法医类鉴定、物证类鉴定、声像资料鉴定、环境损害鉴定，以及根据诉讼需要由国务院司法行政部门商最高人民法院、最高人民检察院确定的其他类司法鉴定的活动。

本条例所称司法鉴定是指在诉讼活动中鉴定人运用科学技术或者专门知识对诉讼涉及的专门性问题进行鉴别和判断并提供鉴定意见的活动。

本条例所称司法鉴定机构、司法鉴定人是指经本市司法行政部门依法登记，从事本条第一款规定的司法鉴定业务的机构和人员。

Regulations of Beijing Municipality on the Administration of Forensic Appraisal

(Adopted at the 24th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on September 25, 2020)

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Chapter I General Provisions

Article 1 The Regulations are formulated to strengthen administration of forensic appraisal institutions and forensic appraisers, standardize forensic appraisal activities, guarantee the quality of forensic appraisal, safeguard the legitimate rights and interests of the parties concerned, and promote judicial justice in accordance with the provisions of the Decision of the Standing Committee of the National People's Congress on the Administration of Forensic Appraisal and other relevant laws and administrative regulations and in light of actual conditions of this Municipality.

Article 2 The Regulations shall apply to medicolegal appraisal, appraisal of material evidence, audio-visual materials, and environmental damages, and other forensic appraisal activities determined by the judicial administration department of the State Council in consultation with the Supreme People's Court and the Supreme People's Procuratorate as required by litigation.

The term "forensic appraisal" in the Regulations means the activities in which appraisers use science and technology or expertise to appraise and judge the specialized issues involved in litigation and provide appraisal opinions in litigious activities.

The term "forensic appraisal institutions and forensic appraisers" in the Regulations means the institutions and persons registered by the municipal judicial administration department according to law and engage in the forensic appraisal business specified in the first paragraph of this Article.

第三条 司法鉴定遵循科学、独立、客观、公正的原则。

司法鉴定机构、司法鉴定人依法独立从事司法鉴定受法律保护，任何组织和个人不得干涉。

第四条 市、区人民政府应当加强对司法鉴定工作的组织领导和统筹规划，健全科学合理、统一规范、运行高效、监管有力的司法鉴定管理体制，支持司法鉴定事业健康发展，为社会提供高质量的司法鉴定法律服务。

司法行政部门负责司法鉴定机构和司法鉴定人的登记、名册编制和公告，对司法鉴定工作进行统筹协调、监督管理。市、区司法行政部门依照本条例实施司法鉴定管理的具体职责分工由市司法行政部门确定。

生态环境、卫生健康、民政、财政、市场监督管理、科技、人力资源和社会保障、教育等行政管理部门按照各自职责，做好司法鉴定管理的相关工作。

第五条 司法行政部门与公安机关、检察机关、审判机关等办案机关（以下统称办案机关）及相关行政管理部门应当建立司法鉴定工作衔接协调机制，研究解决司法鉴定管理与使用中的重大问题，完善信息交流和情况通报制度，推动部门间信息化管理平台对接和数据共享，规范和保障司法鉴定活动。

第六条 加入司法鉴定行业协会的司法鉴定机构、司法鉴定人，依照章程享有权利、承担义务。司法鉴定行业协会实行自律管理，组织业务培训和交流，制定行业规范，建立健全行业投诉处理和纠纷调解机制，监督、指导会员遵守执业纪律和职业道德，开展鉴定质量评查、信用评估和行业惩戒，维护会员合法权益。

第七条 本市支持、推动司法鉴定机构规范化、规模化、专业化发展，鼓励司法鉴定机构开展相关理论研究和技术研发，鼓励和支持高等院校、科研院所和医疗机构等建设高质量、高水平、具有专业特色的司法鉴定机构。

本市鼓励司法鉴定机构、司法鉴定人开展、参与各类公益活动。

Article 3 The principles of science, independence, objectivity and impartiality shall be followed in forensic appraisal.

The right of forensic appraisal institutions and forensic appraisers to independently engage in forensic appraisal according to law shall be protected by law, and no organization or individual shall interfere.

Article 4 The municipal and district people's governments shall strengthen organization, leadership and overall planning with respect to forensic appraisal, improve the scientific and reasonable forensic appraisal management system with unified norms that operates efficiently and receives effective regulation, support the healthy development of the forensic appraisal undertakings, and provide high-quality forensic appraisal services for the public.

The judicial administration departments shall be responsible for the registration, preparation of the roster and announcement of forensic appraisal institutions and forensic appraisers, and for the overall coordination, supervision and management of forensic appraisal. The specific duties and functions of the municipal and district judicial administration departments with respect to the administration of forensic appraisal in accordance with the Regulations shall be determined by the municipal judicial administration department.

The government departments for ecological environment, health, civil affairs, finance, market supervision and management, science and technology, human resources and social security, education, etc. shall exercise their respective duties and functions and do a good job in forensic appraisal management.

Article 5 The judicial administration departments shall, together with public security organs, procuratorial organs, judicial organs and other case handling organs (hereinafter collectively referred to as case handling organs) as well as relevant administrative departments, establish a connection and coordination mechanism for forensic appraisal, study the resolution of major problems in the management and use of forensic appraisal, improve the information exchange and information notification system, promote the communication and data sharing between interdepartmental information management platforms, and regulate and guarantee forensic appraisal activities.

Article 6 Forensic appraisal institutions and forensic appraisers who join an industry association of forensic appraisal shall enjoy rights and undertake obligations in accordance with the bylaws of the industry association. An industry association of forensic appraisal shall implement self-discipline management, organize business training and exchanges, formulate industry norms, establish and improve the industrial complaint handling and dispute mediation mechanism, supervise and guide the compliance with code of conduct and professional ethics by members, carry out appraisal quality evaluation, credit evaluation and industrial punishment, and protect members' legitimate rights and interests.

Article 7 This Municipality shall support and promote the standardized, scale and professional development of forensic appraisal institutions, encourage forensic appraisal institutions to carry out relevant theoretical research and technological research and development, and encourage and support establishment of high-quality and high-level forensic appraisal institutions with professional specialization by colleges, universities, scientific research institutes, medical institutions, etc.

This Municipality shall encourage forensic appraisal institutions and forensic appraisers to carry out and participate in various public welfare activities.

第八条 本市推动京津冀司法鉴定工作协同发展，逐步健全司法鉴定行业在标准规范、准入培训、学术研究和数据共享等方面与其他省、市的交流合作机制。

第二章 司法鉴定机构和司法鉴定人

第九条 本市对个人、法人或者其他组织从事司法鉴定业务实行登记管理；未经登记不得从事司法鉴定业务。

第十条 市司法行政部门应当会同相关行政管理部门和协会商会等根据国家规定的司法鉴定登记事项和条件，制定本市相关规范，并向社会公布。

市司法行政部门应当建立健全专家评审制度，必要时可以会同相关行政管理部门进行联合评审。对申请司法鉴定机构登记的，市司法行政部门应当组织对其专业人员、执业场所、检测实验室、管理水平等进行评审；对申请司法鉴定人登记的，应当组织对其进行专业技能和执业能力测试。

市司法行政部门应当编制和公布本市司法鉴定机构和司法鉴定人名册，并定期更新、向社会公告。

第十一条 法人或者其他组织申请从事司法鉴定业务的，应当向市司法行政部门提出申请。符合条件的，市司法行政部门准予登记，颁发《司法鉴定许可证》；不符合条件的，不予登记，书面通知申请人并说明理由。

司法鉴定机构设立分支机构的，按照国家有关规定执行。

第十二条 个人申请从事司法鉴定业务的，应当通过拟执业机构向市司法行政部门提出申请。符合条件的，市司法行政部门准予登记，颁发《司法鉴定人执业证》；不符合条件的，不予登记，书面通知申请人所在司法鉴定机构并说明理由。

第十三条 《司法鉴定许可证》《司法鉴定人执业证》有效期5年。

有效期届满需要延续的，或者司法鉴定机构需要变更司法鉴定业务范围、司法鉴定人需要变更执业类别的，按照国家有关规定办理。

Article 8 This Municipality shall promote the collaborative development of forensic appraisal in Beijing, Tianjin and Hebei, and gradually improve the mechanism of communication and cooperation with other provinces and cities for the forensic appraisal industry in terms of standards, norms, access training, academic research and data sharing.

Chapter II Forensic Appraisal Institutions and Forensic Appraisers

Article 9 This Municipality shall apply registration management to individuals, legal persons or other organizations engaged in forensic appraisal, and they shall not engage in forensic appraisal without registration.

Article 10 The municipal judicial administration department shall, together with relevant administrative departments, associations and chambers of commerce, formulate relevant norms of this Municipality and make them known to the public in accordance with the registration items and conditions of forensic appraisal stipulated by the State.

The municipal judicial administration department shall establish and improve the expert review system, and may conduct joint review with relevant administrative departments when necessary. Where a forensic appraisal institution applies for registration, the municipal judicial administration department shall organize review of its professionals, practice place, testing laboratory and management level; where a forensic appraiser applies for registration, the municipal judicial administration department shall organize testing of his or her professional skills and practice ability.

The municipal judicial administration department shall prepare and publish a roster of forensic appraisal institutions and forensic appraisers in this Municipality, which shall be regularly updated and made known to the public.

Article 11 Where a legal person or any other organization applies for engaging in forensic appraisal, it shall apply to the municipal judicial administration department. If it meets the conditions, the municipal judicial administration department shall grant the registration and issue a Forensic Appraisal License; if it does not meet the conditions, the municipal judicial administration department shall not grant the registration, and shall notify the applicant in writing and give an explanation.

The establishment of a branch by a forensic appraisal institution shall follow relevant provisions of the State.

Article 12 An individual who applies for engaging in forensic appraisal shall apply to the municipal judicial administration department through the institution where the individual intends to practice. If the individual meets the conditions, the municipal judicial administration department shall grant the registration and issue a Forensic Appraiser's License; if the individual does not meet the conditions, the municipal judicial administration department shall not grant the registration, and shall notify the forensic appraisal institution where the applicant works in writing and give an explanation.

Article 13 A Forensic Appraisal License and a Forensic Appraiser's License shall be valid for 5 years.

A renewal upon expiration of the validity period, a change in the business scope of forensic appraisal by a forensic appraisal institution, or a change in the type of practice by a

第十四条 司法鉴定机构有下列情形之一的，市司法行政部门注销其登记，收回《司法鉴定许可证》：

- （一）申请终止司法鉴定活动的；
- （二）设立司法鉴定机构的法人或者其他组织终止的；
- （三）被撤销登记的；
- （四）《司法鉴定许可证》有效期届满未申请延续或者延续申请未被审核通过的；
- （五）法律、法规规定的其他情形。

第十五条 司法鉴定人有下列情形之一的，市司法行政部门注销其登记，收回《司法鉴定人执业证》：

- （一）申请终止司法鉴定活动的；
- （二）所执业的司法鉴定机构被注销的；
- （三）《司法鉴定人执业证》使用期限届满未申请延续或者延续申请未被审核通过的；
- （四）因无行为能力或者限制行为能力等原因丧失鉴定能力的；
- （五）被撤销登记的；
- （六）因故意犯罪或者职务过失犯罪受到刑事处罚的；
- （七）公职人员受到开除公职处分的；
- （八）相关行业的执业资格被撤销、注销的；
- （九）法律、法规规定的其他情形。

第十六条 司法鉴定机构应当按照国家和本市有关规定建立健全重大事项报告、质量控制、重大疑难复杂鉴定复核、回避、收费和财务、档案、考核、投诉处理等内部管理制度，对司法鉴定人的执业活动进行指导、监督和管理，支持司法鉴定人出庭作证，并提供必要条件。

第十七条 司法鉴定机构、司法鉴定人依法开展的执业活动受法律保护。

当事人或者其他人员采用侮辱、殴打、恐吓、损毁财物等方式破坏司法鉴定机构正常工作秩序违反治安管理规定的，公安机关应当依法处理。

forensic appraiser shall be handled in accordance with relevant provisions of the State.

Article 14 Where a forensic appraisal institution falls under any of the following circumstances, its registration shall be cancelled by the municipal judicial administration department, and the Forensic Appraisal License shall be recovered:

- (1) It applies for termination of forensic appraisal activities;
- (2) The legal person or any other organization that has established the forensic appraisal institution is terminated;
- (3) It has been deregistered;
- (4) It fails to apply for a renewal upon expiration of the Forensic Appraisal License, or the application for renewal fails to get approved; or
- (5) Other circumstances stipulated by laws and regulations.

Article 15 Where a forensic appraiser falls under any of the following circumstances, the municipal judicial administration department shall cancel the registration thereof and revoke the Forensic Appraiser's License:

- (1) He or she applies for termination of forensic appraisal activities;
- (2) The forensic appraisal institution where he or she works has been cancelled;
- (3) He or she fails to apply for a renewal upon expiration of the Forensic Appraiser's License, or the application for renewal fails to get approved;
- (4) He or she has lost the ability of appraisal due to incapacity for act, limited capacity for act or other reasons;
- (5) He or she has been deregistered;
- (6) He or she has been subjected to criminal punishment for intentional crime or involuntary duty-related crime;
- (7) He or she is a civil servant who has been dismissed from office;
- (8) His or her practicing qualifications in relevant industries have been revoked or cancelled; or
- (9) Other circumstances stipulated by laws and regulations.

Article 16 Forensic appraisal institutions shall, in accordance with relevant provisions of the State and this Municipality, establish and improve internal management systems for major event reporting, quality control, review of major, difficult and complex appraisal, recusal, charging, financial affairs, archives, assessment, complaint handling, etc., guide, supervise and manage the practicing activities of forensic appraisers, support forensic appraisers in testifying in court, and provide necessary conditions.

Article 17 The practicing activities carried out by forensic appraisal institutions and forensic appraisers according to law shall be protected by law.

Where a party concerned or any other person disrupts the normal working order of a forensic appraisal institution by insult, beating, intimidation, property damage or other means, which violates the provisions on the administration of public security, the public security organ shall deal with the matter according to law.

司法鉴定人及其近亲属因司法鉴定执业活动受到人身安全威胁的，办案机关应当根据具体情况及时采取相关措施，保护司法鉴定人及其近亲属不因司法鉴定执业活动受到伤害。

第三章 司法鉴定活动

第十八条 办案机关需要司法鉴定的，应当依法委托司法行政部门编制名册中的司法鉴定机构、司法鉴定人进行司法鉴定，并向司法鉴定机构出具委托书。

司法鉴定机构应当统一接受司法鉴定委托，司法鉴定人不能以个人名义接受委托。

委托书应当明确下列事项：

- （一）办案机关、诉讼当事人和司法鉴定机构的基本情况；
- （二）委托鉴定的事项、用途、要求、时限、收费和是否属于重新鉴定；
- （三）与鉴定事项有关的基本案情；
- （四）办案机关提供的鉴定材料目录和数量、鉴定材料耗损的处理以及需要到场见证的情形；
- （五）其他需要确认的事项。

前款规定事项明确的，司法鉴定机构无正当理由不得拒绝开展鉴定业务；前款规定事项不明确影响鉴定业务开展的，办案机关应当按照前款规定进行补正。司法鉴定过程中，前款规定事项需要变更的，应当由双方协商后以书面形式确定。

第十九条 办案机关对司法鉴定人有特定要求的，司法鉴定机构应当按照办案机关的要求指定司法鉴定人；办案机关对司法鉴定人没有特定要求的，司法鉴定机构可以根据需要指定至少二名司法鉴定人。被指定的司法鉴定人应当签署承诺书，对依法从事司法鉴定作出承诺。

第二十条 司法鉴定机构、司法鉴定人从事司法鉴定业务，应当遵守法律、法规，遵守职业道德和职业纪律，遵守管理规范，不得有下列行为：

Where the personal safety of a forensic appraiser and the close relatives thereof is under threat due to forensic appraisal activities, the case handling organ shall, in light of the circumstances, promptly take relevant measures to protect the forensic appraiser and the close relatives thereof from being harmed by forensic appraisal activities.

Chapter III Forensic Appraisal Activities

Article 18 Where a case handling organ needs forensic appraisal, it shall, in accordance with the law, entrust a forensic appraisal institution or forensic appraiser in the roster prepared by the judicial administration department to conduct forensic appraisal, and issue a certificate of entrustment to the forensic appraisal institution.

Forensic appraisal institutions shall accept forensic appraisal entrustment in a unified way, and forensic appraisers shall not accept entrustment in their own name.

A letter of entrustment shall specify the following matters:

- (1) basic information of the case handling organ, litigants and forensic appraisal institution;
- (2) the matter, purpose, requirements, time limit, and charges with respect to the entrusted appraisal, and whether the entrusted appraisal belongs to a reappraisal;
- (3) basic case facts related to the matter subject to appraisal;
- (4) the catalog and quantity of the appraisal materials provided by the case handling organ, the disposal of the loss of the appraisal materials, and the situation requiring presence and witness; and
- (5) other matters to be confirmed.

If the matters specified in the preceding paragraph are clear, a forensic appraisal institution shall not refuse to conduct the appraisal without justified reasons; if the matters specified in the preceding paragraph are not clear, which affects the appraisal, the case handling organ shall make additions and corrections in accordance with the provisions of the preceding paragraph. In the process of forensic appraisal, if the matters specified in the preceding paragraph need a change, it shall be determined in writing after consultation between both parties.

Article 19 Where a case handling organ has specific requirements on forensic appraisers, the forensic appraisal institution shall appoint forensic appraisers as required by the case handling organ; where a case handling organ has no specific requirements on forensic appraisers, the forensic appraisal institution may appoint at least two forensic appraisers as needed. The appointed forensic appraisers shall sign a letter of commitment and commit to engaging in forensic appraisal according to law.

Article 20 Forensic appraisal institutions and forensic appraisers shall, when engaging in the business of forensic appraisal, abide by laws, regulations, code of conduct and professional ethics, and management norms, and shall not commit any of the following acts:

- (一) 超出登记的业务范围或者执业类别开展司法鉴定活动;
- (二) 未依法办理变更登记;
- (三) 登记事项发生变化、不再符合登记条件, 不及时采取整改措施或者未依法重新办理登记;
- (四) 涂改、转让、出租、出借《司法鉴定许可证》或者《司法鉴定人执业证》;
- (五) 支付回扣、介绍费, 或者进行虚假宣传等不正当行为;
- (六) 司法鉴定机构擅自设立分支机构, 或者组织未取得《司法鉴定人执业证》的人员从事司法鉴定业务;
- (七) 司法鉴定机构无正当理由拒绝接受办案机关委托的司法鉴定, 或者司法鉴定人私自接受司法鉴定委托;
- (八) 司法鉴定人在两个以上司法鉴定机构执业, 或者在执业过程中违反保密、回避等规定;
- (九) 拒绝接受司法行政部门监督、检查或者向其提供虚假材料;
- (十) 法律、法规规定的其他禁止性行为。

第二十一条 司法鉴定人进行司法鉴定, 有国家强制标准的, 应当采用国家强制标准; 没有国家强制标准的, 采用国家推荐标准、行业标准和技术规范; 没有国家标准、行业标准和技术规范的, 采用团体标准或者该专业领域通行的技术方法。

市司法鉴定行业协会可以根据司法鉴定工作需要, 遵循开放、透明、公平的原则, 组织本市司法鉴定专家库成员和司法鉴定机构制定符合相关领域司法鉴定活动需要的团体标准。

第二十二条 市司法行政部门指导市司法鉴定行业协会建立本市司法鉴定专家库。司法鉴定机构、办案机关根据需要可以就复杂、疑难、特殊技术等问题向专家库成员咨询。专家咨询意见供司法鉴定人和办案机关参考。

第二十三条 人民法院要求司法鉴定人出庭作证的, 应当在开庭审理 3 日前书面通知司法鉴定机构和司法鉴定人, 司法鉴定人应当出庭作证。有下列情形之一的, 经人民法院许可, 司法鉴定人可以通过书面证言、视听传输技术或者视听资料等方式作证:

- (1) carrying out forensic appraisal activities beyond the registered business scope or practice category;
- (2) failing to go through the change registration according to law;
- (3) failing to promptly take rectification measures or failing to register anew in accordance with the law after the registered items have changed or the registration conditions are no longer met;
- (4) altering, transferring, leasing or lending the Forensic Appraisal License or Forensic Appraiser's License;
- (5) committing improper acts such as payment of kickbacks or referral fees, and misleading propaganda;
- (6) for a forensic appraisal institution, establishing a branch without authorization, or organizing forensic appraisal which is carried out by persons without a Forensic Appraiser's License;
- (7) for a forensic appraisal institution, refusing to accept the forensic appraisal entrustment of a case handling organ without justified reasons, or for a forensic appraiser, privately accepting forensic appraisal entrustment;
- (8) for a forensic appraiser, working for two or more forensic appraisal institutions, or violating the provisions on confidentiality or recusal during the work;
- (9) refusing to accept the supervision and inspection of the judicial administration departments, or providing them with false materials; or
- (10) other acts prohibited by laws and regulations.

Article 21 In forensic appraisal by forensic appraisers, where there are national compulsory standards, the national compulsory standards shall be adopted; in the absence of national compulsory standards, the national recommended standards, industrial standards and technical specifications shall be adopted; in the absence of national standards, industrial standards and technical specifications, group standards or the technical methods commonly used in the professional field shall be adopted.

The municipal industry association of forensic appraisal may, according to the work needs of forensic appraisal and following the principles of openness, transparency and fairness, organize formulation of group standards that meet the needs of forensic appraisal activities in relevant fields by members of this Municipality's database of forensic appraisal experts and forensic appraisal institutions.

Article 22 The municipal judicial administration department shall guide establishment of this Municipality's database of forensic appraisal experts by the municipal industry association of forensic appraisal. Forensic appraisal institutions and case handling organs may consult members of the expert database on complex, difficult and special technical issues as needed, whose advice will be provided to forensic appraisers and case handling organs for reference.

Article 23 Where a people's court requires a forensic appraiser to testify in court, it shall notify the forensic appraisal institution and forensic appraiser in writing 3 days before the trial, and the forensic appraiser shall testify in court. Under any of the following circumstances, a forensic appraiser may, with the permission of the people's court, testify by means of written testimony, audio-visual transmission technology or audio-visual materials:

- (一) 因健康原因不能出庭的;
- (二) 因路途遥远, 交通不便不能出庭的;
- (三) 因自然灾害等不可抗力不能出庭的;
- (四) 其他有正当理由不能出庭的。

人民法院应当为司法鉴定人出庭提供特定通道、庭审席位等便利条件, 并采取措施保障参加庭审的司法鉴定人的人身安全和其他合法权益。

司法鉴定人按照人民法院指定日期出庭发生的交通费、住宿费、生活费和误工补贴, 应当按照国家规定的标准, 由诉讼当事人向人民法院交纳, 人民法院代为收取后向司法鉴定机构支付。

第二十四条 有下列情形之一的, 司法鉴定机构应当中止鉴定, 并及时书面通知办案机关:

- (一) 被鉴定人或者鉴定材料处于不稳定状态, 可能影响鉴定结论的;
- (二) 被鉴定人不能在规定的地点接受检验的;
- (三) 因特殊检验需预约时间或者等待检验结果的;
- (四) 需见证人员到场见证的情况下, 见证人员未到场的;
- (五) 需补充或者重新提取鉴定材料的;
- (六) 司法鉴定机构与办案机关书面约定的其他中止鉴定的情形。

前款规定情形消失后, 司法鉴定机构应当恢复鉴定, 并及时书面通知办案机关。

中止鉴定的时间不计算在鉴定期限内。

第二十五条 在鉴定过程中, 发生办案机关撤销鉴定委托或者因不可抗力等原因致使司法鉴定无法继续进行的, 终止鉴定。

第二十六条 有下列情形之一的, 办案机关要求重新鉴定的, 司法鉴定机构可以接受办案机关的委托进行重新鉴定, 重新鉴定的规则、相关费用的处理按照国家有关规定执行:

- (一) 原司法鉴定人不具有从事委托鉴定事项执业资格的;
- (二) 原司法鉴定机构超出登记的业务范围开展鉴定的;

- (1) being unable to appear in court due to poor health;
- (2) being unable to appear in court due to long journey and poor transportation;
- (3) being unable to appear in court due to force majeure such as natural disasters; or
- (4) being unable to appear in court for other justified reasons.

The people's court shall provide special channels, trial seats and other facilitating conditions for forensic appraisers to appear in court, and take measures to protect the personal safety and other legitimate rights and interests of forensic appraisers who attend trials.

The traffic expenses, accommodation expenses, living expenses and subsidies for loss of working time incurred by a forensic appraiser appearing in court on the date designated by the people's court shall be paid by the litigants to the people's court according to the standards prescribed by the State, and then paid by the people's court to the forensic appraisal institution.

Article 24 Under any of the following circumstances, the forensic appraisal institution shall suspend the appraisal and promptly notify the case handling organ in writing:

- (1) The person subject to appraisal or appraisal materials are in an unstable state, which may affect the appraisal conclusion;
- (2) The person subject to appraisal is unable to accept the inspection at the prescribed time and place;
- (3) It is necessary to make an appointment or wait for the inspection results for a special inspection;
- (4) A witness whose presence is necessary is not present;
- (5) It is necessary to add or re-collect appraisal materials; or
- (6) Other circumstances of suspension of appraisal as agreed in writing between the forensic appraisal institution and the case handling organ.

After the circumstances specified in the preceding paragraph ceases to exist, the forensic appraisal institution shall resume the appraisal and promptly notify the case handling organ in writing.

The time of suspension of appraisal shall not be included in the time limit for appraisal.

Article 25 In the course of appraisal, if the case handling organ cancels the appraisal entrustment or the forensic appraisal cannot continue due to force majeure or other reasons, the appraisal shall be terminated.

Article 26 Where the case handling organ, under any of the following circumstances, requests a re-appraisal, the forensic appraisal institution may accept the entrustment of the case handling organ to conduct the re-appraisal, and the rules for re-appraisal and relevant expenses shall follow relevant provisions of the State:

- (1) The original forensic appraiser is disqualified from engaging in the entrusted appraisal;
- (2) The original forensic appraisal institution conducts appraisal beyond the registered business scope;

(三) 原司法鉴定人应当回避而没有回避的;

(四) 鉴定程序严重违法的;

(五) 鉴定意见明显依据不足的;

(六) 鉴定意见不能作为证据使用的其他情形。

第二十七条 司法鉴定机构开展司法鉴定活动收取鉴定费和其他相关费用应当符合司法鉴定收费管理的规定,并明示收费标准。司法鉴定收费管理办法由市人民政府价格主管部门会同市司法行政部门制定,并向社会公布。

司法鉴定费及其他相关费用由司法鉴定机构按照前款规定统一收取,司法鉴定人不得私自收取任何费用。

第四章 监督管理

第二十八条 司法行政部门应当建立健全司法鉴定监督检查制度,采取随机抽取检查对象、随机选派检查人员等方式,就下列事项对司法鉴定机构和司法鉴定人以及司法鉴定活动进行监督、检查,并向社会公开检查结果:

(一) 司法鉴定机构和司法鉴定人遵守司法鉴定程序、技术标准和技术规范及有关法律、法规和规章情况;

(二) 司法鉴定人遵守职业道德和职业纪律情况;

(三) 司法鉴定机构管理制度建立及执行情况;

(四) 司法鉴定机构的人员、场地、仪器设备等设置和配备情况;

(五) 其他依法应当监督检查的事项。

第二十九条 司法行政部门根据需要可以委托第三方对司法鉴定机构、司法鉴定人从事司法鉴定业务情况进行评估。评估结果可以作为司法行政部门制定政策、完善制度的重要参考。

第三十条 与司法鉴定事项有利害关系的个人、法人或者其他组织,认为司法鉴定机构或者司法鉴定人在执业活动中有下列违法违规行为的,可以向司法鉴定机构所

- (3) The original forensic appraiser fails to recuse himself or herself as required;
- (4) The appraisal procedure is seriously illegal;
- (5) The appraisal opinion is obviously lack of basis; or
- (6) Other circumstances in which the appraisal opinion cannot be used as evidence.

Article 27 The collection of appraisal fees and other related fees by forensic appraisal institutions in carrying out forensic appraisal activities shall conform to the provisions on the administration of forensic appraisal fees, and the charging standards shall be clearly stated. The measures for administration of forensic appraisal fees shall be formulated by the price department of the Municipal People's Government together with the municipal judicial administration department, and shall be announced to the public.

Forensic appraisal fees and other related fees shall be collected by forensic appraisal institutions in accordance with the provisions in the preceding paragraph in a unified way, and forensic appraisers shall not collect any fees without permission.

Chapter IV Supervision and Administration

Article 28 The judicial administration departments shall establish and improve the supervision and inspection system for forensic appraisal, carry out supervision and inspection of forensic appraisal institutions, forensic appraisers and forensic appraisal activities with respect to the following matters by selecting inspection targets and inspectors at random, and announce the inspection results to the public:

- (1) the compliance of forensic appraisal institutions and forensic appraisers with the procedures, technical standards, and technical specifications for forensic appraisal, as well as relevant laws, regulations and rules;
- (2) the adherence to code of conduct and professional ethics by forensic appraisers;
- (3) the establishment and implementation of the management systems of forensic appraisal institutions;
- (4) the personnel, sites, instruments and equipment of forensic appraisal institutions; and
- (5) other matters that shall be subject to supervision and inspection according to law.

Article 29 The judicial administration departments may, when necessary, entrust a third party to evaluate the performance of forensic appraisal institutions and forensic appraisers in forensic appraisal. The evaluation results may be used as an important reference for the judicial administration departments to formulate policies and improve systems.

Article 30 Where an individual, legal person or any other organization having an interest in a forensic appraisal matter considers that the forensic appraisal institution or forensic appraiser has any of the following violations of laws or regulations in practicing activities, a complaint may be made to the judicial administration department of the place

在地的司法行政部门投诉：

- （一）超出登记的业务范围或者执业类别从事司法鉴定活动的；
- （二）司法鉴定机构组织未取得《司法鉴定人执业证》的人员违规从事司法鉴定业务的；
- （三）司法鉴定机构无正当理由拒绝接受司法鉴定委托或者司法鉴定人私自接受司法鉴定委托的；
- （四）司法鉴定人经人民法院通知，无正当理由拒绝出庭作证的；
- （五）司法鉴定人在执业过程中违反保密和回避规定的；
- （六）司法鉴定人造成鉴定材料、样本、资料丢失或者损坏等不负责任的行为；
- （七）其他违反司法鉴定管理规定的行为。

司法行政部门应当按照国家和本市规定及时调查处理，并将处理结果书面告知投诉人。

司法行政部门在投诉调查处理中，可以根据需要委托司法鉴定行业协会协助开展有关工作。

第三十一条 投诉事项有下列情形之一的，司法行政部门不予受理：

- （一）已经司法行政部门或者相关行政管理部门处理，或者经行政复议、行政诉讼结案，且没有提出新的事实和证据的；
- （二）对司法鉴定程序规则及技术标准、技术规范的规定，办案机关是否采信司法鉴定意见，或者仅对司法鉴定意见有异议的；
- （三）司法鉴定意见已被审判机关生效法律文书作为证据采纳的；
- （四）不属于司法行政部门职责或者不属于司法鉴定管理范围的。

第三十二条 司法行政部门就日常监督检查和投诉调查处理中发现的问题，应当对司法鉴定机构负责人、司法鉴定人进行约谈、提出整改要求；对应当给予行政处罚的，司法行政部门应当依法处理或者移送有关部门处理；对涉嫌违反行业自律管理的，交由司法鉴定行业协会调查处理；涉嫌犯罪的，移送司法机关处理。

where the forensic appraisal institution is located:

- (1) engaging in forensic appraisal activities beyond the registered business scope or practice category;
- (2) for a forensic appraisal institution, organizing forensic appraisal which is carried out by persons without a Forensic Appraiser's License in violation of regulations;
- (3) refusing to accept forensic appraisal entrustment without justified reasons by a forensic appraisal institution, or accepting forensic appraisal entrustment without permission by a forensic appraiser;
- (4) refusing to testify in court without justified reasons by a forensic appraiser after being notified by the people's court;
- (5) violating the provisions on confidentiality and recusal by a forensic appraiser in the practice;
- (6) committing irresponsible acts by a forensic appraiser, which causes loss of or damage to appraisal materials, samples and data; or
- (7) other acts of violating the provisions on the administration of forensic appraisal.

The judicial administration department shall, in accordance with the provisions of the State and this Municipality, investigate and handle the case in a timely manner, and inform the complainant of the result in writing.

In the investigation and handling of complaints, the judicial administration department may entrust an industry association of forensic appraisal to assist in the relevant work as needed.

Article 31 The judicial administration department shall not accept a complaint that falls under any of the following circumstances:

- (1) It has been dealt with by the judicial administration department or the relevant administrative department, or the case has been concluded after administrative reconsideration or administrative litigation, and no new facts and evidence have been put forward;
- (2) There are disagreements on the rules of procedure, technical standards and technical specifications for forensic appraisal, whether the case handling organ should adopt the opinions of forensic appraisal, or only on the opinions of forensic appraisal;
- (3) The forensic appraisal opinion has been admitted as evidence in an effective legal document of the judicial organ; or
- (4) It does not fall within the scope of responsibility of the judicial administration department or the management scope of forensic appraisal.

Article 32 For the problems found in the daily supervision and inspection and complaint investigation and handling, the judicial administration departments shall interview the persons in charge of forensic appraisal institutions and the forensic appraisers, and put forward rectification requirements; for the problems that shall be given administrative punishment, the judicial administration departments shall deal with them in accordance with the law or transfer them to relevant departments for handling; the problems suspected of violating industry self-discipline management shall be transferred to the industry association of forensic appraisal for investigation; and those suspected of constituting crimes shall be transferred to judicial organs for handling.

第三十三条 司法行政部门应当通过市公共法律服务网络平台向社会公布司法鉴定机构和司法鉴定人名册，提供司法鉴定信息查询、业务咨询等法律服务，公示司法鉴定机构和司法鉴定人受到的奖惩等情况。

第三十四条 司法行政部门建立司法鉴定信用评价制度，对司法鉴定机构和司法鉴定人执业的信用状况进行评价。司法行政部门将评价结果共享到本市公共信用信息平台，由有关部门依法采取激励或者信用惩戒措施。

第五章 法律责任

第三十五条 违反本条例第九条规定，个人、法人或者其他组织未经登记从事司法鉴定业务的，由市司法行政部门责令停止违法活动；有违法所得的，没收违法所得，并处三万元以上五万元以下罚款；没有违法所得的，处一万元以上三万元以下罚款。

第三十六条 司法鉴定机构、司法鉴定人违反本条例第二十条第（一）项至第（四）项、第（六）项至第（十）项规定的，由市司法行政部门给予警告，责令限期改正；逾期不改正的，给予停止从事司法鉴定业务3个月以上1年以下的处罚；情节严重的，撤销登记。

第三十七条 司法鉴定人或者司法鉴定机构有下列情形之一的，由市司法行政部门给予停止从事司法鉴定业务3个月以上1年以下的处罚；情节严重的，撤销登记：

- （一）因严重不负责任给当事人合法权益造成重大损失的；
- （二）提供虚假证明文件或者采取其他欺诈手段，骗取登记的；
- （三）经人民法院依法通知，拒绝出庭作证的；
- （四）法律、行政法规规定的其他情形。

司法鉴定人故意作虚假鉴定，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依照前款规定处罚。

第三十八条 司法鉴定机构和司法鉴定人违反本条例第二十条第（五）项和第二十七条规定的，由市场监督管理部门依法追究法律责任。

Article 33 The judicial administration departments shall, through the municipal public legal service network platform, publish the roster of forensic appraisal institutions and forensic appraisers, provide legal services such as forensic appraisal information inquiry and business consultation, and publicize the rewards and punishments received by forensic appraisal institutions and forensic appraisers.

Article 34 The judicial administration departments shall establish a credit evaluation system for forensic appraisal to evaluate the practicing credit of forensic appraisal institutions and forensic appraisers. The judicial administration departments shall share the evaluation results on this Municipality's public credit information platform, and the relevant departments shall take incentive or credit disciplinary measures according to law.

Chapter V Legal Liability

Article 35 Where an individual, legal person or any other organization, in violation of the provisions of Article 9 of the Regulations, engages in forensic appraisal without registration, the municipal judicial administration department shall order it to stop its illegal activities, confiscate the illegal income, if any, and concurrently impose a fine of not less than 30,000 yuan but not more than 50,000 yuan; if there is no illegal income, a fine of not less than 10,000 yuan but not more than 30,000 yuan shall be imposed.

Article 36 Where a forensic appraisal institution or forensic appraiser violates the provisions of Items (1) to (4) or Items (6) to (10) of Article 20 of the Regulations, the municipal judicial administration department shall give a warning and order the institution or appraiser to make corrections within a prescribed time limit; whoever fails to make corrections within the prescribed time limit shall be suspended from engaging in forensic appraisal for not less than 3 months but not more than 1 year; if the circumstances are serious, the registration shall be revoked.

Article 37 A forensic appraiser or forensic appraisal institution under any of the following circumstances shall be suspended from engaging in forensic appraisal for not less than 3 months but not more than 1 year by the municipal judicial administration department; if the circumstances are serious, the registration shall be revoked:

- (1) causing heavy losses to the legitimate rights and interests of the parties concerned due to serious irresponsibility;
- (2) providing false supporting documents or adopting other fraudulent means to obtain registration by deception;
- (3) refusing to testify in court after being notified by the people's court according to law; or
- (4) other circumstances stipulated by laws and administrative regulations.

Where a forensic appraiser intentionally makes a false appraisal, which constitutes a crime, criminal liability shall be investigated for according to law; if no crime is constituted, penalties shall be given in accordance with the provisions of the preceding paragraph.

Article 38 Where forensic appraisal institutions and forensic appraisers violate the provisions of Item (5), Article 20 and Article 27 of the Regulations, they shall be held legally accountable by the market supervision and management departments according to law.

第六章 附 则

第三十九条 从事本条例第二条第一款规定以外鉴定业务的专业机构和人员，由相关行政管理部门依照有关法律、行政法规进行管理。

公安机关、检察机关等可以根据工作需要设立司法鉴定机构开展司法鉴定业务，但不得面向社会接受委托。公安机关、检察机关等设立的司法鉴定机构及司法鉴定人由其直接管理，向市司法行政部门备案。

第四十条 本条例自 2021 年 1 月 1 日起施行。

Chapter VI Supplementary Provisions

Article 39 Professional institutions and persons engaged in appraisal businesses other than those specified in the Paragraph 1 of Article 2 of the Regulations shall be managed by relevant administrative departments in accordance with relevant laws and administrative regulations.

Public security organs and procuratorial organs may, according to their work needs, establish forensic appraisal institutions to carry out forensic appraisal business, but they shall not accept entrustment from the public. Forensic appraisal institutions and forensic appraisers established by public security organs and procuratorial organs shall be under the direct management thereof and shall be reported to the municipal judicial administration department for the record.

Article 40 The Regulations shall come into force as of January 1, 2021.

北京市行政执法和行政执法监督暂行规定

(1990年9月24日北京市人民政府第35号令发布)

第一条 为提高本市行政机关依法行政水平，正确、全面地贯彻实施行政管理的法律、法规、规章，根据宪法和地方人民政府组织法的有关规定，制定本规定。

第二条 本规定所称行政执法，是指本市各级人民政府及其所属部门（包括派出机构和经合法授权或委托的组织，以下简称行政执法机关），在行政管理工作中执行法律、法规、规章（以下简称法规）的行政行为。

本规定所称行政执法监督，是指本市上级人民政府对下级人民政府、上级行政执法机关对下级行政执法机关、各级人民政府对所属行政执法机关的行政执法实施监督。

第三条 市人民政府领导全市的行政执法和行政执法监督工作。

区、县、乡、镇人民政府和区人民政府的街道办事处领导本地区的行政执法和行政执法监督工作。

各级行政执法机关在同级人民政府的统一领导下，负责本部门、本系统的行政执法和行政执法监督工作。

第四条 行政执法机关的执法职责和权限，按法规的规定执行。

除经法规授权或委托，非行政机关或其工作人员不得行使行政执法权。

委托执法，必须经市人民政府批准。

第五条 行政执法，必须做到：

（一）行政决定合法、适当。不得滥施处罚、滥用强制措施，不得违法要求被管理单位或个人（以下简称被管理者）履行义务。

Interim Provisions of Beijing Municipality on Administrative Law Enforcement and Supervision over Administrative Law Enforcement

(Promulgated by Decree No. 35 of the People's Government of Beijing
Municipality on September 24, 1990)

Article 1 The Provisions are formulated for the purposes of improving the law-based administration level of the administrative organs of this Municipality and correctly and comprehensively implementing the laws, regulations and rules governing administrative management in accordance with relevant provisions of the Constitution and the Organic Law of the Local People's Governments.

Article 2 The term "administrative law enforcement" as mentioned in the Provisions refers to the administrative acts of implementing laws, regulations and rules (hereinafter referred to as regulations) on the part of the people's governments at all levels of this Municipality and their subordinate departments (including their local offices and legally authorized or entrusted organizations, hereinafter referred to as administrative law enforcement organs) in their administrative work.

The term "supervision over administrative law enforcement" as mentioned in the Provisions refers to the supervision of a people's government at a higher level over a people's government at a lower level, of an administrative law enforcement organ at a higher level over an administrative law enforcement organ at a lower level, and of the people's governments at various levels over their subordinate administrative law enforcement organs in terms of the administrative law enforcement.

Article 3 The Municipal People's Government shall lead the administrative law enforcement and supervision over administrative law enforcement throughout this Municipality.

The district, county, township or town people's governments and sub-district offices under the district people's governments shall lead the administrative law enforcement and supervision over administrative law enforcement in their respective areas.

Administrative law enforcement organs at all levels shall, under the unified leadership of the people's governments at the corresponding levels, be responsible for the administrative law enforcement and supervision over administrative law enforcement in their own departments and systems.

Article 4 The law enforcement duties and authorities of administrative law enforcement organs shall be governed by the provisions of regulations.

Only administrative organs and their staff may exercise the administrative law enforcement power, unless otherwise authorized or entrusted by regulations.

The law enforcement upon entrustment must be subject to approval of the Municipal People's Government.

Article 5 In the administrative law enforcement, it is necessary to:

(1) make legal and appropriate administrative decisions. It is not allowed to arbitrarily resort to punishments and compulsory measures, or to illegally require managed units or individuals (hereinafter referred to as managed parties) to perform obligations;

（二）符合法定程序，认定事实清楚，应取证的先取证、后裁决。对依法作出的行政决定，不得随意改变或撤销。执行行政处罚，在执行前应允许当事人申诉意见。

（三）严格履行法定职责，提高办事效率。不越权执法。对职责范围内的事项，依法办理，不得借故推诿。对不属职责范围内的事项，应予说明或解释。

（四）严格执法，不得放弃法定职责。

第六条 行政执法工作中，同一事项涉及两个以上行政执法机关的，除法规另有规定依照法规规定执行外，应按下列规定处理：

（一）对审批事项，先受理的机关应主动同相关机关联系。需要取得一致意见的，应协调一致后才能办理。协调不成的，提请共同的上级人民政府裁决。

（二）对违法行为，先处理的机关应主动同相关机关联系或在处理后及时移送机关。

（三）对先受理的机关联系或移送的事项，应及时办理，并将办理结果告诉先受理的机关。

第七条 行政执法机关应建立执法档案，做好执法统计和执法信息工作。

第八条 行政执法机关负责本部门执法人员的教育和管理，确定岗位责任，建立执法工作制度。

行政执法机关不得对执法人员规定罚款指标。

第九条 行政执法机关的执法人员，必须做到：

（一）熟练掌握本部门业务和所执行的法规、执法程序和要求。

（二）严肃执法，秉公办事。不利用职权谋取不正当利益。

（三）不收受被管理者的礼物，执勤时不在被管理单位用餐、购物，不利用职务之便接受被管理者的服务。

（四）按规定着装或佩戴标志，仪容整洁，语言和举止文明，尊重被管理者。查处违法行为时，应坚持先教育后处罚。

(2) act in line with legal procedures, clearly establish facts, and make a decision after evidence collection if it is required. Administrative decisions made according to law shall not be changed or revoked at will. Before the execution of administrative punishments, the parties concerned shall be allowed to appeal;

(3) strictly perform statutory duties and improve the work efficiency. Law enforcement beyond the authority is prohibited. Matters falling within the scope of duties shall be handled in accordance with the law, and no excuse shall be made for buck-passing. A statement or explanation shall be given to matters not falling within the scope of duties;

(4) strictly enforce the law, and the statutory duties shall not be given up.

Article 6 In the administrative law enforcement, if the same matter involves two or more administrative law enforcement organs, it shall be handled in accordance with the following provisions, unless otherwise provided by regulations:

(1) For matters requiring examination and approval, the government body that accepts such matters first shall take the initiative to contact the organs concerned. If an agreement is needed, such matters may be handled only after an agreement has been reached upon coordination. If coordination fails, such matters shall be submitted to the people's government to which all the organs are subordinate for a decision;

(2) For illegal acts, the government body that deals with them first shall take the initiative to contact the organs concerned or promptly transfer them to the organs concerned after handling;

(3) Matters communicated or transferred by the government body that accepts such matters first shall be handled promptly, and the government body that accepts such matters first shall be notified of the result of handling.

Article 7 Administrative law enforcement organs shall establish law enforcement archives and do a good job in law enforcement statistics and information.

Article 8 Administrative law enforcement organs shall be responsible for the education and management of their law enforcement personnel, determine post responsibilities and establish a law enforcement system.

Administrative law enforcement organs shall not set fines target for law enforcement personnel.

Article 9 Law enforcement personnel of administrative law enforcement organs must:

(1) be familiar with their own business and the regulations, law enforcement procedures and requirements they implement;

(2) strictly enforce the law and handle matters impartially. The use of their powers to seek improper interests is prohibited;

(3) not accept the gifts of managed parties, have a meal or go shopping in managed units while on duty, or abuse their powers to receive the services of managed parties;

(4) dress or wear signs as stipulated, keep a clean appearance, speak and behave in a civilized manner, and respect managed parties. When investigating and punishing illegal acts, they shall insist on education before punishment;

（五）坚守岗位，对应处理的事项及时处理。不在执勤岗位上会客或从事与执勤无关的活动。

（六）罚没财物一律上交，不得私分、侵占或截留。

（七）模范遵守法规，不做违法的事情。

第十条 市、区、县人民政府的法制办公室和乡镇人民政府、区人民政府街道办事处法制工作机构，是本级人民政府行政执法监督的执行机关。

市、区、县人民政府各部门的法制处（科），是本部门行政执法监督的执行机构，在同级人民政府行政执法监督执行机关的统筹下，做好本系统、本部门的行政执法监督工作。

行政执法监督执行机关（以下简称执法监督机关）依照本规定，对行政执法机关及其执法人员的执法和遵守本规定的情况进行监督。

执法监督机关设立专门的监督组织或监督人员，对行政执法机关的执法工作进行巡视、检查。

第十一条 行政执法监督的主要形式：

- （一）制定并组织实施执法监督工作计划和制度。
- （二）实行执法工作报告制度，要求被监督机关提供有关情况。
- （三）现场检查、重点调查和专项调查。
- （四）调阅执法案卷和其他有关文书。
- （五）对执法人员进行抽查考核。
- （六）受理有关执法行为的来信来访。
- （七）受理对行政行为的申诉。
- （八）法规规定的其他形式。

第十二条 执法监督机关对执法工作中的问题，按下列规定处理：

（一）对违法设立的执法组织，或不当的授权、委托，报告本级人民政府或其上级行政执法机关责令撤销或纠正。

(5) stick to the post and deal with the matters to be handled in a timely manner. It is not allowed to receive visitors or engage in unrelated activities while on duty;

(6) turn over all confiscated property and not privately divide, embezzle or withhold it;

(7) comply with regulations in an exemplary way and not do anything illegal.

Article 10 The legal affairs offices of the municipal, district or county people's governments and the legal affairs offices of the township or town people's governments and sub-district offices under the district people's governments are the executive organs of the people's governments at the corresponding levels for supervision over administrative law enforcement.

The legal affairs sections (divisions) of various departments of the municipal, district or county people's governments are the executive organs of such departments for supervision over administrative law enforcement, which shall, under the overall planning of the executive organs for supervision over administrative law enforcement of the people's governments at the corresponding levels, do a good job in supervision over administrative law enforcement of their own systems and departments.

Executive organs for supervision over administrative law enforcement (hereinafter referred to as law enforcement supervision organs) shall, in accordance with the Provisions, exercise supervision over the law enforcement of administrative law enforcement organs and their law enforcement personnel and their compliance with the Provisions.

Law enforcement supervision organs shall establish special supervision organizations or appoint special supervision personnel to inspect the law enforcement work of administrative law enforcement organs.

Article 11 Supervision over administrative law enforcement shall include:

(1) to formulate and organize implementation of plans and systems for law enforcement supervision;

(2) to implement a system of reporting on law enforcement and require the organs under supervision to provide relevant information;

(3) to conduct on-site inspection, key investigation and special investigation;

(4) to consult law enforcement files and other relevant documents;

(5) to conduct random inspection and assessment on law enforcement personnel;

(6) to accept letters and visits concerning law enforcement acts;

(7) to accept appeals against administrative acts; and

(8) other forms prescribed by regulations.

Article 12 Law enforcement supervision organs shall deal with the problems in law enforcement according to the following provisions:

(1) for illegally established law enforcement organizations or improper authorization or entrustment, to report to the people's governments at the corresponding levels or the administrative law enforcement organs at higher levels for ordering cancellation or correction;

（二）对不合法或不当的执法行为，通知作出该行为的执法机关撤销或改正，或报告本级人民政府或其上级行政执法机关责令撤销或纠正。

（三）对行政执法机关提出改进工作的意见和建议，并检查改进工作的情况。

（四）对法规实施中发现的属于立法的问题，向上级行政执法机关或市人民政府法制办公室反映。

（五）对行政执法机关之间的执法工作进行协调，或报告本级人民政府或其上级行政执法机关解决。

（六）对违法或失职、渎职行为以及执法不力的，通知其所在机关或其上级行政执法机关处理或改正；对责任人分别情况移送监察、检察机关处理。

执法监督机关发现的上述问题及其处理，应报告同级人民政府法制办公室；重大问题，由区、县人民政府法制办公室报告市人民政府法制办公室。

第十三条 执法监督机关的工作人员执行职务时，应出示监督检查证，被检查、调查的单位和个人有义务协助。

执法监督检查证，由市人民政府制发，每年进行核验。

第十四条 执法监督机关的工作人员，必须模范遵守法规，忠于职守，秉公办事。对有失职守，给法制工作造成损失的，给予行政处分；有严重渎职行为、构成犯罪的，依法追究刑事责任。

第十五条 对拒绝、阻挠、妨害执法监督机关及其工作人员执行职务的，给予行政处分或行政处罚；构成犯罪的，依法追究刑事责任。

第十六条 本规定执行中的具体问题，由市人民政府法制办公室负责解释。

第十七条 本规定自 1990 年 10 月 1 日起施行。

(2) for illegal or improper law enforcement acts, to notify the law enforcement organs that made the acts of cancellation or correction, or report to the people's governments at the corresponding levels or the administrative law enforcement organs at higher levels for ordering cancellation or correction;

(3) to put forward opinions and suggestions on the improvement of work to administrative law enforcement organs, and examine the situation of the improvement;

(4) to report to the administrative law enforcement organs at higher levels or the Legal Affairs Office of the Municipal People's Government legislative problems found in the implementation of regulations;

(5) to coordinate law enforcement among administrative law enforcement organs, or report to the people's governments at the corresponding levels or the administrative law enforcement organs at higher levels for settlement; and

(6) for any illegal act, dereliction of duty, breach of duty or ineffective law enforcement, to report to the organs to which they are subordinate or the administrative law enforcement organs at higher levels for handling or correction; and the persons responsible shall be transferred to the supervisory or procuratorial organs respectively for handling.

The above-mentioned problems found by law enforcement supervision organs and their handling shall be reported to the legal affairs offices of the people's governments at the corresponding levels; major problems shall be reported by the legal affairs offices of the district or county people's governments to the Legal Affairs Office of the Municipal People's Government.

Article 13 When performing their duties, the staff members of law enforcement supervision organs shall show their supervision and inspection certificates, and the units and individuals under inspection and investigation shall have the obligation to give assistance.

The law enforcement supervision and inspection certificates shall be prepared and issued by the Municipal People's Government and verified annually.

Article 14 The staff members of law enforcement supervision organs must abide by regulations in an exemplary way, be devoted to their duties and act impartially. Those who have neglected their duties and caused losses to the legal work shall be given administrative sanctions; those who have seriously breached their duties shall be investigated for criminal responsibility according to law if a crime is constituted.

Article 15 Those who refuse, obstruct or impair the performance of duties by law enforcement supervision organs and their staff members shall be given administrative sanctions or administrative penalties; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 16 The Legal Affairs Office of the Municipal People's Government shall be responsible for the interpretation of specific issues in the implementation of the Provisions.

Article 17 The Provisions shall come into force as of October 1, 1990.

北京市行政处罚听证程序实施办法

(1996年9月23日北京市人民政府第14号令发布 根据2018年
2月12日北京市人民政府第277号令修改)

第一条 为保障听证程序合法、规范、顺利进行,按照《中华人民共和国行政处罚法》(以下简称行政处罚法)有关听证的规定,制定本办法。

第二条 经立案调查,当事人涉嫌违法的行为可能面临责令停产停业、吊销许可证或者执照、较大数额罚款等行政处罚的,行政机关(含经依法授权或者受委托的行政执法组织,下同)应当在案件调查终结前告知当事人有要求举行听证的权利。当事人要求举行听证的,依照行政处罚法和本办法执行。

前款所称较大数额罚款由市级行政机关确定,并报市政府法制机构备案。

第三条 听证应遵循公开、公正和效率的原则,保障当事人的合法权益。

第四条 听证由作出行政处罚的行政机关组织。具体实施工作由其法制机构或相应机构负责。

第五条 行政机关依据本办法第二条第一款规定向当事人告知听证权利时,应当送达听证告知书。听证告知书应当载明当事人有要求听证的权利,行政机关已掌握的基本事实和相关证据,以及当事人可能面临行政处罚的依据、种类和幅度。

当事人要求听证的,可以在听证告知书的送达回证上签署意见,也可以在3日内以其他书面方式向行政机关提出听证要求。当事人逾期未提出要求的,视为放弃听证权利。

第六条 当事人提出听证要求后,行政机关应当及时组织听证,并在听证举行7日前书面通知当事人举行听证的时间、地点、主持人等有关事项,由当事人在通知书送达回证上签字。

Implementing Measures of Beijing Municipality for Procedures on Hearing of Administrative Penalties

(Promulgated by Decree No. 14 of the People's Government of Beijing Municipality on September 23, 1996, and revised in accordance with Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Measures are formulated for the purpose of ensuring the legal, standardized and smooth progress of the hearing procedures in accordance with the provisions of the Law of the People's Republic of China on Administrative Penalties (hereinafter referred to as the Law on Administrative Penalties) on hearings.

Article 2 Where upon investigation, a party suspected of violating the law may face administrative penalties such as suspension of production or business, revocation of its permit or license, or imposition of a comparatively large amount of fine, the administrative organ (including the administrative law enforcement organization authorized or entrusted by law, the same below) shall inform the party of the right to request a hearing before the end of the investigation. If the party requests a hearing, the Law on Administrative Penalties and the Measures shall apply.

The comparatively large amount of fine as mentioned in the preceding paragraph shall be determined by the municipal administrative organ and reported to the legal affairs department of the municipal government for the record.

Article 3 In the hearing, the principles of openness, justice and efficiency shall be followed to protect the legitimate rights and interests of the party.

Article 4 The hearing shall be organized by the administrative organ that imposed administrative penalties. The specific implementation work shall be undertaken by its legal affairs department or corresponding department.

Article 5 When the administrative organ informs the party of the right to a hearing in accordance with the provisions of Paragraph 1, Article 2 of the Measures, it shall serve a notice of hearing. The notice of hearing shall specify the right of the party to request a hearing, the basic facts and relevant evidence that the administrative organ has known, and the basis, type and range of the administrative penalty that the party may face.

If the party requests a hearing, it may state its opinion on the proof of service of the notice of hearing, or it may, within 3 days, make a request for a hearing to the administrative organ in other written forms. If the party fails to make a request within the time limit, it shall be deemed to have waived the right to a hearing.

Article 6 After the party requests a hearing, the administrative organ shall organize the hearing in a timely manner, and notify the party in writing of the hearing time, place,

当事人应当按期参加听证。当事人有正当理由要求延期的，准许延期一次；当事人未按期参加听证且事先未说明理由的，视为放弃听证权利。

第七条 听证由行政机关的法制机构工作人员等非本案调查人员主持，并应当有专人记录。

听证主持人应当由在行政机关从事法制工作 2 年以上或者从事行政执法工作 5 年以上、公道正派的人员担任。

当事人认为听证主持人与本案有直接利害关系，有权向行政机关提出回避申请；是否回避，由行政机关负责人决定。

第八条 听证参加人包括行政处罚案件的当事人及其委托代理人，以及该案调查人员。

当事人委托代理人参加听证的，应当在举行听证前向行政机关提交授权委托书。

第九条 除涉及国家机密、商业秘密或者个人隐私外，听证应当公开举行。听证举行前，行政机关应当将听证的内容、时间、地点及有关事项，予以公告。

第十条 当事人在听证中的权利和义务：

- （一）有权对案件涉及的事实、适用法律及有关情况进行陈述和申辩；
- （二）有权对案件调查人员提出的证据进行质证并提出新的证据；
- （三）如实陈述案件事实和回答主持人的提问；
- （四）遵守听证会场纪律、服从听证主持人指挥。

第十一条 听证应当按下列程序进行：

（一）听证记录人宣布听证会场纪律、当事人的权利与义务。听证主持人介绍主持人和记录人，询问核实听证参加人的身份，宣布听证开始；

（二）案件调查人员提出当事人违法的事实、证据、处罚依据以及行政处罚建议；

（三）当事人就案件的事实进行陈述和辩解，提出有关证据，对调查人员提出的证据进行质证；

chairman and other relevant matters 7 days before the hearing is held, and the party shall sign on the proof of service of the notice.

The party shall attend the hearing on schedule. If the party has a legitimate reason to request a postponement of the hearing, the hearing may be postponed once; if the party fails to attend the hearing on schedule and fails to give a reason in advance, it shall be deemed to have waived the right to a hearing.

Article 7 The hearing shall be presided over by a staff member of the legal affairs department of the administrative organ or any person other than the investigating officers involved in the case in question, and shall be recorded by a specially assigned person.

The hearing chairman shall be a fair and upright person who has been engaged in the legal work for more than 2 years, or in the administrative law enforcement work for more than 5 years in the administrative organ.

If the party considers that the hearing chairman has a direct interest in the case in question, it shall have the right to apply to the administrative organ for recusal, which shall be decided by the head of the administrative organ.

Article 8 The participants in the hearing shall include the party involved in the administrative penalty case and its entrusted agent, as well as the investigating officers of the case.

Where the party entrusts an agent to participate in the hearing, it shall submit a power of attorney to the administrative organ before the hearing.

Article 9 A public hearing shall be held, except where state secrets, business secrets or personal privacies are involved. Before the hearing is held, the administrative organ shall announce the contents, time, place and relevant matters of the hearing.

Article 10 The rights and obligations of the party in the hearing shall include:

- (1) to have the right to make statements and defend itself with regard to the case facts, applicable laws and relevant situations;
- (2) to have the right to make cross-examination on the evidence produced by the investigating officers and present new evidence;
- (3) to truthfully state the case facts and answer the chairman's questions; and
- (4) to observe the discipline at the hearing venue and obey the command of the hearing chairman.

Article 11 The hearing shall proceed in accordance with the following procedures:

- (1) The hearing recorder shall announce the discipline at the hearing venue and the rights and obligations of the party. The chairman shall introduce himself and the recorder, inquire about and verify the identity of the participants in the hearing, and announce the beginning of the hearing;
- (2) The investigating officers shall state the facts, evidence, basis of punishment and suggestions on administrative punishment in respect of the party's violation of the law;
- (3) The party shall make statements and defend itself on the case facts, present relevant evidence, and cross-examine the evidence produced by the investigating officers;

（四）听取当事人最后陈述；

（五）主持人宣布听证结束。听证笔录交当事人审核无误后签字或者盖章。

听证主持人在听证中有权对参加人不当的辩论内容予以制止，维护正常的听证秩序。

第十二条 听证结束后，听证主持人应当依据听证情况，向行政机关负责人提出书面意见。行政机关负责人应当根据听证主持人的意见和听证笔录，依法作出行政处罚决定。

听证的举行，不影响当事人申请行政复议、提起行政诉讼以及请求国家赔偿等权利的行使。

第十三条 行政机关举行听证，不得向当事人收取费用。

第十四条 本办法执行中的具体问题，由市人民政府法制办公室负责解释。

第十五条 本办法自 1996 年 10 月 1 日起施行。

(4) The final statements of the party shall be heard; and

(5) The chairman shall announce the end of the hearing. The written record shall be shown to the party for check and for a signature or seal after the party acknowledges that the record is free of error.

The hearing chairman shall have the right to stop the improper argument of the participants and maintain the normal order of the hearing.

Article 12 After the completion of the hearing, the hearing chairman shall, based on the hearing, put forward written opinions to the head of the administrative organ. The head of the administrative organ shall, in accordance with the opinions of the hearing chairman and the hearing records, make a decision on administrative penalty according to law.

The holding of the hearing shall not affect the exercise of the rights of the party to apply for administrative reconsideration, bring an administrative lawsuit and claim state compensation.

Article 13 The administrative organ shall not charge the party for the hearing.

Article 14 The Legal Affairs Office of the Municipal People's Government shall be responsible for the interpretation of specific issues in implementing the Measures.

Article 15 The Measures shall come into force as of October 1, 1996.

北京市实施行政处罚程序若干规定

(1996年9月23日北京市人民政府第15号令发布 根据2018年
2月12日北京市人民政府第277号令修改)

第一条 为贯彻实施《中华人民共和国行政处罚法》(以下简称行政处罚法),制定本规定。

第二条 本市各级行政机关以及经合法授权或者受委托的组织(以下统称行政机关)实施行政处罚,应当遵守行政处罚法和本规定。

第三条 除法律、行政法规另有规定的外,行政处罚由违法行为发生地的市、区人民政府及其所属行政机关依照职权管辖。

对当事人的同一违法行为,根据不同法律、法规、规章规定,两个以上的行政机关都有管辖权的,应当由先立案的行政机关处罚,但是行政机关在决定行政处罚时,不得给予当事人两次以上罚款的处罚。

行政机关之间对管辖权发生争议时,应当协商解决或者提请共同的上级机关指定管辖。

一个行政机关对违法行为实施行政处罚后,依法应当移送有关行政机关处理的,应当及时将案件及有关材料移送相应机关,被移送的机关应当接收。

第四条 市人民政府根据行政处罚法第十六条的规定,可以决定一个行政机关行使有关行政机关的行政处罚权。

行政机关之间委托行使行政处罚权,必须经市人民政府批准,并以书面形式规定委托内容、权限及相应责任。

第五条 行政机关实施行政处罚时,应当责令当事人改正或者限期改正违法行为。法律、法规或者规章规定应当先责令当事人改正违法行为的,依照规定执行。

Several Provisions of Beijing Municipality on the Procedures for Imposing Administrative Penalties

(Promulgated by Decree No. 15 of the People's Government of Beijing Municipality on September 23, 1996, and revised in accordance with Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Provisions are formulated for the purpose of implementing the Law of the People's Republic of China on Administrative Penalties (hereinafter referred to as the Law on Administrative Penalties).

Article 2 Administrative organs at all levels of this Municipality and legally authorized or entrusted organizations (hereinafter referred to as administrative organs), when imposing administrative penalties, shall abide by the Law on Administrative Penalties and the Provisions.

Article 3 Except as otherwise provided by laws and administrative regulations, administrative penalties shall come under the jurisdiction of the municipal or district people's government in the locality where an illegal act is committed and its subordinate administrative organs in accordance with their functions and powers.

Where two or more administrative organs have jurisdiction over the same illegal act of a party according to the provisions of different laws, regulations and rules, the administrative organ that first accepted the case shall give an administrative penalty. However, when deciding on the administrative penalty, the administrative organ shall not give the party a penalty of fine for more than once.

If a dispute arises over jurisdiction between administrative organs, the matter shall be settled through consultation or reported to their common administrative organ at the next higher level for designation of jurisdiction.

Where an administrative organ, after imposing an administrative penalty on an illegal act, shall transfer it to the relevant administrative organ for handling according to law, it shall promptly transfer the case and relevant materials to the corresponding organ, and the latter organ shall receive them.

Article 4 The Municipal People's Government may, in accordance with the provisions of Article 16 of the Law on Administrative Penalties, decide to have an administrative organ exercise the power of administrative penalty of relevant administrative organs.

The power of administrative penalty entrusted between administrative organs must be subject to the approval of the Municipal People's Government, and the entrusted content, authority and corresponding responsibilities shall be specified in written form.

Article 5 When imposing an administrative penalty, an administrative organ shall order the party that has committed an illegal act to make corrections or to do so within a

第六条 当事人违法行为轻微并及时纠正，没有造成危害后果的，不予行政处罚。

第七条 执法人员依法当场作出处罚决定，必须遵守下列程序：

- （一）向当事人出示身份证件；
- （二）告知当事人违法事实、处罚理由和依据；
- （三）填写预定格式、编有号码的行政处罚决定书；
- （四）将处罚决定书当场交付当事人；
- （五）在2日内将行政处罚决定报所属行政机关备案。

依法可以当场收缴罚款的，还必须向当事人出具市财政局统一制发的罚款收据。

第八条 除依法可以当场决定行政处罚的外，执法人员发现公民、法人或者其他组织有违法行为依法应当给予行政处罚的，应当报行政机关负责人批准立案。

第九条 执法人员调查案件应当收集证据。证据有以下几种：

- （一）书证；
- （二）物证；
- （三）视听资料；
- （四）证人证言；
- （五）当事人的陈述；
- （六）鉴定意见；
- （七）勘验笔录。

第十条 执法人员依法向当事人和有关人员调查案件情况，应当向被调查人出示证件，并制作调查或者询问笔录，笔录由当事人和有关人员签名或者盖章。当事人和有关人员拒绝签名或者盖章的，应当有两名以上执法人员在笔录上注明情况并签名。

行政机关为调查案件需要，有权依法进行现场勘验和技术鉴定。对重要的书证，有权进行复制。

第十一条 执法人员收集证据时，可以采取抽样取证的方法。在证据可能灭失或者以后难以取得的情况下，经行政机关负责人批准，可以先行登记保存。

time limit. If laws, regulations or rules stipulate that the party shall first be ordered to make corrections, such provisions shall prevail.

Article 6 Where a party has committed a minor illegal act and caused no harmful consequences after prompt corrections, no administrative penalty shall be imposed on the party.

Article 7 Where a law enforcement officer decides to impose a penalty on the spot according to law, he must abide by the following procedures:

- (1) to show the party concerned his identity documents;
- (2) to inform the party concerned of the illegal facts, and the reasons and basis for the penalty;
- (3) to fill in an established and numbered form of decision on administrative penalty;
- (4) to give the form of decision to the party concerned on the spot; and
- (5) to report the decision on administrative penalty to the administrative organ to which he belongs for the record within 2 days.

If a fine may be collected on the spot according to law, a receipt for the fine uniformly prepared and issued by the Municipal Finance Bureau must also be issued to the party concerned.

Article 8 Except for the administrative penalties which may be imposed on the spot according to law, law enforcement officers shall, when discovering that administrative penalties shall be imposed according to law on citizens, legal persons or other organizations having committed illegal acts, report to heads of administrative organs for approval.

Article 9 Law enforcement officers shall collect evidence when investigating into cases, which includes:

- (1) documentary evidence;
- (2) physical evidence;
- (3) audio-visual materials;
- (4) witness testimony;
- (5) statements of the party concerned;
- (6) expert opinions; and
- (7) records of investigation.

Article 10 When law enforcement officers investigate into a case with a party and other persons concerned according to law, they shall show their identity documents to the persons under investigation and make a record of the investigation or inquiry, which shall be signed or sealed by the party and other persons concerned. Where the party and other persons concerned refuse to sign or affix a seal, two or more law enforcement officers shall indicate the situation and sign on the record.

For the purpose of investigating into cases, administrative organs shall have the right to conduct on-site inspection and technical appraisal according to law, and shall have the right to reproduce important documentary evidence.

Article 11 Law enforcement officers may obtain evidence through sampling. Under circumstances where there is a likelihood that the evidence may be destroyed or lost, or difficult to be obtained later, law enforcement officers may, with the approval of heads of

第十二条 行政机关对先行登记保存的证据，应当在 7 日内作出下列处理决定：

- （一）需要进行技术检验或者鉴定的，送交检验或者鉴定；
- （二）对依法不需要没收的物品，退还当事人；对依法应予没收的财物，决定没收；
- （三）对于依法应当移送有关部门处理的，移交有关部门；
- （四）法律、法规、规章规定的其他处理方式。

第十三条 行政机关对证据进行抽样取证或者登记保存，应当有当事人在场。当事人不在场或者拒绝到场的，执法人员可以邀请有关人员参加。

对抽样取证或者登记保存的物品应当开列清单，一式两份，写明物品名称、数量、规格等事项，由执法人员、当事人签名或者盖章，一份清单交付当事人。当事人拒绝签名、盖章或者接收的，应当有两名以上执法人员在清单上注明情况。

登记保存物品时，在原地保存可能妨害公共秩序或者公共安全的，可以异地保存。

第十四条 对违法行为调查终结，执法人员应当就案件的事实、证据、处罚依据和建议，向本行政机关负责人提出书面报告。行政机关负责人应当对调查结果进行审查，并根据情况分别作出给予行政处罚、不予行政处罚或者移送司法机关处理的决定。

第十五条 对给予本规定第十六条所列的行政处罚，以及对情节复杂或者重大违法行为给予其他较重的行政处罚，行政机关负责人应当集体讨论决定。法律、法规、规章规定应当经市或者区人民政府批准的行政处罚，应当报经批准后决定。

前款所称其他较重的行政处罚，由市级行政机关确定，并报市人民政府法制办公室备案。

第十六条 行政机关在对当事人作出责令停产停业、吊销许可证或者执照、较大数额罚款等行政处罚决定前，应当告知当事人有要求举行听证的权利。

听证的告知和具体组织实施，按照行政处罚法和《北京市行政处罚听证程序实施办法》执行。

第十七条 行政机关在作出行政处罚决定之前，应当向当事人送达行政处罚事先告知书，告知当事人涉嫌违法的事实、理由和依据，听取当事人的陈述和申辩。

administrative organs, first register the evidence for preservation.

Article 12 Administrative organs shall, within 7 days, make the following decisions on the handling of the evidence registered and preserved in advance:

(1) Where technical inspection or appraisal is needed, the evidence shall be submitted for inspection or appraisal;

(2) Articles that do not need to be confiscated according to law shall be returned to the party concerned; and a decision shall be made to confiscate the property that shall be confiscated according to law;

(3) The evidence shall be transferred to relevant departments for handling if it is required by law; and

(4) Other handling methods as prescribed by laws, regulations and rules shall be adopted.

Article 13 When an administrative organ takes samples of evidence or registers evidence for preservation, it shall have the party concerned present. If the party concerned is absent or refuses to be present, law enforcement officers may invite the persons concerned to participate.

A list of the articles to be sampled for evidence collection or registered for preservation shall be made in duplicate, indicating the name, quantity, specification, etc. of the articles. The list shall be signed or sealed by law enforcement officers and the party concerned, and one copy shall be delivered to the party concerned. If the party concerned refuses to sign, affix a seal or accept the list, two or more law enforcement officers shall indicate the situation on the list.

For registration and preservation of the articles, if in situ preservation may impair public order or public security, ex situ preservation may be conducted.

Article 14 Upon the conclusion of an investigation into an illegal act, law enforcement officers shall submit a written report to the head of the administrative organ to which they belong on the case facts, evidence, and basis and suggestions for punishment. The head of the administrative organ shall examine the results of the investigation and make a decision on imposing an administrative penalty, not imposing an administrative penalty or transferring the case to a judicial organ for handling as the case may be.

Article 15 To impose the administrative penalties listed in Article 16 of the Provisions, and to impose other heavier administrative penalties against complicated or major illegal acts, heads of administrative organs shall make a decision through group discussion. A decision on administrative penalty shall be made after being reported to the municipal or district people's government for approval if it is required by laws, regulations and rules.

Other heavier administrative penalties as mentioned in the preceding paragraph shall be determined by the municipal administrative organ and reported to the Legal Affairs Office of the Municipal People's Government for the record.

Article 16 Before making decisions on administrative penalties such as suspension of production or business, revocation of permits or licenses, or imposition of a comparatively large amount of fine, administrative organs shall notify the party concerned of the right to a hearing.

The notification and specific organization of the hearing shall be governed by the Law on Administrative Penalties and the Implementing Measures of Beijing Municipality for Procedures of Hearing on Administrative Penalties.

Article 17 Before making a decision on administrative penalty, an administrative

第十八条 行政机关作出行政处罚决定，应当制作行政处罚决定书。行政处罚决定书应当载明下列事项：

- （一）当事人的姓名或者名称、地址；
- （二）违法事实和证据；
- （三）行政处罚的种类、数额和依据；
- （四）行政处罚的履行方式和期限；
- （五）不服行政处罚决定，申请行政复议或者提起行政诉讼的途径和期限；
- （六）作出行政处罚决定的行政机关名称和日期，并加盖行政机关印章。

经市或者区人民政府批准的行政处罚，应当在处罚决定书中写明。

第十九条 行政处罚决定书应当向当事人宣告，并当场交付当事人；当事人不在场的，应当在7日内按照民事诉讼法的规定送达当事人或者当事人指定的代收人。送达处罚决定书，必须由受送达人或者代收人在送达回证上记明收到日期，并签名或者盖章。

受送达人拒收处罚决定书的，送达人应当记明拒收的事由和日期，将处罚决定书留置受送达人住所或者收发部门，即视为送达。

委托送达的，应当委托行政机关送达。邮寄送达的，必须有邮寄凭证。

第二十条 行政处罚决定书依法送达后，当事人应当按照行政处罚决定书规定的内容、方式和期限，履行行政处罚决定。

当事人到期未缴纳罚款的，作出处罚决定的行政机关可以依法加处罚款。实施加处罚款后，经催告当事人仍未履行缴纳罚款义务的，具有行政强制执行权的行政机关可以强制执行，没有行政强制执行权的行政机关依法申请人民法院强制执行。

第二十一条 当事人确有经济困难，需要延期或者分期缴纳罚款的，应当写出书面申请，提出具体、可行的延期或者分期缴纳罚款的计划，经作出处罚决定的行政机关批准，可以延期或者分期缴纳。

organ shall serve a prior notice of the administrative penalty on the party concerned, informing the party concerned of the facts of violation of the law, and reasons and basis for the penalty, and shall listen to the statements and defense of the party concerned.

Article 18 An administrative organ shall, when making a decision on administrative penalty, prepare a form of decision on administrative penalty. The form of decision on administrative penalty shall contain the following items:

- (1) name and address of the party concerned;
- (2) facts and evidence of the violation of the law;
- (3) type and amount of, and basis for administrative penalties;
- (4) method of and time limit for performance of administrative penalties;
- (5) way and time limit for applying for administrative reconsideration or bringing an administrative lawsuit if the party concerned refuses to accept the decision on administrative penalty; and
- (6) name of the administrative organ that makes the decision on administrative penalty and date on which the decision is made, and the seal of the administrative organ shall be affixed.

Administrative penalties approved by the municipal or district people's government shall be specified in the form of decision on penalty.

Article 19 The form of decision on administrative penalty shall be announced and given to the party concerned on the spot; if the party concerned is not present, it shall be delivered to the party concerned or the receiver designated thereby in accordance with the provisions of the Civil Procedure Law within 7 days. When a form of decision on penalty is served, the person on whom it is served or the receiver designated thereby must indicate the date of receipt on the proof of service, and affix his signature or seal to it.

If the person on whom the form of decision on penalty is served rejects it, the person serving it shall indicate the reason for and date of the rejection; if the form of decision on penalty is left at the domicile or mail office of the person on whom the form of decision on penalty is served, it shall be deemed served.

Where the service is entrusted, the service shall be entrusted to an administrative organ. If the form of decision on penalty is delivered by post, there must be a certificate of mailing.

Article 20 After the form of decision on administrative penalty is served according to law, the party concerned shall perform the decision on administrative penalty according to the content, method and time limit specified therein.

If the party concerned fails to pay the fine within the time limit, the administrative organ that made the decision may impose an additional fine according to law. After the imposition of an additional fine, if the party concerned still fails to fulfill the obligation of paying the fine after being urged to do so, the administrative organ with the power of administrative enforcement may enforce the payment, and the administrative organ without the power of administrative enforcement shall apply to the people's court for enforcement according to law.

Article 21 If the party concerned truly has financial difficulty and needs to postpone payment of the fine or pay the fine in installments, he shall make a written application and put forward a specific and feasible plan for the postponement or payment of the fine in installments, which may be postponed or paid in installments with the approval of the administrative organ that made the penalty decision.

第二十二条 除行政处罚法规定可以当场收缴罚款的情形外，决定罚款的行政机关或者执法人员应当书面告知当事人向指定的银行缴纳罚款。

银行代收罚款的具体办法，按照国务院和市人民政府的规定执行。

第二十三条 行政机关及其执法人员违反本规定实施行政处罚，或者收缴罚没财物的，按照行政处罚法的规定追究法律责任。

第二十四条 本规定自 1996 年 10 月 1 日起实施，1993 年 10 月 12 日市人民政府发布的《北京市执行行政处罚若干规定》同时废止。

本规定公布前市属各行政机关以及各区人民政府制定的行政处罚程序，与行政处罚法和本规定不符合的，自本规定实施之日起，应当停止执行。

Article 22 Except where the Law on Administrative Penalties provides that a fine may be collected on the spot, the administrative organ or law enforcement officer that decides on the fine shall ask the party concerned in writing to pay the fine to the designated bank.

The specific measures for the collection of fines by banks shall be implemented in accordance with the provisions of the State Council and the Municipal People's Government.

Article 23 Where an administrative organ and its law enforcement officers violate the Provisions in imposing administrative penalties or in collecting confiscated property, they shall be held legally liable in accordance with the provisions of the Law on Administrative Penalties.

Article 24 The Provisions shall come into force as of October 1, 1996, and the Several Provisions of Beijing Municipality on the Execution of Administrative Penalties promulgated by the Municipal People's Government on October 12, 1993 shall be repealed simultaneously.

If the procedures for administrative penalties formulated by the municipal administrative organs and the people's governments of all districts before the promulgation of the Provisions are inconsistent with the Law on Administrative Penalties and the Provisions, the implementation of such procedures shall be stopped from the date when the Provisions come into force.

北京市行政区域界线管理办法

(2004年12月30日北京市人民政府第153号令发布)

第一条 为了加强本市行政区域界线管理,根据国务院《行政区域界线管理条例》的有关规定,结合本市实际情况,制定本办法。

第二条 本办法所称行政区域界线,是指依照法定权限和程序批准的,由行政区域毗邻的相关人民政府行使行政区域管辖权的分界线。

第三条 本市各级人民政府应当严格执行行政区域界线批准文件和行政区域界线协议书的各项规定,维护行政区域界线的严肃性、稳定性。

第四条 对依法公布的行政区域界线,区、县行政区域界线由毗邻的区、县人民政府共同管理;乡、镇行政区域界线由区、县人民政府组织毗邻的乡、镇人民政府共同管理。

第五条 市民政局负责全市行政区域界线管理工作。区、县民政部门负责本行政区域界线管理工作。

发展改革、规划、建设、国土资源等行政部门按照各自职责,做好本市的行政区域界线管理工作。

第六条 市和区、县民政部门应当根据工作需要,明确负责行政区域界线管理工作的机构或者人员。

市和区、县民政部门行政区域界线管理工作所需经费应当列入本级人民政府财政预算,由本级财政予以保障。

第七条 行政区域界线的实地位置,以界桩和作为行政区域界线标志的河流、沟渠、道路等线状地物,以及行政区域界线协议书中明确规定作为指示行政区域界线走向的其他标志物标定。

Measures of Beijing Municipality for Administration of Administration Region Borderlines

(Promulgated by Decree No.153 on December 30, 2004 of Beijing Municipal People's Government)

Article 1 These Measures are formulated according to the relevant regulations prescribed in Regulations on Administration of Administrative Region Borderlines adopted by the State Council, considering the local realities, with a view to enhancing the administration of the administrative region borderlines of Beijing municipality.

Article 2 For the purposes of these Measures, the "administrative region borderlines" refer to the borderlines, which are approved according to legal jurisdiction and procedures, where the relevant people's governments with adjacent administrative regions exercise their jurisdiction of administrative region.

Article 3 The people's governments at all levels in Beijing municipality shall carry out every regulation in the approved documents and the agreement on administrative region borderlines, and maintain the solemnity and stability of the administrative region borderlines.

Article 4 As to the legally publicized administrative region borderlines, the adjacent district and county people's governments shall share the administration of the district and county administrative region borderlines, and the district and county people's government shall organize the adjacent township and town people's government to share the administration of the administrative region borderlines of the township and town administrative region borderlines.

Article 5 The department of civil administration of Beijing municipality shall be in charge of administration of administrative region borderlines of Beijing municipality. The department of civil administration of district or county shall be in charge of the administration of their separate administrative region borderlines.

The administrative departments of development and reform, program, construction, state land resources, etc. shall do a good job in administration of the administrative region borderlines according to their separate duties.

Article 6 The department of civil administration of Beijing municipality, district or county shall clarify the institutions and functionaries responsible for the administration of the administrative region borderlines.

The expenditure for the administration of the administrative region borderlines of Beijing municipality, district or county shall be listed in the financial budget of their equal-level people's government, and safeguarded by the equal-level finance.

Article 7 The real location of the administrative region borderlines shall be demarcated by the boundary markers, other linear land objects such as rivers, canals and roads, etc., as well as signs definitely determined to indicate the directions of administrative region borderlines in the agreement of administrative region borderlines.

行政区域界线标志物的管理工作由毗邻的区、县人民政府签订协议书，实行分工管理。

第八条 任何单位和个人不得损毁界桩。

界桩损坏的，界桩管理责任方应当在原地修复；不能在原地修复的，界桩管理责任方应当与毗邻方协商另选适当地点埋设，但不得改变行政区域界线协议书中确定的实地位置。界桩埋设地点确定后，界桩管理责任方与毗邻方应当签订界桩移动协议书，确定界桩埋设方案及相关费用承担等事项。界桩埋设工作完成后，界桩管理责任方与毗邻方应当及时测绘，制作界桩登记表和成果表。

界桩管理责任方应当及时将界桩移动协议书、界桩登记表和成果表报该行政区域界线批准机关备案。

第九条 任何单位和个人不得擅自移动界桩。依法移动界桩的，不得改变行政区域界线的实地位置。

因建设、开发等原因需要移动界桩的，由建设单位向该行政区域界线毗邻一方的区、县民政部门提交移动界桩的申请，行政区域界线毗邻的区、县人民政府共同协商确定新的埋设地点后，按照本办法第八条第二款、第三款的规定埋设新界桩，并将有关文件报该行政区域界线批准机关备案。移动界桩所需费用，由建设单位承担。

第十条 行政区域界线线状标志物和其他标志物发生改变的，管理责任方应当及时通知毗邻的区、县人民政府，在保持行政区域界线实地位置不变的前提下，协商确定新的标志物。

毗邻的区、县民政部门对新的标志物应当共同进行测绘，增补行政区域界线档案资料，并报该行政区域界线批准机关备案。

第十一条 生产、建设用地确需横跨行政区域界线的，规划行政主管部门应当在批准过程中告知相关区、县人民政府。横跨行政区域界线涉及的地区，由相关区、县人民政府按照法定行政区域界线履行行政管理职能。

第十二条 本市行政区域内的区、县行政区域界线，由市民政部门组织区、县民

The people's governments of adjacent district and county shall sign the agreement and divide the work to administrate the administrative region borderlines.

Article 8 Anyone or unit shall not destroy the boundary markers.

As to the destroyed boundary markers, the party responsible for the administration of the boundary markers shall repair it in the original place; if it/he is unable to restore the boundary marker in the original place, the party responsible for the administration of the boundary markers shall consult with the adjacent counterpart and choose another proper place to set up the boundary marker without changing the real location determined in the agreement of the administrative region borderlines. After deciding the location of setting up the boundary marker, the party responsible for the administration of boundary markers shall sign the agreement of removing the boundary markers with the adjacent counterpart, making sure the items such as the plan of setting up the boundary marker and the relevant expenditure assumption, etc. After finishing setting up the boundary marker, the party responsible for the administration of boundary markers with in time.

The party responsible for the administration of boundary markers shall report the agreement of removing the boundary markers, the registration form of boundary markers and result form to the organ responsible for the approval of the local administrative region borderlines to put on records.

Article 9 Anyone or unit shall not remove the boundary markers arbitrarily. Those, who remove the boundary markers according to law, shall not change the real location of the boundary markers.

With regard to those units that need to remove the boundary markers for the reasons of construction or development, the construction unit shall submit the application of removing the boundary markers to the district or county department of civil administration adjacent to its administrative region borderlines, after the people's government of adjacent district or county consult together to determine the new setting up location, it shall set up the new boundary markers according to Provision2 and Provisions prescribed in Article8, and report the relevant documents to the organ of responsible for the approval of the local administrative region borderlines to put on records. The expenditure for removing the boundary markers shall be paid by the construction unit.

Article 10 If the signs of the administrative region borderlines and other signs change, the party responsible for the administration shall inform the people's government of adjacent district or county and consult together to determine the new signs on the condition of maintaining the real location of the administrative region borderlines.

The departments of civil administration of adjacent district and county shall survey the new signs together, supplement the archives or materials on the administrative region borderlines, and report to the organ responsible for approval of the administrative region borderlines to put on records.

Article 11 If the land used for production and construction really need to cross the administrative region borderlines, the administrative department of program shall inform the relevant people's government of district and county during the process of approval. As to the region concerning crossing the administrative region borderlines, the relevant district and county people's government shall perform their administrative duties according to the legal administrative region borderlines.

Article 12 The department of civil administration of Beijing municipality shall

政部门进行定期联合检查；乡、镇行政区域界线，由区、县民政部门组织乡、镇人民政府进行定期联合检查。

遇有自然灾害、河流改道、道路变化、城市建设等影响行政区域界线实地走向的特殊情况，由该行政区域界线毗邻的区、县民政部门共同对行政区域界线的特定地段随时安排联合检查，填写实地检查表，报该行政区域界线批准机关备案。

第十三条 区、县民政部门联合完成行政区域界线实地检查后，应当及时填写实地检查表。

行政区域界线实地走向难以辨认的，毗邻各方民政部门应当及时组织修测，增设标志物，增补档案资料。

界桩损坏、丢失，其他界线标志物发生变化，越界侵权等问题，由联合检查的相关区、县人民政府负责协商解决。

第十四条 勘定行政区域界线以及行政区域界线管理中形成的协议书、工作图、界线标志记录、备案材料、批准文件以及其他有关材料，应当按照有关档案管理的法律、法规，立卷归档，妥善保管。

第十五条 涉及行政区域界线的地图，其行政区域界线的画法应当与行政区域界线详图或者行政区划图一致。

第十六条 违反本办法的规定，有关国家机关工作人员在行政区域界线管理中有下列行为之一的，根据不同情节，依法给予行政处分；构成犯罪的，依法追究刑事责任：

（一）不履行行政区域界线批准文件和行政区域界线协议书规定的义务，或者不执行行政区域界线批准机关决定的；

（二）擅自移动、改变行政区域界线标志，或者命令、指使他人擅自移动、改变行政区域界线标志，或者发现他人擅自移动、改变行政区域界线标志不予制止的；

（三）不履行维护界桩的义务，造成界桩丢失、损坏的；

（四）对生产、建设用地横跨行政区域界线涉及的地区不履行行政管理职能，造成管理混乱，影响社会稳定的。

organize the district and county departments of civil administration to inspect the district or county administrative region borderlines in Beijing municipality regularly; and the district and county departments of civil administration shall organize the people's government of the township or town to inspect the township or town administrative region borderlines regularly.

If something special happens to affect the real direction of the administrative region borderlines such as natural disasters, rivers changing their routes, road changing or city construction, etc, the district and county departments of civil administration adjacent to the administrative region shall arrange the united inspection of the special section of the administrative region borderlines together, fill the spot inspection form, and report to the organ responsible for approval of the administrative region borderlines to put on records.

Article 13 After finishing the inspection of the spot of the administrative region, the district and county departments of civil administration shall fill in the spot inspection form in time.

If the real direction of the administrative region borderline is hard to identify, every adjacent department of civil administration shall organize to revise the mapping, to put up signs and to supplement the archives or materials.

If the boundary marker is destroyed or lose, other signs of borderlines change, or the right of the borderlines is infringed, etc., the relevant district and county people's governments in charge of the united inspection shall be responsible to deal with it through consultation.

Article 14 The agreement, the working drawing, the log of the borderline signs, the materials for putting on records, the document of approval and other relevant materials in surveying the administrative region borderlines or in administration of the administrative region borderlines, shall be pigeonholed and stored in safekeeping according to the relevant laws or regulations on archives administration.

Article 15 As to the map concerning the administrative region borderlines, the drawing of the administrative region borderlines shall be identical with that of the detailed map of the administrative region borderlines or with that of the administrative division.

Article 16 If the functionaries of the state organs, in violation of these Measures, have committed the following acts in administration of the administrative region borderlines, according to the different circumstances, they shall be given administrative sanctions; or if their act constitutes a crime, they shall be prosecuted for the criminal liabilities.

(1) Those, who do not perform their duties regulated in the approval document or the agreement of the administrative region borderlines, or do not carry out the decision made by the approval organ of the administrative region borderlines;

(2) Those, who arbitrarily remove or change the signs of the administrative region borderlines, or order or instigate others to remove or change the signs of the administrative region borderlines, or do not stop them while finding others removing or changing the signs of the administrative region borders;

(3) Those, who do not perform their duties to maintain the boundary markers, resulting the boundary markers lost or destroyed; and

(4) Those, who do not perform their administrative duty in administration of the region crossing different administrative regions concerning the land used for production or

第十七条 违反本办法第八条第一款、第九条第一款的规定，损毁或者擅自移动界桩的，当事人应当支付修复或者恢复界桩的费用，并由负责管理该界桩的区、县民政部门处 500 元以上 1000 元以下罚款；属于违反治安管理行为的，由公安机关依法处理。

第十八条 乡、镇人民政府与街道办事处之间以及街道办事处之间的行政管辖范围的分界线的管理，参照本办法执行。

第十九条 本办法自 2005 年 3 月 1 日起施行。

construction, resulting in administrative confusion, and impacting social stability.

Article 17 Those, who, in violation of Provision1 of Article8, Provision1 of Article9 of these Measures, destroy or remove the boundary markers arbitrarily, shall pay the expenditure for revising or restoring the boundary markers. The departments of civil administration of district or county shall impose a fine of at least 500 yuan to 1,000 yuan on them; if their act has violated the security administration, the department of public security shall deal with it according to law.

Article 18 As to the administration of the administrative region borderlines within the administrative jurisdiction of the township or town people's governments and die sub-district office as well as that within die administrative jurisdiction between the sub-district offices, it shall be carried out according to these Measures.

Article 19 These Measures shall take effect as of March 1, 2005.

北京市行政问责办法

(2011年6月16日北京市人民政府第233号令公布)

第一章 总 则

第一条 为了加强对行政人员的管理和监督，促进行政人员依法履行行政职责，推进依法行政，建设法治政府，根据有关法律、法规，结合本市实际情况，制定本办法。

第二条 本市各级行政机关的工作人员和法律、法规授权的具有公共事务管理职能的组织及国家行政机关依法委托从事公共事务管理活动的组织中从事公务的人员（以下统称行政人员）不履行、违法履行、不当履行行政职责，导致国家利益、公共利益或者公民、法人和其他组织的合法权益受到损害，或者造成不良影响，依照本办法规定追究责任。

第三条 市人民政府统一领导本市行政问责工作。市人民政府工作部门、区县人民政府及其工作部门和乡镇人民政府、街道办事处按照干部管理权限负责行政问责工作的实施。

第四条 市和区、县监察机关在行政问责工作中履行下列职责：

- （一）指导、监督本级人民政府工作部门的行政问责工作；
- （二）研究行政问责工作中出现的重大问题，并向本级人民政府提出相应建议；
- （三）负责受理、调查按照干部管理权限应当由本级人民政府作出处理决定的行政问责案件，并提出处理建议；
- （四）统计、分析本行政区域行政问责的处理情况；

Measures of Beijing Municipality on Administrative Accountability

(Promulgated by Decree No. 233 of the People's Government of Beijing
Municipality on June 16, 2011)

Chapter I General Provisions

Article 1 These Measures are formulated in accordance with relevant laws and rules, by taking into account the particular situations of this Municipality and for the purposes of strengthening management and supervision of administrative officials, improving the fulfillment of administrative duties according to law by administrative officials, pushing forward law-based administration and building the government up into one that is ruled by law.

Article 2 Where the officials in administrative authorities at all levels in this Municipality and the officials engaged in public affairs in organizations with public administration functions as authorized by laws and regulations as well as organizations entrusted by State administrative organs according to law to engage in public affairs administration activities (hereinafter collectively referred to as administrative officials) fail to perform, illegally perform or improperly perform their administrative duties, resulting in damage to State interests, public interests or the legitimate rights and interests of citizens, legal persons and other organizations, or causing negative impact, they shall be investigated for accountability in accordance with these Measures.

Article 3 The administrative accountability work in this Municipality shall be under the unified leadership of the municipal people's government. Departments of the municipal people's government, district and county people's governments and their departments, the people's governments of townships and towns as well as sub-district offices shall, in light of the jurisdiction in cadre management, be responsible for the implementation of administrative accountability work.

Article 4 The municipal, district and county supervisory organs shall perform the following duties in administrative accountability work:

- (1) guiding and supervising the administrative accountability work carried out by the departments of the people's government at the same level;
- (2) conducting research on significant issues arising from administrative accountability work and accordingly making recommendations to the people's government at the same level;
- (3) accepting and investigating administrative accountability cases on which, in light of the jurisdiction in cadre management, the people's government at the same level shall make decisions, and making recommendations on the handling of these cases; counting administrative accountability cases in their respective administrative areas and analyzing the handling of these cases;
- (4) undertaking other administrative accountability work assigned thereto by the people's government at the same level;

（五）本级人民政府交办的其他行政问责工作。

其他行政机关应当建立健全工作责任制，明确监察、法制、人事等部门或者机构在行政问责工作中的职责，负责受理投诉、控告和检举，开展调查，提出拟处理意见等工作。

第五条 行政问责应当坚持实事求是、公平公正、权责统一、教育与惩处相结合的原则，做到事实清楚、证据确凿、定性准确、处理恰当、程序合法、手续完备。

第六条 市人民政府工作部门、区县人民政府应当定期向市监察机关报告行政问责工作情况。

区、县人民政府工作部门和乡镇人民政府、街道办事处应当定期向区、县监察机关报告行政问责工作情况。

第七条 行政人员应当依法行政，自觉执行法律、法规、规章和上级的决定、命令、部署，确保政令畅通，提高行政效能，保障公民、法人和其他组织的合法权益。

监察机关、人力资源和社会保障部门、法制工作机构应当通过多种形式对行政人员进行有关建设法治政府知识的培训。

第二章 行政问责情形

第八条 行政人员有下列应当履行而未履行行政职责情形之一，导致国家利益、公共利益或者公民、法人和其他组织的合法权益受到损害，或者造成不良影响的，应当进行行政问责：

- （一）对依申请、请求、申诉的行政行为，未按照规定受理、审查、决定的；
- （二）未按照规定检查、检验、检测、检疫的；
- （三）对发现的违法行为未制止、纠正的；
- （四）对依法应当给予行政处罚或者采取行政强制措施违法行为，未予处理的；

(5) undertaking other administrative accountability work assigned thereto by the people's government at the same level.

Other administrative authorities shall establish and optimize the work responsibility system, define the duties of supervisory organs, legislative affairs offices, and personnel departments as well as other departments and institutions in the administrative accountability work, take the responsibility for accepting complaints, accusations and reports, conduct investigations and make recommendations for handling.

Article 5 The investigation of administrative accountability shall be conducted by adhering to the principles of seeking truth from facts, being fair and impartial, balancing powers and liabilities and combining education with punitive measures, and shall be based on clear facts and conclusive evidence. The nature of cases shall be accurately defined, and the cases shall be properly handled by following lawful procedures and complete formalities.

Article 6 The departments of the municipal people's government and district and county people's governments shall, on a regular basis, report their administrative accountability work to the municipal supervisory organ.

The departments of district and county people's governments, the people's governments of townships and towns and sub-district offices shall, on a regular basis, report their administrative accountability work to the district and county supervisory organs.

Article 7 Administrative officials shall perform their administrative duties in accordance with law, consciously implement laws, regulations, rules and decisions, orders and plans made by their superiors, ensure unimpeded implementation of government orders, raise administrative efficiency and safeguard the legitimate rights and interests of citizens, legal persons and other organizations.

The supervisory organs, human resources and social security departments and legislative affairs offices shall, by various means, offer training to administrative officials on the knowledge about rule of law government.

Chapter II Circumstances for Investigation of Administrative Accountability

Article 8 Where administrative officials commit any of the following acts of failing to perform their administrative duties that they should perform, resulting in damage to State interests, public interests or the legitimate rights and interests of citizens, legal persons and other organizations or causing negative impact, they shall be investigated for administrative accountability:

- (1) failing to accept, examine and make a decision on as provided for in regulations any administrative act that is applied, requested or appealed in accordance with law;
- (2) failing to perform examination, inspection, test or quarantine in accordance with relevant regulations;
- (3) failing to stop and rectify illegal acts that are already found;
- (4) failing to deal with the illegal acts against which administrative sanctions shall be

- （五）收到公民、法人或者其他组织的投诉、举报后，未按照规定调查、处理的；
- （六）应当履行保护公民、法人和其他组织人身权和财产权等法定职责，而未履行的；
- （七）行政相对人询问有关行政许可、行政给付条件、程序、标准等事项，拒绝答复的；
- （八）未履行行政复议职责、行政诉讼应诉职责、行政赔偿或者行政补偿职责，损害政府与行政相对人关系的；
- （九）未履行信息公开义务、告知义务或者保密义务的；
- （十）国家和本市规定的其他不履行行政职责的情形。

第九条 行政人员有下列违法履行行政职责情形之一，导致国家利益、公共利益或者公民、法人和其他组织的合法权益受到损害，或者造成不良影响的，应当进行行政问责：

- （一）违反议事规则，个人或者少数人对重大事项作出决定，或者改变集体作出的决定的；
- （二）无依据实施影响公民、法人和其他组织合法权益或者增加公民、法人和其他组织义务的行政行为的；
- （三）违反规定的步骤、顺序、方式、形式等规定程序实施行政行为的；
- （四）超过法定时限或者合理时限履行职责的；
- （五）超越法定权限实施行政行为的；
- （六）隐瞒、截留、挪用、私分或者变相私分行政征收征用款物的；
- （七）违法查封、扣押、没收、征收、征用财物的；
- （八）不具有行政执法资格或者违反规定使用执法证件的；
- （九）违反规定乱收费，或者要求行政相对人接受有偿服务、购买指定商品以及承担其他非法义务的；
- （十）违反规定制作法律文书、使用票据的；

given or administrative enforcement measures shall be taken as provided for in law;

(5)failing to investigate and deal with, as provided for in regulations, the complaints and reports made by citizens, legal persons or other organizations;

(6)failing to perform their statutory duties that they should perform, such as protection of rights of the person and property rights of citizens, legal persons or other organizations;

(7)refusing to make replies to the inquires made by parties subject to administration regarding issues such as terms and conditions, procedures and standards for administrative licensing and administrative payment;

(8)failing to perform the duty of administrative reconsideration, the duty of answering administrative lawsuits, or the duty of paying administrative indemnity or compensation, resulting in spoiling the relationship between the government and parties subject to administration;

(9)failing to fulfill the obligation of making information public, the obligation of notification or the obligation of maintaining confidentiality; or

(10)other acts of failing to perform administrative duties as defined by the State or this Municipality.

Article 9 Where administrative officials commit any of the following acts of illegally performing their administrative duties, resulting in damage to State interests, public interests or the legitimate rights and interests of citizens, legal persons or other organizations, or causing negative impact, they shall be investigated for administrative accountability:

(1)violating the rules of procedure and deciding on significant issues arbitrarily by oneself or by a minority of people, or changing decisions collectively made;

(2)carrying out, without any ground, administrative acts that impair the legitimate rights and interests of citizens, legal persons and other organizations or raise the obligations thereof;

(3)carrying out administrative acts in violation of established procedures such as prescribed steps, order, methods and ways;

(4)performing duties beyond the time limit prescribed by law or beyond a reasonable time limit;

(5)carrying out administrative acts beyond the power of limit prescribed by law;

(6)concealing, withholding, misappropriating, dividing up in private or in disguised form the money and goods of administrative expropriation or requisition;

(7)illegally sealing up, seizing, confiscating, expropriating and requisitioning money and goods;

(8)having no qualification for administrative enforcement of law or violating relevant regulations in use of law enforcement certificate;

(9)charging fees arbitrarily in violation of relevant regulations or demanding the parties subject to administration to accept paid services, buy commodities designated thereby or fulfill other non-statutory obligations;

(10)producing legal documents or using bills and notes in violation of relevant regulations;

（十一）违法委托其他组织或者个人履行职责的；

（十二）实施行政行为无事实根据，或者主要事实不清，主要证据不足的；

（十三）国家和本市规定的其他违法履行行政职责的情形。

第十条 行政人员有下列不当履行行政职责情形之一，导致国家利益、公共利益或者公民、法人和其他组织的合法权益受到损害，或者造成不良影响的，应当进行行政问责：

（一）工作作风懈怠、工作态度恶劣的；

（二）对于明显相同情况的相对人不同对待，歧视特定相对人，或者为实现行政管理目标采取的行政方法、手段明显失当等滥用自由裁量权履行行政职责的；

（三）国家和本市规定的其他不当履行行政职责的情形。

第三章 行政问责方式和适用

第十一条 行政问责的方式为：

（一）责令作出书面检查；

（二）责令道歉；

（三）通报批评；

（四）行政告诫；

（五）停职检查；

（六）调离工作岗位；

（七）责令辞去领导职务；

（八）免职。

行政人员有本办法规定的违法违纪情形，按照《行政机关公务员处分条例》和其他有关规定应当给予处分的，不得以前款规定的行政问责方式代替行政处分，也不得以行政处分代替前款规定的行政问责方式。

第十二条 对应当问责的行政人员，应当根据其行为性质、危害程度等因素确定情节轻重，分别作出如下处理：

- (11)illegally authorizing other organizations or individuals to perform their duties;
- (12)taking administrative acts with no factional basis, or with ambiguous main facts or insufficient main evidence;
- (13)other acts of illegally performing administrative duties stipulated by the State and this Municipality.

Article 10 Where administrative officials commit any of the following acts of improperly performing their administrative duties, resulting in damage to State interests, public interests or the legitimate rights and interests of citizens, legal persons or other organizations, or causing negative impact, they shall be investigated for administrative accountability:

- (1)getting slack at their work and assuming an abominable attitude towards work;
- (2)abusing the right of discretion in performing their administrative duties, including offering differential treatment to parties subject to administration who are clearly under the same situation, discriminating against specific parties subject to administration or adopting apparently improper administrative methods and means to achieve management objectives;
- (3)other acts of improperly performing administrative duties prescribed by the State and this Municipality.

Chapter III Methods and Application of Administrative Accountability

Article 11 Methods to investigate for administrative accountability include:

- (1)ordering to make a written self-criticism report;
- (2)ordering to make apology;
- (3)circulating a notice of criticism;
- (4)giving an administrative warning;
- (5)suspending from office to make a self-criticism;
- (6)transferring from the current post;
- (7)ordering to resign from the post of leadership; or
- (8)removing from office.

Where an administrative official commits any acts in violation of laws or disciplines as stipulated in these Measures and shall be given a sanction pursuant to the Regulations on Sanctions Against Public Servants of Administrative Organs and other relevant regulations,the administrative sanction shall not be replaced by the administrative accountability provided for in the preceding paragraph, and the administrative accountability provided for in the preceding paragraph shall not be replaced by the administrative sanction.

Article 12 For an administrative official who shall be investigated for accountability, the seriousness of his act shall be determined based on the nature of the act, the degree of damage caused thereby and other elements, and the case shall be handled as follows:

（一）情节较轻的，给予责令作出书面检查、责令道歉、通报批评处理；

（二）情节较重的，给予行政告诫、停职检查、调离工作岗位处理；

（三）情节严重的，给予责令辞去领导职务、免职处理。

给予行政告诫、停职检查、调离工作岗位、责令辞去领导职务、免职处理的，可以同时适用责令作出书面检查、责令道歉、通报批评。

第十三条 有下列情形之一的，应当从重处理：

（一）拒绝改正错误的；

（二）隐瞒事实真相，干扰、阻碍行政问责工作的；

（三）对投诉人、控告人、检举人打击报复的；

（四）一年内被给予行政问责两次以上的；

（五）在两人以上共同违法违纪行为中起主要作用的；

（六）其他按照规定应当从重处理的。

第十四条 有下列情形之一的，可以从轻或者减轻处理：

（一）主动交代违法违纪行为的；

（二）积极配合调查或者有立功表现的；

（三）主动采取措施，有效避免或者挽回损失、消除不良影响的；

（四）其他按照规定可以从轻、减轻处理的。

第十五条 行政人员有本办法规定应当予以行政问责的情形，情节轻微，经过批评教育后改正的，可以免于行政问责。

行政人员在紧急情况下有本办法规定的应当予以行政问责情形，但尽到合理注意义务的，不予行政问责。

第十六条 行政人员实施行政行为时，认为上级的决定或者命令有错误的，可以向上级提出改正或者撤销该决定、命令的意见；上级不改变该决定、命令，或者要求立即执行的，行政人员应当执行该决定、命令，执行的后果由上级负责，行政人员不承担责任；但是，行政人员执行明显违法的决定、命令的，应当依法承担相应的责任。

(1) where the circumstances of the case are relatively minor, the administrative official in question shall be ordered to make a written self-criticism, make apologies or be criticized in a notice of criticism;

(2) where the circumstances of the case are relatively serious, the administrative official in question shall be given an administrative warning, suspended from office to make a self-criticism, or transferred from the current post;

(3) where the circumstances of the case are severe, the administrative official shall be ordered to resign from his post of leadership or be removed from office.

For an administrative official who is given an administrative warning, suspended from office to make a self-criticism, transferred from his post, ordered to resign from his post of leadership or removed from office, he may also be simultaneously ordered to make a written self-criticism, make apologies or be criticized in a notice of criticism.

Article 13 A severer penalty shall be given in any of the following circumstances:

(1) refusing to make corrections;

(2) covering up the truth of facts and interfering with and obstructing the investigation for administrative accountability;

(3) taking revenge on complaint-makers, informers, or offense-reporters;

(4) being investigated for administrative accountability more than twice in a year;

(5) taking a leading role in cases of joint violation of laws or disciplines by more than two persons;

(6) in other circumstances where severer penalties shall be given as provided.

Article 14 A lighter or mitigated penalty may be given in any of the following circumstances:

(1) admitting the violation of laws or disciplines initiatively;

(2) cooperating actively with the investigation or having performed meritorious services;

(3) taking measures initiatively to effectively avoid or retrieve losses and remove negative impactation;

(4) in other circumstance where lighter or mitigated penalties may be given as provided.

Article 15 For an administrative official who commits the acts for which the administrative accountability shall be investigated as provided in these Measures, if the circumstances are minor and he makes corrections after being criticized and educated, he may be exempted from being investigated for the administrative accountability.

For an administrative official who commits the acts in case of emergency for which the administrative accountability shall be investigated as provided in these Measures, if he has performed the duty of reasonable care, he shall not be investigated for the administrative accountability.

Article 16 Where, when performing administrative acts, an administrative official holds that the decision or order made by the authorities at the higher levels are wrong, he may make a suggestion to the authorities at the higher levels for correcting or revoking the said decision or order; if the authorities at the higher levels do not change the decision or order in question, or request to have them implemented immediately, the administrative official shall implement such decision or order, and the consequences of the implementation shall fall within the responsibility of the authorities at the higher levels, while the administrative official who has implemented the decision or order does not bear any responsibility, however, if the administrative official implements any decision or order that is

两人以上共同实施行政行为的，主办人员承担主要责任，协办人员承担相应责任；责任无法区分的，共同承担责任。

第十七条 行政人员有本办法规定的违法违纪情形，受到行政问责，所在单位需要承担法律责任的，单位应当依法承担法律责任，不得以对行政人员的行政问责代替单位应当承担的法律责任。

第十八条 对行政人员的考核、任用、奖励、表彰应当考虑其被行政问责的情况。受到行政问责的行政人员，取消当年年度相关的考核评优和评选先进的资格。

第四章 行政问责程序

第十九条 对下列途径发现的行政人员应当行政问责的线索，按照管理权限初步核实后，对需要行政问责的，应当进行调查：

- （一）上级或者本级人大常委会、人民政府的监督、检查；
- （二）监察、审计、法制等行政部门的监督、检查；
- （三）本单位的内部监督、检查；
- （四）行政诉讼；
- （五）行政复议；
- （六）公民、法人和其他组织的投诉、控告、检举；
- （七）公共媒体披露本办法规定的应当予以行政问责的情形且确有证据的报道；
- （八）其他途径。

第二十条 行政问责案件，应当自决定调查之日起3个月内作出行政问责处理决定。情况复杂的，经行政机关主要负责人批准，可以延长3个月。

对于事实清楚、不需要进行问责调查的行政问责案件，应当直接作出行政问责处理决定。

evidently in violation of the law, he shall bear responsibility accordingly in accordance with the law.

Where an administrative act is performed jointly by two or more administrative officials, the official in charge shall bear the main responsibility while the assisting official shall bear corresponding responsibility; if the responsibility cannot be discerned between them, they shall bear the responsibility jointly.

Article 17 Where an administrative official is investigated for administrative accountability because he commits an act that is in violation of law or discipline as provided for in these Measures.

and the unit to which he belongs need to bear legal responsibility, the said unit shall bear the legal responsibility according to law, and such legal responsibility shall not be replaced by the administrative accountability held by the administrative official concerned.

Article 18 The investigation of administrative accountability of an administrative official shall be taken into account of his appraisal, appointment, reward or commendation.

An administrative official who is investigated for administrative accountability shall be disqualified from being appraised as a model or advanced worker of the same year.

Chapter IV Procedures for Investigation of Administrative Accountability

Article 19 Where a clue to the investigation of administrative accountability of an administrative official is found in any of the following ways, the investigation shall be conducted if, after a preliminary verification has been made according to the division of jurisdiction, the administrative accountability needs to be investigated:

- (1)the supervision and inspection of the standing committee of the people's congress and the people's government at the higher or same level;
- (2)the supervision and inspection of the administrative departments such as the supervisory department, auditing department or legislative affairs agency;
- (3)the internal supervision and inspection of the unit to which the said administrative official belongs;
- (4)the administrative litigation;
- (5)the administrative reconsideration;
- (6)the complaints, accusations and reports made by citizens, legal persons or other organizations;
- (7)the public media coverage in which the circumstances subject to investigation of administrative accountability according to these Measures are reported and supported with evidence; or
- (8)other ways.

Article 20 For an administrative accountability case, the decision on the bearing of administrative accountability shall be made within three months from the date on which the decision to launch the investigation is made. If the situation is complicated, such period may be extended for another three months with the approval of the person in charge of the administrative authority.

For an administrative accountability case in which the facts are clear and thus there is no need for an investigation, the decision on the bearing of administrative accountability

第二十一条 调查行政问责案件，应当由两名以上工作人员进行。

调查处理行政问责案件，应当听取被调查的行政人员的陈述和申辩，并予以记录。
对其合理意见，应当予以采纳；不予采纳的，应当说明理由。

第二十二条 参与行政问责案件调查、处理的人员与被调查的行政人员是近亲属关系的，或者与被调查的行政人员有其他关系，可能影响案件公正处理的，应当提出回避申请；被调查的行政人员以及与案件有利害关系的公民、法人或者其他组织有权要求其回避。

行政问责决定机关负责人的回避，由行政问责决定机关的上一级行政机关负责人决定；其他调查、处理人员的回避，由行政问责决定机关负责人决定。

行政问责决定机关或者行政问责决定机关的上一级行政机关，发现调查、处理人员有应当回避的情形，可以直接决定该人员回避。

第二十三条 调查终结，应当形成调查报告并提出拟处理意见，经行政机关的监察（包括派驻监察机构）、法制、人事等工作部门主要负责人签字，提交行政机关领导成员集体讨论后，作出给予行政问责、免予行政问责或者撤销行政问责案件的书面处理决定。

第二十四条 依照本办法第二十三条规定给予行政问责的，应当在行政问责处理决定书中载明下列内容：

- （一）受到问责的行政人员的姓名、职务、级别、工作单位等基本情况；
- （二）违法违纪事实；
- （三）处理结果和依据；
- （四）不服行政问责处理决定的复核、申诉途径和期限；
- （五）行政问责决定机关的名称、印章和作出决定的日期。

第二十五条 行政问责处理决定书应当在 3 个工作日内送达受到问责的行政人员，并应当及时函告有关人力资源和社会保障部门。

shall be made directly.

Article 21 The investigation of an administrative accountability case shall be carried out by two or more working personnel.

When investigating and handling an administrative accountability case, the working personnel shall hear the statements and defenses of the administrative official being investigated and write them down. The reasonable opinions shall be accepted; for those not accepted, the reasons shall be given.

Article 22 If the personnel participating in the investigation and handling of an administrative accountability case are close relatives to or related to the administrative official being investigated in other ways, which may affect the impartial handling of the case, an application for withdrawal shall be filed; the administrative official being investigated and the citizens, legal persons or other organizations who have an interest in the case shall have the right to make a request for withdrawal of such administrative personnel.

The decision on the withdrawal of the person in charge of the authority determining administrative accountability shall be made by the person in charge of the administrative authority at an immediate higher level; the decision on the withdrawal of other personnel involved in the investigation and handling of the case shall be made by the person in charge of the authority determining administrative accountability.

If the authority determining administrative accountability or the administrative authority at an immediate higher level discovers the circumstances where the personnel involved in the investigation and handling of the case shall withdraw, the decision on the withdrawal of such personnel may be given directly.

Article 23 Upon completion of investigation, an investigation report shall be produced in which the proposal for the handling of the administrative accountability case shall be made. The said report.

shall be signed by the persons in charge of the supervisory department (including the accredited supervisory department), legislative affairs office, personnel department and other functionary agencies under the administrative organ, and then be submitted to and discussed collectively by the leading members of the administrative organ in question, and afterwards a written decision shall be made on giving the administrative official concerned an administrative accountability, exempting the administrative official concerned from bearing administrative accountability or withdrawing the administrative accountability case.

Article 24 Where administrative accountability is investigated according to Article 23 of these Measures, the following contents shall be specified in the written administrative accountability decision:

- (1) the name, title, rank, work unit of the administrative official subject to investigation;
- (2) of accountability;
- (3) the facts of violation of laws or disciplines;
- (4) the results of handling and the basis;
- (5) the channel and term for review and appeal if unsatisfied with the administrative accountability decision; and
- (6) the name and seal of the authority determining the administrative accountability and date of making the decision.

Article 25 The written administrative accountability decision shall be delivered to the administrative official subject to investigation of accountability within three working days.

有关机关要求处理或者公民、法人和其他组织实名投诉、控告、检举的，应当书面告知其处理结果。

行政问责处理决定应当在一定范围公开，对于造成恶劣社会影响的行政问责案件的处理决定，一般应当向社会公开。

第二十六条 依照本办法规定应当给予行政问责的行政人员已调至其他行政机关工作的，原所在行政机关可以向其现任职行政机关提出处理建议，其现任职行政机关应当依法作出行政问责处理决定。

第五章 复核申诉

第二十七条 受到问责的行政人员对处理决定不服的，可以自收到处理决定之日起30日内向作出处理决定的机关申请复核；对复核决定不服的，可以自收到复核决定之日起15日内向同级人力资源和社会保障部门或者作出该复核决定的机关的上一级机关提出申诉；也可以不经复核，自收到处理决定之日起30日内直接提出申诉。

第二十八条 行政机关应当自受理复核申请之日起30日内作出书面复核决定并送达申请人。

申诉受理机关应当自受理申诉之日起60日内作出申诉处理决定书并送达申请人和原处理机关；案情复杂的，可以适当延长，但延长时间不得超过30日。

复核、申诉期间不停止执行原问责处理决定。

受到问责的行政人员不因提出复核、申诉被加重处理。

第二十九条 申诉受理机关审查认定原处理决定有错误的，原处理机关应当自收到申诉处理决定书后15日内予以纠正。

第三十条 经复核、申诉认定行政问责处理决定错误，对行政人员造成名誉损害的，原处理机关应当赔礼道歉、恢复名誉、消除影响；造成经济损失的，应当依法补偿。

The relevant human resources and social security department shall be timely notified in writing of such decision.

Where the accountability is investigated for at the request of a relevant authority or as a result of the complaint, accusation or report made by any citizen, legal person or other organization, the said authority, citizen, legal person or organization shall be informed of the decision in writing.

An administrative accountability decision shall be made known within a certain scope. The decision on an administrative accountability case with grave social consequences shall be made known to the public.

Article 26 Where the administrative official who shall be investigated for administrative accountability as provided for in these Measures is transferred to another administrative agency, the administrative agency for which he works before may suggest the administrative agency for which he is now working to investigate for his accountability, the latter shall make an administrative accountability decision according to law.

Chapter V Review and Appeal

Article 27 Where an administrative official subject to investigation of accountability is not satisfied with the administrative accountability decision, he may, within 30 days from the date of receipt of the decision, apply for review of the decision to the authority making the said decision; if he is not satisfied with the review decision, he may, within 15 days from the date of receipt of the review decision, appeal to the human resources and social security department at the same level or to the authority that is immediately higher than the authority making the review decision; he may also make an appeal directly within 30 days from the date of receipt of the administrative accountability decision without undergoing the review procedure.

Article 28 The administrative authority shall make a written review decision and deliver it to the applicant within 30 days from the date of acceptance of application for review.

The authority that accepts an appeal shall, within 60 days from the date of acceptance of the appeal, make a written decision on the appeal and deliver it to the applicant and the authority that has handled the case. For a complicated case, such period may be extended appropriately but shall not exceed 30 days.

The enforcement of an administrative accountability decision shall not be suspended during the period of review or appeal.

The administrative official subject to investigation of accountability shall not be given a heavier penalty for applying for review or making an appeal.

Article 29 Where, upon examination, the authority that accepts an appeal finds that the original administrative accountability decision has a mistake, the authority that has handled the case shall make a correction within 15 days from the date of receipt of the written decision on the appeal.

Article 30 If an administrative accountability decision is acknowledged to be wrong by way of review or appeal and if such decision has resulted in damage to the reputation of the administrative personnel involved, the authority that has made the original decision shall apologize to such personnel, mend his reputation and remove negative impact; in case of

第六章 附 则

第三十一条 对经市或者区、县人民代表大会及其常务委员会选举或者决定任命的人员予以停职检查、调离工作岗位、责令辞去领导职务、免职处理的，按照有关法律规定的程序办理。

第三十二条 本办法自 2011 年 10 月 1 日起施行。

financial losses, compensations shall be paid according to law.

Chapter VI Supplementary Provisions

Article 31 Where an official who is elected or appointed by the municipal district or county people's congress or its standing committee is suspended from office, transferred to another post, ordered to resign from the post of leadership or removed from office, the case shall be handled in accordance with the procedures provided for in relevant laws.

Article 32 These Measures shall take effect as of October 1, 2011.

北京市实施国家重大活动保障措施的若干规定

(2014年10月21日北京市人民政府第261号令公布)

第一条 为保障国家重大活动的举行，落实相关保障措施，根据有关法律、法规，制定本规定。

第二条 本规定所称国家重大活动，是指在本市行政区域内举行的具有重大国际影响的国事活动、国际交往活动、国家庆典。

本规定所称保障措施，是指本市为保障国家重大活动的顺利举行，针对可能存在的风险和影响，在采取常规管理措施不能满足需要的情况下，参照有关法律、法规采取的预防性、临时性专项行政管理措施。

第三条 在国家重大活动举办期间以及前后延展的合理期限内，根据活动举办单位或者保障单位提出的要求，本市可以在社会秩序、道路交通、生产经营、环境保护等方面采取保障措施。

第四条 本市采取保障措施，应当遵循必要、合理、可行、有效的原则。

第五条 保障措施由市人民政府有关部门或者区县人民政府提出，报市人民政府批准。

保障措施应当明确实施机关、适用范围、管理措施、善后处置和起止时间。

第六条 市人民政府有关部门或者区县人民政府提出保障措施时，应当对拟采取的保障措施进行评估论证；在报请市人民政府批准时，将评估论证情况一并进行说明。

第七条 经批准的保障措施，应当在实施前至少15日向国家有关部门报告，并报市人大常委会备案，同时向社会公布。

第八条 市人民政府有关部门或者区县人民政府应当严格执行批准的保障措施，不得擅自调整实施机关、扩大适用范围、变更管理措施、延长适用期限。

Several Provisions of Beijing Municipality on Implementing Safeguard Measures for National Important Activities

(Promulgated by Decree No. 261 of the People's Government of Beijing
Municipality on October 21, 2014)

Article 1 These Provisions are formulated for the purposes of implementing relevant safeguard measures to ensure the holding of national important activities in accordance with relevant laws and regulations.

Article 2 As used in these Provisions, the term “national important activities” refers to the activities for national affairs, international communication activities and national celebrations with important international influences to be held within the administrative area of this Municipality.

As used in these Provisions, the term “safeguard measures” refers to preventative and temporary special administrative measures against the risks and influences that may exist adopted in accordance with relevant laws and regulations for the purpose of assuring the successful holding of national important activities in this Municipality under the circumstances that conventional administrative measures are unable to satisfy the needs.

Article 3 During the holding of national important activities and within the reasonable duration of extension before and after the holding thereof, this Municipality may adopt safeguard measures in terms of social order, road traffic, production and operation, as well as environmental protection in accordance with the requirements proposed by the activity hosting units or safeguard units.

Article 4 This Municipality shall follow the principles of necessity, rationality, feasibility and effectiveness in adopting safeguard measures.

Article 5 Safeguard measures shall be proposed by relevant departments of the Municipal People's Government or the people's governments at the district or country level, and reported to the Municipal People's Government for approval.

The implementing organ, range of application, management measures, afterward arrangement, as well as the starting and ending time shall be specified for the safeguard measures.

Article 6 Where relevant departments of the Municipal People's Government or the people's governments at the district or country level propose safeguard measures, they shall conduct evaluation and demonstration against the safeguard measures proposed to be implemented; and explanations of such evaluation and demonstration shall be made when they report the safeguard measures to the Municipal People's Government for approval.

Article 7 The safeguard measures approved shall be reported to relevant national departments at least 15 days before the implementation thereof, filed with the Standing Committee of the Municipal People's Congress for the record and announced to the society at the same time.

Article 8 Relevant departments of the Municipal People's Government or the

保障措施适用期限届满，已采取的保障措施自动失效。

第九条 市和区县人民政府应当做好社会宣传和舆论引导。

公民、法人和其他组织应当增强首都意识，积极履行社会责任，自觉调整自身生产生活，配合保障措施的实施。

第十条 公民、法人或者其他组织不履行相关义务的，有关部门应当依照相关法律、法规或者规章的规定予以处理；阻碍保障措施实施，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第十一条 本规定自公布之日起施行。

people's governments at the district or country level shall strictly execute the safeguard measures approved, and shall not arbitrarily adjust the implementing organ, expand the range of application, change management measures and extend the duration of application.

Where the duration of application of safeguard measures expire, the safeguard measures that have been adopted shall lose effectiveness automatically.

Article 9 The people's governments at the municipal and the district or country level shall bring to success social publicity and guidance of public opinions.

Citizens, legal persons and other organizations shall strengthen capital consciousness, positively fulfill social responsibilities, and consciously adjust their production and lives so as to render cooperation with the implementation of safeguard measures.

Article 10 Where citizens, legal persons or other organizations fail to perform relevant obligations, relevant departments shall deal with the failure in accordance with relevant provisions of laws, regulations or rules; where an obstruction of the implementation of safeguard measures constitutes a violation against public security, a penalty against public security shall be imposed; where a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 11 These Provisions shall be effective as of the date of promulgation.

北京市重大建设项目稽察办法

(2014年9月15日北京市人民政府第260号令公布)

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第一章 总 则

第一条 为加强重大建设项目监督管理,规范重大建设项目稽察行为,保障重大建设项目工程质量和资金使用安全,提高投资效益,根据国家有关规定,结合本市实际情况,制定本办法。

第二条 本办法所称重大建设项目,是指本市行政区域内使用市和区县人民政府固定资产投资资金、实行审批制管理的建设项目。

本条前款所称固定资产投资资金,包括财政预算内和土地批租收入中用于固定资产投资资金、中央补助投资资金、国债专项资金以及城市基础设施建设费、水利建设基金等。

第三条 市和区县发展改革行政部门按照重大建设项目管理权限负责本行政区域内的重大建设项目稽察工作。

市发展改革行政部门监督、指导区县发展改革行政部门重大建设项目稽察工作。

Measures of Beijing Municipality for Inspections of Major Construction Projects

(Promulgated by Decree No. 260 of the People's Government of Beijing Municipality September 15, 2014)

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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of strengthening supervision and administration of major construction projects, regulating inspection of major construction projects, ensuring engineering quality of and safe use of funds in major construction projects, and increasing investment returns in accordance with relevant provisions of the State and in light of the actual circumstances of this Municipality.

Article 2 As used in these Measures, “major construction projects” refer to the construction projects within the administrative area of this Municipality that use fixed-asset investment funds of the governments at the municipal and the district or county level and are subject to administration of examination and approval.

As used in the preceding paragraph of this Article, “fixed-asset investment funds” include the funds used for fixed-asset investment in the financial budgets and land lease revenues, the investment funds subsidized by the Central Government, the special funds for treasury bonds, the urban infrastructure construction fees, the funds for water works, etc.

Article 3 The administrative departments for development and reform at the municipal and the district or county level shall be responsible for inspection of major construction projects within their respective administrative areas according to their administration authority for major construction projects.

The administrative department for development and reform at the municipal level shall supervise and guide the inspection of major construction projects by the administrative departments for development and reform at the district or county level.

第四条 开展稽察工作应当遵循职责明晰、各方协作、程序规范和权利义务平衡的原则。

第五条 发展改革、财政、审计、监察以及住房和城乡建设、规划、环境保护、交通等行政部门应当建立健全重大建设项目监督协调机制，统筹安排监督计划，加强信息沟通和监管合作，实现监管信息共享和监管结果共用。

发展改革行政部门根据稽察工作需要，可以会同财政、审计、监察以及住房和城乡建设、规划、环境保护、交通等行政部门对重大建设项目开展联合检查。

第二章 稽察职责

第六条 发展改革行政部门在项目审批职责范围内，对重大建设项目的下列情况实施稽察：

- （一）项目审批手续履行情况；
- （二）法人责任制和招标投标制的执行情况；
- （三）资金落实和到位情况；
- （四）建设进度、建设规模、建设内容和建设标准等情况；
- （五）投资概算和政府投资计划的执行情况；
- （六）竣工验收情况；
- （七）社会效益、环境效益和经济效益等情况。

发展改革行政部门对重大建设项目可以实施从批准项目建议书到项目竣工的全过程稽察，或者对本条前款规定的部分情况实施专项稽察。

第七条 单位和个人有权向发展改革行政部门举报涉及本办法第六条规定情况的违法违规问题。

发展改革行政部门应当建立健全举报制度，公布举报电话、信箱或者其他举报方式；接到举报后，对于职责范围内的事项，应当及时调查核实，作出处理；对于不属于职责范围内的事项，应当及时转送有权部门处理。处理结果应当记录在案，并告知举报人或者供举报人查询。

Article 4 Inspection carried out shall follow the principles of clear duties, various parties' coordination, standardized procedures, balanced rights and obligations.

Article 5 The administrative departments for development and reform, finance, audit, supervision, housing and urban-rural construction, planning, environmental protection, traffic, etc. shall set up and improve a coordination mechanism for supervision of major construction projects, make overall arrangements for the supervision plan, strengthen information communication and regulation cooperation, so as to realize the sharing of regulation information and results.

The administrative departments for development and reform may, according to the needs of inspection, carry out joint inspection of major construction projects together with the administrative departments for finance, audit, supervision, housing and urban-rural construction, planning, environmental protection, traffic, etc.

Chapter II Duties of Inspection

Article 6 The administrative departments for development and reform shall, within the scope of their duties in project examination and approval, carry out inspection of the following circumstances of major construction projects:

- (1) performance of project examination and approval procedures;
- (2) implementation of legal person responsibility system as well as bid invitation and bidding system;
- (3) fund preparation and fund in position;
- (4) progress, scale, contents and standards of construction;
- (5) implementation of investment estimates and governments' investment plan;
- (6) acceptance upon check of completion; and
- (7) social, environmental and economic benefit.

The administrative departments for development and reform may carry out whole-process inspection of major construction projects from the approval of project proposal to project acceptance upon check of completion, or carry out special inspection on partial circumstances stipulated in the preceding paragraph of this Article.

Article 7 Units and individuals are entitled to report illegalities and violations related to Article 6 of these Measures to the administrative departments for development and reform.

The administrative departments for development and reform shall establish and improve the reporting system, and publish the telephone numbers, mail boxes or other manners for reporting; after receiving reports, they shall make timely investigation, verification and disposal within the scope of their duties, or timely transfer the matters beyond the scope of their duties to the competent departments. The disposal results shall be recorded, and notified to the reporters or made available inquiry by the reporters.

政府有关部门应当为举报人保密，不得泄露举报人的信息。

第八条 重大建设项目稽察工作实行稽察特派员负责制。

发展改革行政部门任命稽察特派员，并配备稽察工作人员协助其工作；必要时，可以聘请专业机构参与稽察工作。

稽察特派员和稽察工作人员（以下统称稽察人员）应当熟悉法律、法规、规章和政策，具备与稽察工作相适应的专业知识和业务能力。

第九条 稽察人员与被稽察单位或者稽察事项有利害关系的，应当主动回避。

稽察人员未主动回避的，被稽察单位有权向发展改革行政部门提出回避申请，并说明理由；发展改革行政部门有关负责人应当就是否回避作出决定。

第十条 稽察人员开展稽察工作，不得干预被稽察单位的正常建设及生产经营活动，不得泄露稽察工作中获悉的国家秘密和商业秘密，不得利用职务便利谋取非法利益，不得向被稽察单位收取或者变相收取任何费用。

稽察人员不得有下列影响稽察工作客观公正的行为：

- （一）接受被稽察单位的馈赠、报酬、福利待遇，在被稽察单位报销费用；
- （二）参加被稽察单位安排、组织或者支付费用的宴请、娱乐、旅游等活动；
- （三）其他可能影响稽察工作客观公正的行为。

单位和个人有权向发展改革行政部门举报稽察人员违反本条第一款、第二款规定的行为。发展改革行政部门接到举报后，应当及时进行调查核实，作出处理。处理结果应当记录在案，并告知举报人或者供举报人查询。

第三章 稽察程序

第十一条 发展改革行政部门根据本级人民政府和上一级发展改革行政部门的要求，结合本行政区域内的投资情况，制定重大建设项目年度稽察计划，报本级人民政府备案。

Relevant government departments shall keep secret for the reporters, and shall not disclose the information about such reporters.

Article 8 Inspection of major construction projects shall adopt the special inspector responsibility system.

The administrative departments for development and reform shall appoint special inspectors and allocate inspection functionaries to assist the work of such special inspectors; when necessary, they may engage professional institutions to participate in the inspection.

The special inspectors and inspection functionaries (hereinafter collectively referred to as inspectors) shall be familiar with relevant laws, regulations, rules and policies, and have professional knowledge and proficiency suitable for the inspection.

Article 9 An inspector who is interested with an inspected unit or matter shall withdraw on his own initiative.

Where the inspector fails to withdraw on his own initiative, the inspected unit shall be entitled to submit an application for his withdrawal to the administrative department for development and reform, and explain the reasons; relevant responsible person of the administrative department for development and reform shall make a decision on whether to withdraw.

Article 10 When carrying out inspection, the inspectors shall not interfere with the normal construction, production and operational activities of the inspected units, shall not disclose the State secrets and business secrets they got to know in inspection, shall not pursue illegal gains by taking advantage of their positions, and shall not charge or charge in disguised forms any fee from the inspected units.

Inspectors shall not commit any of the following behaviors that might affect the objectiveness and impartiality of the inspection:

- (1) to accept the presents, remuneration or welfare treatment given by the inspected units, or reimburse expenses in the inspected units;
- (2) to participate in the feasts, entertainments, tourists and other activities arranged, organized or paid by the inspected units; and
- (3) other behaviors that might affect the objectiveness and impartiality of the inspection.

Units and individuals are entitled to report the behaviors of inspectors in violation of the provisions of Paragraph 1 or 2 of this Article to the administrative departments for development and reform. After receiving such reports, the administrative departments for development and reform shall make timely investigation, verification and disposal. The disposal results shall be recorded, and notified to the reporters or made available for inquiry by the reporters.

Chapter III Procedures for Inspection

Article 11 The administrative departments for development and reform shall, according to the requirements of the people's government at the corresponding level or the administrative department for development and reform at the next higher level and by taking into account the investment situation within their respective administrative areas, formulate

第十二条 稽察人员应当在5个工作日内向被稽察单位送达书面稽察通知。有证据表明被稽察单位的行为可能危及重大建设项目工程安全或者可能造成国有资产流失等情况时，经发展改革行政部门有关负责人批准，稽察人员可以持书面稽察通知直接实施稽察。

书面稽察通知应当载明稽察项目、内容、时间和要求等事项。

第十三条 稽察人员开展稽察工作可以采取下列措施：

- （一）要求被稽察单位负责人对重大建设项目情况或者重要事项进行说明；
- （二）查阅反映重大建设项目审批、建设、运营使用、工程技术、财务会计等情况的资料；
- （三）采用记录、复印、照相、录音、录像等形式收集证据；
- （四）检查重大建设项目场所内的工程与设备；
- （五）检查被稽察单位项目管理信息系统；
- （六）向勘察、设计、施工、监理、材料与设备供应、招标代理、咨询评估、项目管理等单位了解、核实有关情况。

第十四条 被稽察单位应当配合稽察人员开展稽察工作，及时、如实向稽察人员提供与重大建设项目有关的文件、合同、报表等资料和情况。

第十五条 发展改革行政部门根据稽察工作需要，可以对重大建设项目的勘察、设计、施工、监理、材料与设备供应、招标代理、咨询评估、项目管理等单位参与重大建设项目的情况进行调查，并取得相关证明材料。有关单位应当如实反映情况，提供相关证明材料。

第十六条 稽察人员应当记录稽察情况，形成稽察记录。

稽察特派员和被稽察单位应当分别在稽察记录上签字、盖章。被稽察单位认为稽察记录有遗漏或者错误的，有权申请补正；经补正，被稽察单位仍有异议的，应当在稽察记录上签署异议意见，并签字、盖章；拒绝签字、盖章的，稽察人员应当记录在案。

annual inspection plans for major construction projects and submit them to the people's governments at the corresponding level for the record.

Article 12 Inspectors shall deliver written inspection notices to inspected units five working days in advance. Where there is evidence showing that the behaviors of any inspected unit might endanger the safety of any major construction project or cause the loss of State-owned assets, the inspectors may, upon approval by relevant responsible person of the administrative department for development and reform, directly carry out the inspection by holding the written inspection notice.

The written inspection notice shall specify such matters as the items, contents, time and requirements of inspection.

Article 13 When carrying out inspection, inspectors may take the following measures:

(1) to require the responsible persons of the inspected units to make explanations on the circumstances of major construction projects or important matters;

(2) to look up the materials reflecting the circumstances of major construction projects in the aspects of examination and approval, construction, operation and use, engineering technology, financial accounting, etc;

(3) to collect evidences in forms of taking records, duplication, photograph, audio and video recording, etc;

(4) to inspect the engineering and equipment in the sites of major construction projects;

(5) to inspect the project management information systems of the inspected units; and

(6) to inquire relevant information from and verify relevant information with the units for survey, design, construction, supervision, materials and equipment supply, bidding agency, consultation and evaluation, project management, etc.

Article 14 Inspected units shall cooperate with the inspection of inspectors, and timely and truthfully provide inspectors with such materials and information as documents, contracts and statements related to major construction projects.

Article 15 The administrative departments for development and reform may, according to the needs of inspection, investigate the involvement of the units for survey, design, construction, supervision, materials and equipment supply, bidding agency, consultation and evaluation, project management, etc. in major construction projects, and obtain relevant certifying materials. Relevant units shall truthfully report relevant information and provide relevant certifying materials.

Article 16 Inspectors shall take records of their inspection, and form inspection records.

The special inspectors and the inspected units shall respectively sign and seal the inspection records. Where any inspected unit thinks there are omissions or mistakes in the inspection records, it shall be entitled to apply for supplement or correction; where the inspected unit still has objections after the supplement or correction, it shall write down such objections in the inspection records, sign and seal the inspection records; where it refuses to sign or seal the inspection records, the inspectors shall put the fact on record.

第十七条 稽察特派员应当在稽察工作结束 10 个工作日内完成稽察情况报告，并及时书面征求被稽察单位意见。被稽察单位应当在收到稽察情况报告 10 个工作日内向稽察特派员提交书面意见。

稽察特派员应当在收到被稽察单位的书面意见 5 个工作日内，向被稽察单位反馈意见采纳情况，说明理由，并将稽察情况报告和被稽察单位的书面意见一并报发展改革行政部门审定。

稽察情况报告应当包括重大建设项目的审批情况、实施情况、主要问题、整改意见和处理建议等内容。

稽察特派员对稽察情况报告的真实性和完整性负责。

第十八条 发展改革行政部门应当在审定稽察特派员提交的稽察情况报告、研究被稽察单位的意见后，向被稽察单位出具稽察结论，同时抄送相关行政部门。

稽察结论能够满足相关行政部门履行职责需要的，相关行政部门应当利用，避免不必要的重复检查。

第十九条 被稽察单位未执行项目审批内容的，发展改革行政部门应当责令被稽察单位整改，视情节轻重有权作出下列处理决定：

- （一）责令被稽察单位作出检查；
- （二）通报批评被稽察单位；
- （三）暂停被稽察重大建设项目的执行；
- （四）暂停下达被稽察重大建设项目的政府投资计划；已下达政府投资计划的，及时通知财政部门暂停拨付建设资金或者收回已经拨付的建设资金；
- （五）调整被稽察重大建设项目的政府投资计划；
- （六）暂停被稽察单位同类新项目的审批。

被稽察单位骗取项目审批的，发展改革行政部门应当作出撤销审批、追回政府投资的建设资金等处理决定。

第二十条 被稽察单位应当按照整改通知的要求进行整改，并向发展改革行政部

Article 17 Special inspectors shall complete inspection reports within 10 working days after conclusion of inspection, and timely solicit opinions from inspected units in writing. The inspected units shall put forward their written opinions to the special inspectors within 10 working days after receiving the inspection reports.

The special inspectors shall, within five working days after receiving the written opinions of the inspected units, feed back the adoption of such opinions to the inspected units, explain the reasons, and submit the inspection reports and the written opinions of the inspected units together to the administrative departments for development and reform for verification.

The inspection reports shall include such contents as examination and approval of major construction projects, implementation of major construction projects, major issues, rectification opinions and disposal suggestions.

The special inspectors shall be responsible for the truthfulness and completeness of the inspection reports.

Article 18 The administrative departments for development and reform shall, after verifying the inspection reports submitted by the special inspectors and studying the opinions of the inspected units, issue the inspection conclusions to the inspected units and copy to relevant administrative departments.

Where the inspection conclusions can satisfy the needs of relevant administrative departments for performing their duties, relevant administrative departments shall make use of such inspection conclusions so as to avoid unnecessary and repeated inspection.

Article 19 Where any inspected unit fails to implement the contents of project examination and approval, the administrative department for development and reform shall order the inspected unit to make rectifications, and have the power to make the following disposal decisions according to the seriousness of circumstances:

- (1) to order the inspected unit to make self-criticism;
- (2) to circulate a notice of criticism to the inspected unit;
- (3) to suspend the implementation of the inspected major construction project;
- (4) to suspend the issue of government investment plan for the inspected major construction project; or timely notify relevant financial department to suspend the allocation of construction funds or take back the allocated construction funds if the government investment plan has already been issued;
- (5) to adjust the government investment plan for the inspected major construction project; or
- (6) to suspend examination and approval of new projects of same type by the inspected unit.

Where any inspected unit obtains project examination and approval by practicing frauds, the administrative department for development and reform shall make a decision on such disposals as revoking the approval or taking back the construction funds invested by the government.

Article 20 Inspected units shall make rectifications according to the requirements of the rectification notices, and submit the reports on rectification to the administrative department for development and reform. The reports on rectification shall include the

门提交整改报告。整改报告应当包括整改计划、措施和结果。

发展改革行政部门应当对被稽察单位的整改情况进行复查，建立稽察台账，记录整改情况。

第二十一条 发展改革行政部门应当在每年年初，向本级人民政府报告按照上一年度稽察计划要求完成的重大建设项目稽察情况，对发现的问题加强研究，就带有普遍性和规律性的问题，有针对性地提出改进建议。

第四章 法律责任

第二十二条 被稽察单位有下列行为之一的，由发展改革行政部门责令改正；拒不改正的，给予通报批评，可以处 3000 元以上 3 万元以下罚款：

（一）违反本办法第十四条规定，拒不配合稽察人员依法履行职责，或者拖延、不如实提供有关资料和情况的；

（二）违反本办法第二十条第一款规定，未按照要求进行整改或者未提交整改报告的。

被稽察单位有本条前款所列行为之一的，按照国家和本市有关规定给予直接负责的主管人员和其他直接责任人员行政处分或者行政问责。

第二十三条 违反本办法第十五条规定，勘察、设计、施工、监理、材料与设备供应、招标代理、咨询评估、项目管理等单位不配合调查、不如实反映情况或者不提供相关证明材料的，由发展改革行政部门给予警告，可以处 3000 元以上 3 万元以下罚款。

第二十四条 发展改革行政部门在稽察工作中发现被稽察单位或者勘察、设计、施工、监理、材料与设备供应、招标代理、咨询评估、项目管理等单位有违反其他法律、法规、规章行为的，应当移交有关行政部门依法处理。

第二十五条 稽察人员有下列行为之一的，按照国家或者本市有关规定，由发展改革行政部门或者监察机关给予行政处分或者行政问责；构成犯罪的，依法追究刑事

rectification plan, measures and results.

The administrative departments for development and reform shall review the rectifications by the inspected units, set up the inspection ledgers and take records of the rectifications.

Article 21 The administrative departments for development and reform shall, at the beginning of each year, report the inspection of major construction projects required to be completed by the annual inspection plan of the previous year to the people's governments at the corresponding level, enhance research on the problems discovered, and put forward targeted improvement suggestions on universal and regular problems.

Chapter IV Legal Liability

Article 22 Where any inspected unit commits any one of the following behaviors, the administrative department for development and reform shall order it to make corrections; where it refuses to make corrections, the administrative department for development and reform shall circulate a notice of criticism and may impose a fine of not less than 3,000 Yuan but not more than 30,000 Yuan:

(1) in violation of the provisions of Article 14 of these Measures, to refuse to cooperate with the inspection of the inspectors, or delaying the provision of or untruthfully providing relevant materials and information; or

(2) in violation of the provisions of Paragraph 1, Article 20 of these Measures, to fail to make rectifications as required or fail to submit the rectification report.

Where any inspected unit commits any one of the behaviors listed in the preceding paragraph of this Article, administrative sanctions or administrative accountability shall be given to the person-in-charge with direct responsibility and other directly responsible persons in accordance with relevant provisions of the State and this Municipality.

Article 23 Where any unit for survey, design, construction, supervision, materials and equipment supply, bidding agency, consultation and evaluation, or project management, etc. fails to cooperate with the investigation, truthfully report relevant information or provide relevant certifying materials, the administrative department for development and reform shall give it a warning and may impose a fine of not less than 3,000 Yuan but not more than 30,000 Yuan.

Article 24 Where the administrative department for development and reform finds in inspection that any inspected unit or any unit for survey, design, construction, supervision, materials and equipment supply, bidding agency, consultation and evaluation, or project management, etc. violates other laws, regulations and rules, it shall transfer the case to relevant administrative departments for disposal in accordance with law.

Article 25 An inspector who commits any one of the following behaviors shall be given administrative sanctions or administrative accountability by the administrative department for development and reform or the supervisory organ in accordance with relevant provisions of the State and this Municipality; where a crime is constituted, criminal

责任：

- （一）对被稽察单位违法违规问题隐匿不报或者有其他失职、渎职行为的；
- （二）出具虚假稽察情况报告的；
- （三）违反本办法第十条第一款、第二款规定行为的。

第二十六条 法律、法规对重大建设项目建设和管理中的其他违法行为规定有法律责任的，从其规定。

第五章 附 则

第二十七条 本办法自 2014 年 11 月 1 日起施行。

liability shall be investigated for in accordance with law:

(1) to conceal and not report the inspected units' violation of relevant laws or rules, or have other behaviors constituting negligence or dereliction of duty;

(2) to issue a false inspection report; or

(3) to violate the provisions of Paragraph 1 or 2, Article 10 of these Measures.

Article 26 Where there are provisions on legal liability for other illegalities in construction and administration of major construction projects in laws or regulations, such provisions shall be followed.

Chapter V Supplementary Provisions

Article 27 These Measures shall be effective as of November 1, 2014.

北京市行政调解办法

(2015年6月1日北京市人民政府第264号令公布)

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第一章 总 则

第一条 为了规范行政机关的行政调解,及时、有效化解争议纠纷,促进社会和谐稳定,根据国家和本市有关规定,结合本市实际情况,制定本办法。

第二条 本市各级行政机关开展行政调解,适用本办法。

法律、法规、规章对行政调解另有规定的,从其规定。

第三条 本市各级行政机关可以依法对下列争议纠纷进行调解:

(一) 法律、法规、规章规定可以由行政机关调解的公民、法人和其他组织之间的纠纷(以下简称民事纠纷):

1. 可以进行治安调解的民间纠纷;
2. 交通事故损害赔偿纠纷;
3. 合同纠纷;
4. 医疗事故赔偿纠纷;
5. 消费者权益保护纠纷、产品质量纠纷;

Measures of Beijing Municipality for Administrative Mediation

(Promulgated by Decree No. 264 of the People's Government of Beijing Municipality on June 1, 2015)

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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of regulating the administrative mediation by administrative organs, timely and effectively resolving disputes, as well as promoting social harmony and stability in accordance with relevant provisions of the State and this Municipality and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to the administrative mediation by administrative organs at various levels in this Municipality.

Where there are otherwise provisions on administrative mediation in laws, regulations and rules, such provisions shall prevail.

Article 3 Administrative organs at various levels in this Municipal may mediate the following disputes in accordance with law:

1. Disputes among citizens, legal persons and other organization which may be mediated by administrative organs as stipulated by laws, regulations and rules (hereinafter referred to as civil disputes):

- (1) Civil disputes that may be subject to public order mediation;
- (2) Disputes concerning compensation for damages in traffic accidents;
- (3) Contract disputes;
- (4) Disputes concerning compensation for medical negligence;
- (5) Disputes concerning protection of consumers' rights and interests, disputes concerning product quality;

6. 土地承包经营纠纷；
7. 侵犯商标专用权、专利权等知识产权的赔偿纠纷；
8. 环境污染赔偿纠纷；
9. 电力纠纷、水事纠纷；
10. 其他依法可以调解的民事纠纷。

（二）公民、法人或者其他组织与行政机关之间关于行政赔偿、补偿以及行政机关行使法律、法规、规章规定的自由裁量权产生的争议（以下简称行政争议）。

第四条 行政调解应当遵循自愿、合法、公平公正、注重效果原则。

第五条 市和区、县政府应当加强对本行政区域内行政调解工作的领导，健全行政调解与人民调解、司法调解的衔接机制，保障行政调解所必需的工作条件和经费，加强行政调解队伍建设。

市和区、县政府工作部门应当加强对本领域、本系统行政调解工作的业务指导和协调推进。

市和区、县政府法制机构负责推进、指导、协调和监督本行政区域行政调解工作。

第六条 行政机关应当确定专门机构统筹本机关的行政调解工作，并指导本机关具体承担行政调解工作的机构开展行政调解。

行政机关可以根据工作需要聘请行政调解辅助人员，保证行政调解工作正常开展。

行政调解工作所需经费列入本行政机关的预算，由本级财政予以保障。

第七条 行政机关开展行政调解，应当以事实为依据，以法律为准绳，不得损害国家利益、公共利益，以及公民、法人和其他组织的合法权益。

行政机关调解民事纠纷，应当保持客观中立，不得偏袒、包庇一方当事人。

行政机关调解行政争议，不得影响依法履行行政管理职责，不得以行政调解代替行政执法。

第八条 行政机关在行政调解中发现可能引起治安案件、刑事案件或者其他影响社会稳定的争议纠纷，应当及时通知公安机关或者其他有权处理的部门。

- (6) Disputes concerning land contracting;
 - (7) Disputes concerning compensation for infringement upon intellectual property rights such as the exclusive right to use a trademark and the patent right;
 - (8) Disputes concerning compensation for environmental pollution;
 - (9) Disputes concerning power supply and water affairs;
 - (10) Other civil disputes which may be mediated in accordance with law.
2. Disputes between citizens, legal persons or other organization and administrative organs concerning administrative compensation or recuperation or concerning execution of discretion stipulated by laws, regulations and rules by administrative organs (hereinafter referred to as administrative disputes).

Article 4 The administrative mediation shall follow the principles of free will, legality, justice and equality as well as emphasizing on results.

Article 5 The people's governments at the municipal and the district or county level shall strengthen the leadership of the administrative mediation work within their respective administrative areas, perfect the mechanism for the connection of administrative mediation with people's mediation and judicial mediation, ensure the working conditions and funds necessary for administrative mediation, and enhance the team building for administrative mediation.

Departments of the people's governments at the municipal and the district or county level shall strengthen the operational guidance and coordinated promotion of the administrative mediation work within their respective fields and systems.

Legal affairs organs of the people's governments at the municipal and the district or county level shall be in charge of promoting, guiding, coordinating and supervising the administrative mediation work within their respective administrative areas.

Article 6 Each administrative organ shall designate a special agency to coordinate its administrative mediation work in an overall manner, and to guide its agency specifically responsible for the administrative mediation work to carry out administrative mediation.

An administrative organ may employ auxiliary administrative mediation personnel according to the work needs, so as to ensure the normal implementation of the administrative mediation work.

An administrative organ shall include the expenditure needed by its administrative mediation work in its budget, and such expenditure shall be guaranteed by the public finance at the corresponding level.

Article 7 When carrying out administrative mediation, an administrative organ shall take facts as the basis and laws as the criterion, and shall not damage the national interest or public interest as well as the lawful rights and interests of citizens, legal persons and other organizations.

When carrying out mediation for civil disputes, an administrative organ shall remain objective and neutral, and shall not takes sides in or shield either party concerned.

The mediation of administrative disputes shall not affect the performance of its public administration functions and duties by an administrative organ, and administrative mediation shall not be used to replace administrative law enforcement.

Article 8 Where an administrative organ discovers during its administrative mediation that any dispute may give rise to a public security case, a criminal case or may

第九条 当事人在行政调解中应当遵守调解秩序，尊重参与调解的人员，如实陈述争议纠纷事实，自觉履行达成的调解协议。

行政机关在行政调解中不得拒绝当事人提供证据，不得拒绝当事人终止调解的要求。

第二章 民事纠纷调解

第十条 对本办法第三条第（一）项规定的民事纠纷，当事人可以申请法律、法规、规章规定的行政机关进行调解。

当事人申请调解民事纠纷应当符合下列条件：

- （一）与民事纠纷有直接利害关系；
- （二）有明确具体的调解请求、事实和理由；
- （三）民事纠纷尚未被人民法院、仲裁机构、人民调解组织或者其他行政机关受理或者处理。

当事人申请调解民事纠纷应当说明其基本情况、调解请求、事实和理由等。行政机关应当自当事人申请之日起5个工作日内征求对方当事人意见，并决定是否受理。

第十一条 行政机关在履行行政管理职责过程中发现属于行政调解范围的民事纠纷，可以在征得双方当事人同意后启动调解。

第十二条 行政机关调解民事纠纷，由其具体承担行政调解工作的机构的工作人员担任行政调解人员。

第十三条 行政机关决定调解的，应当告知当事人调解的时间、地点、调解人员等事项，并提示就纠纷提起诉讼、申请仲裁的时效期间；决定不予受理的，应当告知当事人理由。

第十四条 行政调解人员有下列情形之一的，应当主动回避；不主动回避的，当事人有权申请其回避：

otherwise affect the social stability, it shall timely notify the public security organ or any other department with the jurisdiction.

Article 9 Parties concerned of administrative mediation shall comply with the order of mediation, respect the participants of mediation, truthfully states the facts of dispute, and consciously perform the mediation agreement reached.

In its administrative mediation, an administrative organ shall not reject the provision of evidences by the parties concerned or refuse the request of any party concerned for the termination of mediation.

Chapter II Mediation of Civil Disputes

Article 10 A party concerned of any civil dispute stipulated in Subparagraph 1, Article 3 of these Measures may apply for an administrative organ stipulated by laws, regulations and rules for mediation.

The party concerned applying for mediation of a civil dispute shall conform to the following conditions:

1. It has direct interest relationship with the civil dispute;
2. It has clear and specific claims, facts and reasons for mediation; and
3. The civil dispute has not be accepted or disposed of by a people's court, arbitration institution, people's mediation organization or any other administrative organ.

When applying for mediation, the party concerned shall specify its basic information as well as its claims, facts and reasons for mediation. The administrative organ shall solicit opinions of the opposing party within 5 working days after the application, and shall decide whether to accept the case.

Article 11 Where an administrative organ discovers that a civil dispute may be subject to administrative mediation during the performance of its public administration functions and duties, it may initiate mediation after obtaining the consent of both parties concerned.

Article 12 In the mediation of civil disputes by an administrative organ, the functionaries of its agency specifically undertaking the administrative mediation work shall act as administrative mediation personnel.

Article 13 Where an administrative organ decides to carry out mediation, it shall notify such matters as time and place of mediation as well as administrative mediation personnel to the parties concerned, and remind the parties about the limitation period of instituting a lawsuit or applying for arbitration concerning the dispute; where it decides not to accept the case, it shall notify reasons to the parties.

Article 14 The administrative mediation personnel in any of the following circumstances shall proactively recuse themselves; where they fail to proactively recuse themselves, the parties concerned shall be entitled to apply for their recusal:

(一) 是民事纠纷当事人或者与当事人有近亲属关系的；

(二) 与民事纠纷有利害关系的；

(三) 与民事纠纷当事人有其他关系，可能影响公正调解的。

当事人申请回避的，行政机关应当及时作出是否回避的决定。决定回避的，应当及时更换行政调解人员；不需要回避的，告知当事人理由。

第十五条 当事人之外的公民、法人或者其他组织与民事纠纷有利害关系的，可以申请参加调解或者由行政机关通知其参加调解。

第十六条 行政机关调解民事纠纷，根据需要，可以邀请有关单位、专业人员或者其他有关人员参与调解。

第十七条 行政机关调解民事纠纷，当事人应当如实提供证据。必要时，行政机关可以自行调查取证。

第十八条 行政机关调解民事纠纷，应当听取当事人的陈述，向当事人讲解有关法律、法规、规章和政策，在分清事理、明辨法理的基础上，引导当事人自愿达成调解协议。

第十九条 行政机关调解民事纠纷，应当自行政机关受理之日或者双方当事人同意调解之日起 30 日内结束；情况复杂或者有其他特殊情形的，经当事人同意，可以适当延长。

行政机关认为当事人双方意愿差距较大、不具备达成协议的条件的，可以终止调解。

第二十条 经调解达成协议的，行政机关应当制作调解协议书，调解协议书应当由当事人签名、盖章，加盖行政机关印章，当事人各执一份，行政机关留存一份；当事人认为无需制作调解协议书的，可以采取口头协议方式，行政调解人员应当记录协议内容，双方当事人签名、盖章。

经调解无法达成协议或者当事人要求终止调解的，行政机关应当终止调解，并告知当事人可以通过诉讼、仲裁等途径解决民事纠纷。

1. They are parties concerned of civil disputes or they are close relatives of such parties concerned;

2. They have interest relationship with civil disputes; or

3. They have other relations with parties concerned of civil disputes which may affect their impartial mediation.

Where the parties concerned apply for the recusal of administrative mediation personnel, the administrative organ shall timely make a decision on whether to approve such application. Where such application is approved, relevant administrative mediation personnel shall be replaced in a timely manner; where the recusal is not necessary, the administrative organ shall notify reasons to the parties.

Article 15 Where citizens, legal persons or other organizations other than the parties concerned have interest relationship with a civil dispute, they may apply for participating in the mediation or the administrative organ shall notify them to participate in the mediation.

Article 16 When mediating a civil dispute, an administrative organ may invite relevant units, professionals or other related persons to participate in the mediation as required.

Article 17 When a civil dispute is mediated by an administrative organ, the parties concerned shall truthfully provide evidences. The administrative organ may obtain evidences through investigation by itself when necessary.

Article 18 When mediating a civil dispute, an administrative organ shall listen to representations of the parties concerned, explain relevant laws, regulations, rules and policies to the parties, and guide the parties to reach a mediation agreement voluntarily on the basis of clearly understanding logics and legal principles.

Article 19 The mediation of a civil dispute shall be finished within 30 days after it is accepted by an administrative organ or it is agreed by both parties concerned; where the situation is complex or there are other special circumstances, the mediation may be properly prolonged with the consent of both parties concerned.

Where the administrative organ think there are rather large difference between the wills of both parties concerned and there are no conditions for reaching an agreement, it may terminate the mediation.

Article 20 Where both parties concerned reach an agreement through mediation, an administrative organ shall formulate the mediation agreement, which shall be signed and sealed by both parties concerned as well as sealed by the administrative organ, one copy of such agreement shall be held by each party concerned and one copy shall be kept by the administrative organ; where the parties concerned deem it unnecessary to formulate a mediation agreement, they may adopt the manner of oral agreement, the administrative mediation personnel shall record the contents of such agreement and both parties concerned shall sign and seal such record.

Where an agreement is unable to be reached after mediation or the parties concerned require the termination of mediation, an administrative organ shall terminate the mediation and notify the parties concerned that they may resolve the civil dispute through approaches

第二十一条 调解协议书应当载明下列事项：

- （一）当事人的基本情况；
- （二）调解请求；
- （三）调解协议内容；
- （四）其他需要载明的事项。

第二十二条 调解协议书自当事人签名、盖章，行政机关加盖印章之日起生效；口头协议自当事人达成协议之日起生效。

第二十三条 对调解协议书，当事人可以依法申请公证机关公证，或者申请人民法院确认效力。

第二十四条 对案情简单、具备当场调解条件的民事纠纷，行政机关可以当场调解。当场调解达成协议且当事人能够即时履行的，行政机关应当将相关情况记录在案，无需制作调解协议书。

第三章 行政争议调解

第二十五条 当事人因本办法第三条第（二）项规定的行政争议申请行政复议或者提起行政诉讼的，在行政复议机关作出复议决定或者人民法院作出判决、裁定之前，作出行政行为的行政机关征得当事人同意后，可以在行政复议机关或者人民法院的指导下进行调解。

第二十六条 行政机关调解行政争议，可以确定由原行政行为的承办机构具体承担行政调解工作，也可以确定由其他机构具体承担行政调解工作。

原行政行为的承办人不得担任调解人员。

第二十七条 当事人之外的公民、法人或者其他组织与行政争议有利害关系的，行政机关应当通知其参加调解。

第二十八条 调解人员调解行政争议，应当听取当事人的陈述，向当事人讲解相关法律、法规、规章和政策，告知当事人执法依据、理由和相关考虑因素，答复当事人

such as litigation and arbitration.

Article 21 A mediation agreement shall specify the following matters:

1. The basic information of both parties concerned;
2. The request for mediation;
3. The contents of the mediation agreement; and
4. Other matters need to be specified.

Article 22 The mediation agreement shall be effective as of the date when it is signed and sealed by both parties concerned as well as sealed by the administrative organ; the oral agreement shall be effective as of the date when it is reached by both parties concerned.

Article 23 The parties concerned may apply for the notarization of a mediation agreement by a notary organ in accordance with law, or apply to a people's court for confirming the efficacy of such mediation agreement.

Article 24 A civil dispute with simple facts and the conditions for on-the-spot mediation may be mediated by an administrative organ on the spot. Where an agreement is reached through on-the-spot mediation and both parties concerned can instantly perform such agreement, the administrative organ shall put on record of relevant circumstances and does not need to formulate the mediation agreement.

Chapter III Mediation of Administrative Disputes

Article 25 Where a party concerned applies for administrative reconsideration or institutes an administrative litigation for any of the administrative disputes stipulated in Subparagraph 2, Article 3 of these Measures, the administrative organ taking relevant administrative action may, before the administrative reconsideration organ makes a decision or the people's court makes a judgment or ruling and after obtaining consent of the party concerned, carry out mediation under the guidance of the administrative reconsideration organ or the people's court.

Article 26 When mediating an administrative dispute, an administrative organ may determine that the administrative mediation work be specifically undertaken by the agency taking the original administrative action, and may determine that the administrative mediation work be specifically undertaken by another agency.

The functionaries taking the original administrative action shall not act as the mediation personnel.

Article 27 Where citizens, legal persons or other organizations other than the party concerned have interest relationship with an administrative dispute, the administrative organ shall notify them to participate in the mediation.

Article 28 When mediating an administrative dispute, the mediation personnel shall listen to representations of the party concerned, explain relevant laws, regulations, rules and

的疑问。

第二十九条 行政机关调解行政争议，应当在自当事人同意调解之日起 15 个工作日内结束。

第三十条 行政机关与当事人达成协议的，行政机关应当记录协议内容。当事人认可原行政行为或者行政机关按照协议改变原行政行为的，当事人撤回行政复议申请或者撤回起诉；行政机关改变原行政行为的，应当撤销原行政行为，重新作出行政行为，并告知行政复议机关或者人民法院。

行政机关与当事人无法达成协议或者当事人要求终止调解的，行政机关应当终止调解。

第四章 指导和监督

第三十一条 行政机关应当建立行政调解工作档案，将记载调解申请、受理、过程、协议等内容的相关材料立卷归档。

第三十二条 行政机关应当建立健全行政调解工作统计分析制度，定期对行政调解案件量、争议纠纷类型、结案方式等数据进行统计分析，并将相关数据和材料按照规定报送政府法制机构。

行政机关应当将重大行政调解案件按照规定报送政府法制机构备案。

第三十三条 市和区、县政府法制机构应当加强对本行政区域内行政调解工作的指导，建立健全行政调解工作程序和规范，完善相关配套制度；定期组织对行政调解工作人员进行业务培训，提高行政调解工作人员的专业素质。

第三十四条 行政机关及其工作人员在行政调解过程中存在不履行、违法履行、不当履行行政调解职责行为的，按照国家和本市有关规定对直接负责的主管人员和其他直接责任人员给予行政问责和行政处分。

policies to the party concerned, notify the basis, reasons and relevant factors considered for the law enforcement to the party concerned, and reply questions of the party concerned.

Article 29 The mediation of an administrative dispute by an administrative organ shall be finished within 15 days after it is agreed by the party concerned.

Article 30 Where an administrative organ reaches an agreement with the party concerned, the administrative organ shall record the contents of such agreement. Where the party concerned accepts the original administrative action or the administrative organ changes the original administrative action in accordance with such agreement, the party concerned shall withdraw its application for administrative reconsideration or withdraw the prosecution; where the administrative organ changes the original administrative action, it shall cancel the original administrative action, take an administrative action anew, and notify the administrative reconsideration or the people's court.

Where the administrative organ is unable to reach an agreement with the party concerned or the party concerned requires the termination of mediation, the administrative organ shall terminate the mediation.

Chapter IV Guidance and Supervision

Article 31 An administrative organ shall establish the archives of its administrative mediation work, so as to file relevant materials recording such contents as mediation applications, acceptances, processes and agreements.

Article 32 An administrative organ shall establish and improve the statistical analysis system for its administrative mediation work, regularly carry out the statistical analysis of such data as the case load of administrative mediation, types of disputes and manners of case closing, and report relevant data and materials to the legal affairs organ of the people's government as required.

An administrative organ shall report major administrative mediation cases to the legal affairs organ of the people's government for the record as required.

Article 33 Legal affairs organs of the people's governments at the municipal and the district or county level shall strengthen the guidance of the administrative mediation work within their respective administrative areas, establish and improve procedures and criteria for the administrative mediation work, and perfect relevant supporting systems; they shall organize the administrative mediation personnel to accept business trainings at regular intervals, so as to improve the professional quality of the administrative mediation personnel.

Article 34 Where any administrative organ and its functionaries commit such acts as failing to perform, illegally perform or improperly perform their administrative mediation functions and duties, administrative accountability and administrative sanctions may apply to the directly responsible person in charge and other directly responsible persons in accordance with relevant provisions of the State and this Municipality.

第五章 附 则

第三十五条 法律、法规授权的具有管理公共事务职能的组织开展行政调解，适用本办法。

第三十六条 本办法所称的当事人包括民事纠纷的双方当事人和行政争议的行政相对人。

第三十七条 本办法自 2015 年 9 月 1 日起施行。

Chapter V Supplementary Provisions

Article 35 These Measures shall apply to administrative mediation carried out by organizations with the function of public affairs administration as authorized by laws and regulations.

Article 36 As used in these Measures, a party concerned refers to either party concerned of a civil dispute or an administrative counterpart of an administrative dispute.

Article 37 These Measures shall be effective as of September 1, 2015.

北京市公共信用信息管理办法

(2018年3月8日北京市人民政府第280号令公布)

第一条 为规范行政机关归集、公布和使用公共信用信息，实现公共信用信息资源共享，推进社会信用体系建设，根据国务院《社会信用体系建设规划纲要（2014-2020年）》等规定，结合本市实际情况，制定本办法。

第二条 本市各级行政机关公共信用信息的归集、公布和使用及其相关管理和服务等活动，适用本办法。

本办法所称公共信用信息，是指行政机关以及法律、法规授权的具有管理公共事务职能的组织（以下统称行政机关），在依法履行职责过程中形成或者掌握的，能够反映法人和非法人组织（以下统称单位）以及18周岁以上的自然人（以下简称自然人）信用状况的数据和资料，包括基本信息、良好信息和不良信息。

第三条 行政机关归集、公布和使用公共信用信息，应当遵循合法、客观、准确、必要和安全的原则，依法保护单位和自然人的合法权益，不得公开法律、法规规定不予公开的信息。

第四条 市和区人民政府应当加强对公共信用信息工作的领导，建立健全工作协调机制，统筹推进公共信用信息的归集、公布和使用工作，将所需经费纳入财政预算，并对公共信用信息工作情况进行监督考核。

第五条 市经济信息化部门负责组织、协调、指导和监督全市公共信用信息归集、公布和使用工作；区人民政府确定的工作部门负责组织、协调、指导和监督本行政区域内的公共信用信息归集、公布和使用工作。

Measures of Beijing Municipality for the Administration of Public Credit Information

(Promulgated by Decree No. 280 of the People's Government of Beijing Municipality on March 8, 2018)

Article 1 These Measures are formulated for the purposes of regulating the collection, promulgation and use of public credit information by administrative organs, realizing the sharing of public credit information resource and promoting the construction of a social credit system in accordance with the relevant provisions including the State Council's Planning Outline for the Construction of a Social Credit System (2014-2020), and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to the collection, promulgation and use of public credit information by administrative organs at various levels in this Municipality as well as the relevant administration and service activities.

As used in these Measures, "public credit information" refers to the data and materials able to reflect the credit status of legal persons and non-incorporated organizations (hereinafter collectively referred to as units) as well as natural persons aged 18 or over (hereinafter referred to as natural persons) which are formed or grasped by administrative organs as well as organizations with the function of public affairs administration authorized by laws and regulations (hereinafter collectively referred to as administrative organs) in the process of performing their duties in accordance with the law, and includes basic information, good information and bad information.

Article 3 In the collection, promulgation and use of public credit information, administrative organs shall follow the principles of legality, objectiveness, accuracy, necessity and safety, shall protect the lawful rights and interests of units and natural persons in accordance with the law, and shall not make public any information not to be made public as stipulated by laws and regulations.

Article 4 The municipal and district people's governments shall strengthen the leadership of the work related to public credit information, establish and improve the work coordination mechanism, promote the collection, promulgation and use of public credit information according to the overall planning, include the needed fund in the financial budget, and carry out supervision and assessment of the work related to public credit information.

Article 5 The municipal department for economy and information technology shall be responsible for organizing, coordinating, guiding and supervising the collection, promulgation and use of public credit information in this Municipality; the department designated by the district people's government shall be responsible for organizing, coordinating, guiding and supervising the collection, promulgation and use of public credit information within the corresponding administrative area.

市工商行政、机构编制、民政部门分别建立健全本市企业信用信息系统、事业单位信用信息系统、社会组织信用信息系统，为公共信用信息共享提供便利条件。

有关行政机关按照各自职责和本办法的规定，配合做好公共信用信息归集、公布和使用工作。

第六条 单位的基本信息包括下列内容：

- （一）名称、法定代表人或者负责人、统一社会信用代码等登记注册信息；
- （二）取得的资格、资质等行政许可信息；
- （三）知识产权信息；
- （四）产品、服务、管理体系的认证认可信息；
- （五）其他反映单位基本情况的信息。

第七条 自然人的基本信息包括下列内容：

- （一）姓名、身份证号码等信息；
- （二）学历、学位等信息；
- （三）就业状况、职称、资格等信息。

第八条 禁止归集自然人的宗教信仰、基因、指纹、血型、疾病和病史信息，以及法律、法规禁止采集的其他自然人信息。

第九条 单位和自然人的良好信息包括下列内容：

- （一）各级人民政府及其部门授予的表彰信息；
- （二）各级人民政府及其部门给予的奖励信息；
- （三）参与各级人民政府及其部门组织的慈善活动信息；
- （四）国家规定的其他良好信息。

第十条 单位的不良信息包括下列内容：

- （一）向行政机关提供虚假材料的信息；
- （二）违反向行政机关作出的书面承诺信息；
- （三）行政机关适用一般程序作出的行政处罚、行政强制信息；
- （四）发生安全生产、食品安全、环境污染、产品质量等责任事故被行政机关

The municipal departments for administration of industry & commerce, public sector reform and civil affairs shall respectively set up and improve the enterprise credit information system, the public institutions credit information system and the social organizations credit information system of this Municipality, and shall provide convenience for the sharing of public credit information.

The relevant administrative organs shall cooperate with and bring success to the collection, promulgation and use of public credit information according to their respective duties and the provisions of these Measures.

Article 6 The basic information about an unit includes:

- (1) the registered information such as its name, legal representative or person in charge and uniform social credit code;
- (2) the information on administrative licensing such as its qualifications and;
- (3) the information on intellectual property;
- (4) the information on the certification and accreditation of products, services and management systems; and
- (5) other information reflecting the unit's basic situation.

Article 7 The basic information about a natural person includes:

- (1) the information on his name and ID card number;
- (2) the information on his educational background and academic degrees; and
- (3) the information on his employment status, professional title and qualifications.

Article 8 It is prohibited to collect the information about natural persons about their religious beliefs, genes, fingerprints, blood types, diseases and medical histories as well as other information about natural persons whose collection is prohibited by laws and regulations.

Article 9 The good information about an unit or a natural person includes:

- (1) the information on commends granted by the people's governments at various levels and their departments;
- (2) the information on awards granted by the people's governments at various levels and their departments;
- (3) the information on its or his participation in charity activities organized by the people's governments at various levels and their departments; and
- (4) other good information stipulated by the State.

Article 10 The bad information about an unit includes:

- (1) the information on its provision of false materials to administrative organs;
- (2) the information on its violation of written commitments to administrative organs;
- (3) the information on administrative penalties and administrative coercion imposed by administrative organs by applying the general procedure;
- (4) the information on its punishment by administrative organs due to liability accidents related to work safety, food safety, environment protection and product quality; and

处理的信息；

（五）国家规定的其他不良信息。

第十一条 自然人的不良信息包括下列内容：

（一）向行政机关提供虚假材料的信息；

（二）违反向行政机关作出的书面承诺信息；

（三）行政机关适用一般程序作出的行政处罚、行政强制信息；

（四）国家规定的其他不良信息。

第十二条 市经济信息化部门与有关行政机关，按照本办法规定的公共信用信息范围，协商确定公共信用信息的归集内容、归集标准、归集方式和公开属性等事项，编制全市公共信用信息目录，向社会公布。

第十三条 行政机关应当自公共信用信息形成之日起 15 个工作日内，按照下列规定提供信息：

（一）单位的公共信用信息，依托本市建立的企业信用信息系统、事业单位信用信息系统、社会组织信用信息系统，分别向市工商行政、机构编制、民政部门提供；

（二）自然人的公共信用信息，向市经济信息化部门提供。

第十四条 行政机关提供的公共信用信息，应当以具备法律效力的文书或者其他有效证明文件为依据，并准确和完整。发现不准确或者不完整的，应当及时予以更正。

第十五条 行政机关应当明确本单位负责公共信用信息工作的部门或者机构，建立完善本单位公共信用信息系统，做好公共信用信息的收集、整理、保存等工作，并对公共信用信息数据实行动态管理。

第十六条 行政机关应当建立健全公共信用信息安全管理制度，采取必要的技术措施，确保公共信用信息的安全；对发生公共信用信息严重泄露等情况的，应当及时处理，并向市经济信息化部门报告。

第十七条 市安全监管、食品药品监管、质监、环保、住建等部门应当建立健全市场主体准入前的信用承诺制度，向社会公开。行政机关应当对单位和自然人违反信

(5) other bad information stipulated by the State.

Article 11 The bad information about a natural person includes:

- (1) the information on his provision of false materials to administrative organs;
- (2) the information on his violation of written commitments to administrative organs;
- (3) the information on administrative penalties and administrative coercion imposed by administrative organs by applying the general procedure; and
- (4) other bad information stipulated by the State.

Article 12 The municipal department for economy and information technology and the relevant administrative organs shall, according to the scope of public credit information stipulated in these Measures, negotiate and determine such matters as the contents, standards and forms for collection as well as the attributes for publicity of public credit information, and shall formulate and promulgate this Municipality's catalogue of public credit information.

Article 13 The administrative organ shall provide public credit information in accordance with the following provisions within 15 working days after such information is formed:

- (1) the public credit information about units shall be provided to the municipal departments for administration of industry & commerce, public sector reform and civil affairs based on this Municipality's enterprise credit information system, public institutions credit information system and social organizations credit information system; and
- (2) the public credit information about natural persons shall be provided to the municipal department for economy and information technology.

Article 14 The public credit information provided by administrative organs shall be based on instruments with legal force and other valid evidential documents, as well as shall be accurate and complete. Administrative organs shall make timely corrections if any inaccurate or incomplete information is discovered.

Article 15 The administrative organ shall make clear its department or agency to be responsible for the work related to public credit information, set up and improve its own public credit information system, bring success to the collection, sorting and keeping of public credit information, and carry out dynamic management of public credit information data.

Article 16 The administrative organ shall set up and improve the safety management system for public credit information, and adopt necessary technical measures to ensure the safety of public credit information; where any situation such as serious leakage of public credit information occurs, it shall make timely disposal and report to the municipal department for economy and information technology.

Article 17 The municipal departments for safety administration, food & drug administration, quality supervision, environmental protection and housing & urban-rural development shall set up, improve and make public the prior-access credit commitment system for market entities. The administrative organ shall record the information on violations of the credit commitment system by units and natural persons.

用承诺制度的信息进行记载。

第十八条 本市建立统一的公共信用信息服务平台，为行政机关和社会公众提供查询服务，实现单位和自然人公共信用信息的共享。

公共信用信息服务平台建设、运行、维护和管理的具体办法，由市经济信息化部门制定。

第十九条 市工商行政、机构编制、民政部门按照职责分工将归集的单位公共信用信息，共享到公共信用信息服务平台。

市经济信息化部门负责将归集的自然人公共信用信息，共享到公共信用信息服务平台。

第二十条 属于依法应当主动公开的公共信用信息，单位和自然人可以通过公共信用信息服务平台查询。主动公开以外的其他公共信用信息，单位或者自然人可以查询自身信息；查询他人信息的，应当经被查询人书面同意，但法律、法规另有规定的除外。

市经济信息化部门制定并发布公共信用信息服务平台查询服务规范，向社会提供便捷的查询服务。

第二十一条 行政机关及其工作人员不得以不正当手段归集公共信用信息，不得虚构、篡改或者违规删除公共信用信息，不得违规披露或者泄露公共信用信息；非履职需要，不得查询公共信用信息。

第二十二条 单位和自然人认为公共信用信息服务平台记载的本单位或者本人的公共信用信息与事实不符或者依法不应当公开的，可以向市经济信息化部门书面提出异议申请，并提供相关证明材料。

第二十三条 市经济信息化部门应当自收到异议申请之日起7个工作日内会同有关行政机关进行核查，并作出处理。经核查属实的，应当及时予以更正，并将更正结果书面告知申请人；经核查不属实的，应当将核查结果书面告知申请人。

第二十四条 行政机关在市场监管、行政审批、政府采购、招标投标、政策扶持、

Article 18 This Municipality shall set up an uniform public credit information service platform to provide inquiry service to administrative organs and the public, so as to realize the sharing of public credit information about units and natural persons.

The specific measures for the construction, operation, maintenance and management of the public credit information service platform shall be formulated by the municipal department for economy and information technology.

Article 19 The municipal departments for administration of industry & commerce, public sector reform and civil affairs shall share the public credit information about units collected by them on the public credit information service platform according to their duties and division of work.

The municipal department for economy and information technology shall be responsible for sharing the public credit information about natural persons collected by it on the public credit information service platform.

Article 20 Units and natural persons may inquire the public credit information which should be initiatively made public in accordance with the law through the public credit information service platform. As for the public credit information other than those which should be initiatively made public, a unit or a natural person may inquire the information about itself or himself and may inquire the information about others after obtaining their written consent, unless otherwise stipulated by laws and regulations.

The municipal department for economy and information technology shall formulate and promulgate the specifications for inquiry service of the public credit information service platform, so as to provide convenient inquiry service to the public.

Article 21 Administrative organs and their staff members shall not collect public credit information by improper means, shall not make up, falsify or make rule-breaking deletion of public credit information, shall not carry out rule-breaking disclosure or leakage of public credit information, and shall not inquire public credit information unless due to the need of performing duties.

Article 22 Where any unit or natural person thinks any public credit information about itself or himself recorded in the public credit information service platform is not tally with the facts or should not be made public in accordance with the law, it or he may make a written objection application to the municipal department for economy and information technology, and shall provide the relevant evidentiary materials.

Article 23 The municipal department for economy and information technology shall carry out the verification together with the relevant administrative organs and make the relevant disposal within 7 working days after receiving the objection application. Where the objection is found to be tenable through verification, it shall make timely corrections and notify the correction result to the applicant in writing; where the objection is found to be untenable through verification, it shall notify the verification result to the applicant in writing.

Article 24 The administrative organ shall take the public credit information about units and natural persons as an important basis for administrative decision-making in the

国有土地出让、科研项目申报、人员招录、职称评定和表彰奖励等工作中，应当将单位或者自然人的公共信用信息作为行政决策的重要依据，但法律、法规另有规定的除外。

第二十五条 市级行政机关应当按照职责权限和管理实际，制定本系统或者本行业的信用状况评价标准，并根据公共信用信息服务平台中记录的信息，对单位和自然人的信用状况作出良好或者不良等评价。

第二十六条 对信用状况良好的单位和自然人，在其他条件相同的情况下，行政机关可以依法采取下列措施：

- （一）在办理行政许可和公共服务过程中，简化程序、优先办理；
- （二）在安排日常检查和专项检查中，减少检查频次；
- （三）在安排财政性资金项目以及实施各类政府优惠政策中，优先考虑和扶持；
- （四）在各类公共资源交易活动中，依法依规予以加分；
- （五）在就业、创业等领域，优先考虑和支持；
- （六）规定的其他激励性措施。

第二十七条 对信用状况不良的单位和自然人，行政机关可以依法采取下列措施：

- （一）在办理行政许可过程中，重点予以核查；
- （二）在安排日常检查和专项检查中，增加检查频次；
- （三）限制申请政府补贴资金支持；
- （四）限制参与政府采购、政府购买服务、国有土地出让、政府投资项目或者主要使用财政性资金项目的招标等活动；
- （五）限制担任单位的法定代表人、负责人或者高级管理人员；
- （六）限制参与政府组织的表彰奖励活动；
- （七）规定的其他惩戒性措施。

第二十八条 行政机关对单位和自然人实施的惩戒性措施，应当与单位和自然人的信用状况相适应、相匹配、相关联，不得超越法定的许可条件、处罚种类和幅度。

第二十九条 市经济信息化部门可以会同有关行政机关依照国家和本市有关规

work related to market supervision, administrative approval, government procurement, tendering & bidding, policy support, transfer of state-owned land, application for scientific research projects, personnel recruitment, appraisal of professional titles and commends & awards, unless otherwise stipulated by laws and regulations.

Article 25 An administrative organ at the municipal level shall formulate the evaluation standards for credit status of the corresponding system or industry according to its duty, terms of reference and administration practice, and shall make evaluation on the good or bad credit status of any unit or natural person according to the information recorded in the public credit information service platform.

Article 26 The administrative organ may take the following measures in accordance with the law on any unit or natural person with a good credit status and the same conditions in other aspects:

- (1) simplifying procedures and giving priority in the process of administrative licensing and public service;
- (2) reducing the frequency of routine and special examinations;
- (3) giving preferred consideration and support in the arrangement of projects invested by financial funds and the implementation of various government preferential policies;
- (4) giving bonus points in accordance with the law or agreement in various public resource trading activities;
- (5) giving preferred consideration and support in employment, entrepreneurship and other fields; and
- (6) other incentive measures stipulated by the State.

Article 27 The administrative organ may take the following measures in accordance with the law on any unit or natural person with a bad credit status:

- (1) making emphasized verification in the process of administrative licensing;
- (2) increasing the frequency of routine and special examinations;
- (3) restricting the application for financial support by government subsidies;
- (4) restricting the participation in such activities as government procurement, government purchase of services, transfer of state-owned land and bidding of government investment projects or projects mainly using financial funds;
- (5) restricting the natural person to act as the legal representative, person in charge or senior executive of any unit;
- (6) restricting the participation in commending and awarding activities organized by the government; and
- (7) other punitive measures stipulated by the State.

Article 28 The punitive measures taken by the administrative organ on any unit or natural person shall correspond, match and associate with the credit status of said unit or natural person, and shall not exceed statutory permissive conditions and types & extent of punishment.

Article 29 The municipal department for economy and information technology may take joint measures on units and natural persons to encourage keeping trust and punish

定，对单位和自然人实行守信联合激励和失信联合惩戒措施。

第三十条 市经济信息化部门应当与周边省、自治区、直辖市相关部门建立公共信用信息工作合作共建机制，推进公共信用信息共享，建立守信激励和失信惩戒区域联动机制，优化区域信用环境。

第三十一条 鼓励单位和自然人在开展金融活动、市场交易、行业管理等活动中应用公共信用信息，防范交易风险，提高全社会诚信意识。

第三十二条 鼓励和扶持信用服务机构应用公共信用信息，开发和创新信用产品，扩大信用产品的使用范围。

第三十三条 行政机关未履行本办法规定的相关职责的，由市经济信息化部门或者区人民政府确定的工作部门书面督促改正；经督促仍不改正的，提请本级人民政府给予通报批评。

第三十四条 行政机关工作人员有下列情形之一的，由有权机关依法处理：

- （一）以不正当手段归集公共信用信息的；
- （二）虚构、篡改或者违规删除公共信用信息的；
- （三）擅自查询或者越权查询公共信用信息的；
- （四）违规披露或者泄露公共信用信息的。

第三十五条 本办法自 2018 年 5 月 1 日起施行。2002 年 8 月 31 日北京市人民政府第 106 号令公布的《北京市行政机关归集和公布企业信用信息管理办法》同时废止。

breaking trust together with the relevant administrative organs in accordance with the relevant provisions of the State and this Municipality.

Article 30 The municipal department for economy and information technology shall establish the cooperation and co-construction mechanism for the work related to public credit information together with the relevant departments of neighboring provinces, autonomous regions and municipalities directly under the Central Government, so as to promote the sharing of public credit information, establish the regional linkage mechanism to encourage keeping trust and punish breaking trust, and optimize the regional credit environment.

Article 31 Units and natural persons are encouraged to make use of public credit information in financial practices, market transactions, industrial management and other activities, so as to prevent transaction risks and improve the credit consciousness of the whole society.

Article 32 Credit service institutions are encouraged and supported to make use of public credit information, so as to develop and innovate credit products as well as expand the range of use for credit products.

Article 33 Where any administrative organ fails to perform its relevant duties as stipulated in these Measures, the municipal department for economy and information technology or the department designated by the district people's government shall urge it to make corrections in writing; where it fails to make corrections after being urged, an application for circulated notice of criticism shall be submitted to the people's government at the corresponding level.

Article 34 Where any staff member of an administrative organ is in any of the following circumstances, he shall be punished by the competent authority in accordance with the law:

- (1) collecting public credit information by improper means;
- (2) making up, falsifying or making rule-breaking deletion of public credit information;
- (3) inquiring public credit information without authorization or by overstepping his authority; or
- (4) carry out rule-breaking disclosure or leakage of public credit information.

Article 35 These Measures shall be effective as of May 1, 2018. The Measures of Beijing Municipality for the Administration of Collection and Publicity of Enterprise Credit Information by Administrative Organs promulgated by Decree No. 106 of the People's Government of Beijing Municipality on August 31, 2002 shall be repealed simultaneously.

（七）司法行政

北京市法律援助条例

（2008年12月29日北京市第十三届人民代表大会常务委员会
第八次会议通过）

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| 第五章 法律责任 |
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第一章 总 则

第一条 为了保障经济困难或者符合法定条件的公民获得必要的法律服务，规范法律援助行为，促进法律援助事业发展，根据国务院《法律援助条例》和有关法律、行政法规，结合本市实际情况，制定本条例。

第二条 本条例适用于政府设立的法律援助机构组织法律援助服务机构和法律援助人员，为符合法律、法规法律服务的活动。

本条例所称法律援助服务机构，包括律师事务所和经司法行政部门确认的其他法律服务机构。法律援助服务机构应当接受法律援助机构的指派，安排人员办理法律援助。

本条例所称法律援助人员，包括接受法律援助机构指派或者安排办理法律援助的律师、基层法律服务工作者、法律援助机构工作人员和法律援助志愿者以及其他法律专业人员。

vii. Judicial Administration

Regulations of Beijing Municipality on Legal Aid

(Adopted at the 8th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 29, 2008)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of ensuring the access of citizens in economic difficulty or meeting legal conditions to necessary legal services, standardizing the legal aid practices and promoting the development of undertakings of legal aid in accordance with the Regulations on Legal Aid of the State Council and other relevant laws and administrative regulations and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to the activities of providing legal services free of charge to the citizens meeting the conditions in laws or regulations by service institutions for legal aid and legal aid personnel organized by the legal aid institutions established by the governments.

The term “service, institutions for legal aid” in these Regulations includes law firms and other legal service institutions certified by the judicial administrative developments. Service institutions for legal aid shall accept the assignments of legal aid institutions and arrange personnel to handle legal aid cases.

The term “legal aid personnel” in these Regulations includes lawyers handling legal aid cases under the assignment or arrangement of legal aid institutions, legal service workers at the grass-root level, working staff of legal aid institutions, legal aid volunteers and other legal professionals.

第三条 法律援助是政府的责任。市和区、县人民政府应当采取措施积极推动法律援助工作，将法律援助经费列入同级财政预算，保障法律援助事业与经济、社会协调发展。

法律援助经费应当专款专用，经费的使用应当接受财政、审计等部门的监督。

第四条 市和区、县司法行政部门负责本行政区域内法律援助的监督、管理和宣传工作。

市和区、县司法行政部门确定或者组建的法律援助机构具体负责受理、审查法律援助申请，指派或者安排人员为符合本条例规定的公民提供法律援助和相关服务，并对法律援助人员办理法律援助的活动进行监督、指导。

第五条 律师协会应当支持、配合法律援助工作，监督律师依法办理法律援助。

律师应当依照律师法和本条例的规定履行法律援助义务，为受援人提供符合标准的法律服务，依法维护受援人的合法权益。

第六条 社会团体、事业单位等社会组织可以利用自身资源为经济困难的公民提供法律援助。

工会、妇联、残联、共青团等社会团体可以结合各自特点开展与其工作领域相关的法律援助活动。

第七条 鼓励组织和个人以捐赠的形式资助法律援助事业。捐赠财产可以依照国家有关规定享受税收优惠。

依法设立的法律援助基金会可以接受组织和个人对法律援助事业的捐赠。法律援助基金会应当按照章程的规定使用捐赠资金，向社会公开基金的使用情况，并接受财政、审计等部门的监督。

第八条 对在法律援助工作中做出突出贡献的组织和个人，由市和区、县人民政府或者司法行政部门给予表彰、奖励。

Article 3 Legal aid is a government responsibility. The peopled government at the municipal and the district or county level shall adopt measures to actively promote the work of legal aid and incorporate the fund for legal aid into budgets at the same level so as to ensure that the undertakings of legal aid develop in harmony with economic development and social progress.

Fund for legal aid shall be used for the designated purposes only and supervised by financial and auditing departments.

Article 4 The judicial administrative departments at the municipal and the district or county level shall be responsible for the supervision, administration and publicity of legal aid within their respective administrative areas.

Legal aid institutions designated or established by the judicial administrative departments at the municipal and the district or county level shall be responsible for accepting and examining applications for legal aid, assigning or arranging personnel to provide legal aid and relevant services to citizens meeting the conditions in these Regulations and carrying out supervision and guidance on the activities of handling legal aid cases by legal aid personnel.

Article 5 Lawyers associations shall offer support and cooperation to legal aid work and supervise lawyers to handle legal aid cases in accordance with law.

Lawyers shall fulfill their legal aid obligations pursuant to the Law on Lawyers and these Regulations, provide the aided persons with legal services that meet the standards and protect the legitimate rights and interests of the aided persons according to law.

Article 6 Social organizations such as associations and institutions may provide legal aid to citizens in economic difficulty by utilizing their own resources.

Social associations such as trade unions, women's federations, disabled persons' federations and the communist youth league may, in light of their own characteristics, carry out legal aid activities related to their respective areas of work.

Article 7 Organizations and individuals are encouraged to offer financial support to the undertakings of legal aid in the form of donation. The donated properties may receive tax preferential treatments in accordance with relevant provisions of the State.

Legal aid funds established in accordance with law may receive donations made by organizations and individuals to the undertakings of legal aid. Legal aid funds shall use the donated funds in accordance with the provisions of the articles of association, disclose the use of the funds to the society and accept supervision of the financial and auditing departments.

Article 8 The peopled governments or the judicial administrative departments at the municipal and the district or county level shall commend and award the organizations and individuals that have made outstanding contributions in the legal aid work.

第二章 法律援助范围

第九条 公民对下列需要代理的事项，因经济困难没有委托代理人的，可以向法律援助机构申请法律援助：

- （一）请求国家赔偿的；
- （二）请求给予社会保险待遇或者最低生活保障待遇的；
- （三）请求发给抚恤金、救济金的；
- （四）请求给付赡养费、抚养费、扶养费的；
- （五）请求支付劳动报酬的；
- （六）因家庭暴力、虐待、遗弃，合法权益受到侵害，请求司法保护的；
- （七）因交通事故、工伤事故、医疗事故、产品质量事故以及其他人身伤害事故造成人身伤害请求赔偿的；
- （八）法律、法规及市人民政府规定的其他法律援助事项。

第十条 公民申请法律援助的经济困难条件，按照国家和本市低收入家庭认定标准执行。

第十一条 农民工因请求支付劳动报酬或者工伤赔偿申请法律援助的，不受本条例规定的经济困难条件的限制。

第十二条 公民因实施见义勇为行为致使自身合法权益受到损害的，可以申请法律援助，不受本条例规定的经济困难条件的限制。

见义勇为行为的认定，依照国家和本市有关规定执行。

第十三条 刑事诉讼中有下列情形之一的，公民可以向法律援助机构申请法律援助：

- （一）侦查阶段犯罪嫌疑人自被第一次讯问或者被采取强制措施之日起，因经济困难没有聘请律师的；
- （二）公诉案件自案件移送审查起诉之日起，犯罪嫌疑人因经济困难没有委托辩护人的；
- （三）公诉案件自提起公诉之日起，被告人因经济困难没有委托辩护人的；

Chapter II Scope of Legal Aid

Article 9 Any citizen may apply to the legal aid institution for legal aid for the following matters requiring agency if he fails to entrust an agent for reasons of economic difficulty:

- (1) claim for State compensation;
- (2) claim for social insurance benefits or minimum subsistence allowances;
- (3) claim for allowances for bereft families and social relief;
- (4) claim for payment of maintenance for a parent, child, spouse, or any other dependent;
- (5) claim for pay for work;
- (6) request for judicial protection against the infringement of legitimate rights and interests caused by domestic violence, maltreatment or abandonment;
- (7) claim, for compensation for personal injury caused by a traffic accident, work injury accident, medical accident, product quality accident or any other accident that may cause personal injury; or
- (8) other matters for legal aid provided by laws, regulations or the Municipal People's Government.

Article 10 The conditions for economic difficulty of citizens to apply for legal aid shall be in compliance with the criteria for the family with low income of the State and this Municipality.

Article 11 Rural migrant workers applying for legal aid in the claim for pay for work or compensation for work injury shall not be subject to the conditions for economic difficulty provided in these Regulations.

Article 12 Citizens with their own legitimate rights and interests harmed in the acts of justice and courage may apply for legal aid and shall not be subject to the conditions for economic difficulty provided in these Regulations.

Identification of an act of justice and courage shall be in compliance with relevant provisions of the State and this Municipality.

Article 13 Any citizen may apply to the legal aid institution for legal aid if, in criminal proceedings, there is one of the following circumstances:

- (1) where, at the investigation stage, a lawyer is not appointed because of economic difficulty after a criminal suspect is interrogated for the first time or from the day on which compulsory measures are adopted against him;
- (2) where, in a case of public prosecution, a criminal suspect has not yet entrusted anyone to be his defender because of economic difficulty from the day on which the case is transferred for examination before prosecution;
- (3) where, in a case of public prosecution, the defendant has not yet entrusted anyone to be his defender because of economic difficulty from the day on which public prosecution is filed against the case;

（四）公诉案件中的被害人及其法定代理人或者近亲属，自案件移送审查起诉之日起，因经济困难没有委托诉讼代理人的；

（五）自诉案件的自诉人及其法定代理人，自人民法院受理案件之日起，因经济困难没有委托诉讼代理人的。

第十四条 公诉人出庭公诉的案件，被告人因经济困难或者其他原因没有委托辩护人，人民法院为被告人指定辩护时，法律援助机构应当提供法律援助。

被告人是盲、聋、哑人或者未成年人而没有委托辩护人的，或者被告人可能判处死刑而没有委托辩护人的，人民法院为被告人指定辩护时，法律援助机构应当提供法律援助，无需对被告人进行经济状况的审查。

第三章 法律援助申请和审查

第十五条 公民申请法律援助的事项属于诉讼事项的，向有管辖权的人民法院所在地的法律援助机构提出；属于侦查或者审查起诉阶段刑事案件的，向办理案件的公安机关或者人民检察院所在地的法律援助机构提出。

公民申请法律援助的事项属于非诉讼法律事务的，向有权处理机关所在地、申请人住所地或者事项发生地的法律援助机构提出。

按照第一款、第二款规定，两个以上法律援助机构都可以受理申请的，申请人应当向其中一个法律援助机构提出申请。申请人就同一事项向两个以上法律援助机构提出申请的，由最先收到申请的法律援助机构受理。

第十六条 申请人为无民事行为能力人或者限制民事行为能力人的，由其法定代理人、住所地居民委员会或者村民委员会以及法律、法规规定的其他组织、人员代为申请法律援助。

第十七条 被羁押的犯罪嫌疑人、被告人、服刑人员申请法律援助的，可以通过公安机关、人民检察院、人民法院或者监狱管理机关向法律援助机构提出。

公安机关、人民检察院、人民法院或者监狱管理机关收到被羁押的犯罪嫌疑人、被告人、服刑人员提出的法律援助申请后，应当在 24 小时内转交所在地的法律援助

(4)where, in a case of public prosecution, the victim and his legal representative or near relatives have not yet entrusted an agent ad litem because of economic difficulty from the day on which the case is transferred for examination before prosecution; or

(5)where, in a case of private prosecution, the private prosecutor and his legal representative have not yet entrusted an agent ad litem because of economic difficulty from the day on which the case is accepted by the people's court.

Article 14 If a case is brought in court by the public prosecutor and the defendant has not yet entrusted anyone to be his defender because of economic difficulty or other reasons, the legal aid institution shall provide legal aid when the people's court designates a defense for the defendant.

If the defendant is blind, deaf, mute or a minor and has not yet entrusted a defender, or the defendant may be sentenced to death penalty and has not yet entrusted anyone to be his defender, the legal aid institution shall provide legal aid without examining the economic status of the defendant when the people's court designates a defense for the defendant.

Chapter III Legal Aid Application and Examination

Article 15 Where the matter for which a citizen applies for legal aid is a litigation matter, the application shall be made to the legal aid institution in the place of the people's court with jurisdiction; where the matter is involved in a criminal case at the stage of investigation or prosecution, the application shall be made to the legal aid institution in the place of the public security organ or the people's procuratorate handling the case.

Where the matter for which a citizen applies for legal aid is a non-litigation matter of law, the application shall be made to the legal aid institution in the place of the organ with authority over the matter, the applicant's domicile or where the matter occurs.

Where two or more legal aid institutions may accept the application according to the provisions of Paragraph 1 and Paragraph 2, the applicant shall submit the application to one of them. Where the applicant submits the application on the same matter to two or more legal aid institutions, the legal aid institution which first receives the application shall accept it.

Article 16 Where the applicant has no capacity for civil conduct or limited capacity for civil conduct, the application for legal aid shall be made on his behalf by his legal representative, the residents' committee or villagers' committee of the applicant's place of residence or other organization or person provided by laws or regulations.

Article 17 Where a criminal suspect, defendant or person serving his sentence held in custody applies for legal aid, the application may be made to the legal aid institution through the public security organ, the people's procuratorate, the people's court or the authority for prison administration.

The public security organ, the people's procuratorate, the people's court or the authority for prison administration shall, after receiving the application from the criminal suspect, defendant or person serving his sentence held in custody, transfer it within 24 hours to the

机构。

第十八条 申请法律援助应当以书面形式提出，并填写申请表。以书面形式提出确有困难的，可以口头申请，由法律援助机构工作人员或者代为转交申请的有关机构工作人员作出书面记录。

申请法律援助应当提供下列材料：

- （一）身份证或者其他有效的身份证明，代理申请人还应当提交有代理权的证明；
- （二）经济困难证明；
- （三）与申请法律援助事项有关的案件材料。

经济困难证明由申请人住所地街道办事处、乡镇人民政府出具。经济困难证明应当包括申请人家庭人口状况、就业状况、家庭人均收入等信息。

第十九条 申请人能够证明有下列情形之一的，法律援助机构可以直接认定其经济困难，无需提供第十八条第二款规定的经济困难证明：

- （一）属于农村五保供养对象的；
- （二）领取最低生活保障金或者生活困难补助金的；
- （三）在社会福利机构由政府供养的；
- （四）重度残疾或者患有重大疾病且无固定生活来源的；
- （五）人民法院给予司法救助的。

第二十条 法律援助机构收到法律援助申请后，应当进行审查。申请人提供的申请材料不齐全的，法律援助机构应当一次性告知申请人作出补充或者说明，申请人未按照要求补正的，视为撤回申请；对申请材料的真实性有疑问的，可以向有关组织或者个人调查，有关组织或者个人应当协助，不得收取费用。

申请材料齐全、符合法定形式，或者申请人按照前款要求提交全部补正申请材料的，法律援助机构应当受理法律援助申请。

第二十一条 法律援助机构应当自受理法律援助申请之日起5个工作日内完成审查并作出是否提供法律援助的决定。

legal aid institution in the same place.

Article 18 The application for legal aid shall be made in writing with the application form filled out. If the applicant indeed has difficulty in making a written application, he may apply orally and has the working staff from the legal aid institution or from the organ that forwards the application on his behalf to make a written record.

The following materials shall be provided in the application for legal aid:

(1) identity card or other valid proof of identity, and proof of authorization if applicant's agent applies on his behalf;

(2) proof of economic difficulty; and

(3) case materials relevant to the matter over which legal aid is applied for.

The proof of economic difficulty shall be issued by the sub-district office or the people's government of township of the place of the applicant's residence. The proof of economic difficulty shall include such information as family members of the applicant, their employment and income per capita of the family.

Article 19 Where the applicant can prove the existence of one of the following circumstances, the legal aid institution may directly affirm that the applicant is in economic difficulty and the applicant need not provide the proof of economic difficulty provided in paragraph 2 of Article 18 :

(1) the applicant is a person enjoying the five-guarantees in rural areas;

(2) the applicant receives the minimum subsistence allowances or subsidies for living difficulty;

(3) the applicant is supported by the government in a social welfare institution;

(4) the applicant suffers from serious disability or serious disease and has no fixed sources for living; or

(5) the people's court has granted the applicant judicial assistance.

Article 20 Upon receiving the application for legal aid, the legal aid institution shall examine the application. If the application materials submitted by the applicant are incomplete, the legal aid institution shall inform the applicant to make supplements or give explanations all at once and if the applicant fails to make supplements or give explanations as requested, the application shall be deemed as having been withdrawn; if the legal aid institution has doubt on the authenticity of the application materials, it may contact relevant organizations or individuals for investigation, and the organizations or individuals shall offer assistance without charging any fee.

If the application materials are complete and in conformity with the statutory form, or the applicant has submitted the application materials which are fully supplemented as required in the preceding paragraph, the legal aid institution shall accept the application for legal aid.

Article 21 The legal aid institution shall complete the examination on the application for legal aid and make decision on whether or not to provide legal aid within five working days as of the date of acceptance of the application for legal aid.

对符合法律援助条件的，法律援助机构应当作出提供法律援助的书面决定，指派法律援助服务机构安排法律援助人员办理法律援助，也可以安排本机构工作人员办理。法律援助机构应当与受援人签订法律援助协议，明确双方的权利和义务。

对不符合法律援助条件的，应当作出不提供法律援助的书面决定并说明理由。

第二十二条 因下列情形之一不能提供法律援助的，法律援助机构应当向申请人说明：

- （一）申请事项不属于人民法院或者其他非诉讼事务处理机构受理范围的；
- （二）申请相对人不明确的；
- （三）法律援助事项已审结或者处理完毕，申请人以同一事实和理由再次申请法律援助的；
- （四）法律、法规规定不能提供法律援助的其他情形。

第二十三条 申请人可以撤回法律援助申请。申请人撤回申请后就同一事项再次申请法律援助的，法律援助机构不予受理，但能够证明撤回申请违背申请人真实意思表示的除外。

第二十四条 申请人对法律援助机构作出的不提供法律援助的决定有异议的，可以自收到决定之日起 15 日内向确定或者组建该法律援助机构的司法行政部门申请复查。

司法行政部门应当自收到复查申请之日起 5 个工作日内完成复查。经复查认为符合法律援助条件的，应当以书面形式责令法律援助机构及时提供法律援助，并通知申请人；认为不符合法律援助条件的，应当维持法律援助机构的决定，并将理由告知申请人。

第四章 法律援助实施

第二十五条 法律援助可以采取下列形式：

- （一）解答法律咨询、代拟法律文书；

Where an application meets the conditions for legal aid, the legal aid institution shall make a decision in writing to provide legal aid and assign a service institution for legal aid to arrange legal aid personnel to handle the legal aid case. The legal aid institution may also arrange its own working staff to handle the case. The legal aid institution shall sign an agreement on legal aid with the aided person to specify both parties' rights and obligations.

Where an application fails to meet the conditions for legal aid, the legal aid institution shall make a decision in writing not to provide legal aid and explain the reasons.

Article 22 Where legal aid cannot be provided due to one of the following circumstances, the legal aid institution shall give an explanation to the applicant:

- (1) the matter concerned in the application is not within the scope of acceptance by the people's court or other institutions for handling non-litigation matters;
- (2) the relative person for the application is unclear;
- (3) the applicant applies for legal aid with the same fact and reason on a matter for legal aid which has been concluded or handled; or
- (4) any other circumstances where legal aid cannot be provided as stipulated by laws or regulations.

Article 23 The applicant may withdraw the application for legal aid. Where, after withdrawing an application, an applicant applies for legal aid for the same matter, the legal aid institution shall not accept the application, unless it may be proved that the withdrawal is against the expression of the applicant's true intention.

Article 24 Where the applicant takes objection to the decision of the legal aid institution on not providing legal aid, the applicant may apply to the judicial administrative department which has designated or organized the legal aid institution for review within 15 days as of the date of receipt of the decision.

The judicial administrative department shall complete the review within five working days as of the date of receipt of the application for review. If finding, after review, that the applicant meets the conditions for legal aid, the judicial administrative department shall order in writing the legal aid institution to provide in a timely fashion legal aid and inform the applicant; if finding that the applicant fails to meet the conditions for legal aid, the judicial administrative department shall affirm the decision of the legal aid institution and inform the applicant of the reasons.

Chapter IV Implementation of Legal Aid

Article 25 Legal aid may be provided in the following form:

- (1) making replies in legal consulting and drafting legal instruments on the applicants' behalf;

（二）刑事辩护、刑事代理；

（三）民事、行政诉讼代理；

（四）行政复议代理，劳动、人事争议仲裁代理和其他非诉讼法律事务代理；

（五）法律、法规规定的其他法律援助形式。

第二十六条 由人民法院指定辩护的案件，人民法院应当在开庭 10 日前将指定辩护通知书和起诉书副本或者判决书副本送交其所在地的法律援助机构。

法律援助机构应当及时将与案件有关材料转交法律援助服务机构，并在人民法院开庭 3 日前，将确定的承办人员名单告知作出指定的人民法院。

第二十七条 法律援助机构提供法律援助的诉讼案件，受援人向人民法院提起诉讼的，人民法院应当缓收诉讼费。

人民法院判决受援人胜诉的，诉讼费应当由对方当事人负担；判决受援人败诉的，人民法院根据受援人的经济状况决定减收、免收诉讼费。

第二十八条 法律援助人员在办理法律援助案件时，凭法律援助公函利用档案资料、调查取证，国家机关、事业单位等组织应当予以协助。

受援人在接受法律援助过程中所涉及的诉讼费、公证费、鉴定费以及法律援助人员在办案中查阅档案资料、从事调查取证活动所涉及的相关费用，按照国家规定予以免收、减收或者缓收。

第二十九条 有下列情形之一的，法律援助机构可以先行提供法律援助：

（一）不及时提供法律援助可能使当事人面临重大人身或者财产危险的；

（二）不及时提供法律援助可能会造成不良社会影响的；

（三）有其他紧急或者特殊情形的。

法律援助机构发现先行提供法律援助的受援人不符合本条例规定的法律援助条件，应当终止法律援助。因先行提供法律援助而发生的费用，由受援人承担。

第三十条 发现下列情形之一的，法律援助人员应当向作出提供法律援助决定的法律援助机构报告，法律援助机构经审查核实，应当终止法律援助：

- (2)serving as defender or agent ad litem in criminal proceedings;
- (3)serving as agent ad litem in civil or administrative proceedings;
- (4)seizing as agent ad litem in administrative reconsideration, arbitration on labor or personnel disputes and other non-litigation matters of law; or
- (5)other forms of legal aid provided in laws or regulations.

Article 26 For a case over which defense is designated by the people's court, the people's court shall send the written notice of defense designation and a copy of bill of prosecution or a copy of the judgment to the legal aid institution in the place where the court is located ten days before opening of the court session.

The legal aid institution shall promptly transfer the materials related to the case to the service institution for legal aid and inform the determined name list of the handling persons to the people's court which has made the designation three days before opening of the court session.

Article 27 In a litigation for which the legal aid institution has provided legal aid, where the aided person files a suit to the people's court, the people's court shall grant a deferment of court costs.

Where the people's court holds that the aided person wins, the court costs shall be afforded by the other party; where it holds that the aided person loses, it shall determine to grant a reduction or exemption of court costs in light of the economic status of the aided person.

Article 28 When the legal aid personnel uses files and materials and carries out investigation for evidence collection with the official letter of legal aid in handling a legal aid case, the State organs, institutions and other organizations shall offer assistance.

Court costs, fees for notarization and evaluation involved in the course where the aided person is receiving legal aid and the relevant costs involved when the legal aid personnel is looking up files and materials and carrying out investigation for evidence collection shall be exempted, reduced or deferred in accordance with the provisions of the State.

Article 29 The legal aid institution may provide legal aid in advance in any of the following circumstances:

- (1) the party will face major personal or property risks if legal aid is not promptly provided;
- (2) it is possible to generate negative social impacts if legal aid is not promptly provided; or
- (3) any other emergent or special circumstances.

Where the legal aid institution finds that the aided person receiving the legal aid provided in advance does not meet the conditions for legal aid stipulated in these Regulations, it shall terminate the legal aid. The costs incurred by the provision of legal aid in advance shall be afforded by the aided person.

Article 30 Where any of the following circumstances is found, the legal aid personnel shall report it to the legal aid institution which has made the decision to provide legal aid, and the legal aid institution shall terminate the legal aid after verification.

- (一) 以欺骗、隐瞒事实或者其他不正当手段获得法律援助的；
- (二) 受援人的经济状况发生变化，不再符合法律援助条件的；
- (三) 案件终止审理或者已被撤销的；
- (四) 受援人另行委托律师或者其他代理人的；
- (五) 受援人要求终止法律援助的；
- (六) 受援人违反法律援助协议，使协议难以继续履行的。

第三十一条 法律援助人员应当恪守职业道德和执业纪律，依法实施法律援助，维护受援人的合法权益，并不得实施下列行为：

- (一) 无正当理由拒绝、拖延或者终止实施法律援助；
- (二) 向受援人收取财物或者牟取其他不正当利益；
- (三) 不及时向受援人通报法律援助进展情况；
- (四) 泄露当事人的隐私。

第三十二条 法律援助人员办结法律援助案件后应当制作结案报告，并按照归档规范将法律援助过程中形成的法律文书、资料归档，提交法律援助机构。

法律援助机构收到前款规定的结案材料后，应当进行审查，经审查合格的，向法律援助人员支付办案补贴。

法律援助办案补贴的标准由市司法行政部门会同市财政部门，根据本市经济发展水平，参考法律援助机构办理各类法律援助案件的平均成本等因素核定，并可以根据需要调整。

第三十三条 受援人有权向法律援助机构或者法律援助人员了解为其提供法律援助的进展情况；有事实证明法律援助人员不依法履行职责的，受援人可以要求更换。

受援人应当如实陈述与法律援助案件有关的情况，及时提供相关证据材料，协助、配合法律援助机构和法律援助人员开展法律援助工作。

第三十四条 法律援助机构应当采取多种形式将法律援助的条件、程序、期限和申请材料目录、申请示范文本等向社会公示。

(1) the legal aid has been obtained by deceit, concealing facts or other illegitimate means;

(2) the aided person no longer meets the conditions for legal aid as his economic status has changed;

(3) the trial of the case has been terminated or cancelled;

(4) the aided person has entrusted another lawyer or other agent ad litem;

(5) the aided person has requested termination of legal aid; or

(6) the aided person has violated the agreement on legal aid, making it difficult to continue the implementation of the agreement.

Article 31 The legal aid personnel shall abide by the professional ethics and practicing discipline, carry out legal aid in accordance with law, protect the legitimate rights and interests of the aided person and shall not conduct any of the following activities:

(1) refusing, delaying or terminating the provision of legal aid without any justification;

(2) receiving any money or property from the aided person or seeking any other illegal gains;

(3) delaying in informing the aided person of the information on operation of the legal aid; or

(4) disclosing the privacy of the party.

Article 32 After a legal aid case is concluded, the legal aid personnel shall prepare a final report of the case and file the legal instruments and materials formed during the operation of legal aid according to the filing standard and submit them to the legal aid institution.

After receiving the materials of the case provided in the preceding paragraph, the legal aid institution shall carry out examination and pay allowances to the legal aid personnel where the materials prove to be up to the standard after examination.

Standards of the allowances for providing legal aid shall be determined by the judicial administrative department jointly with the financial department at the municipal level by taking into account the local level of economic development of this Municipality and with reference to such factors as the average cost of legal aid institutions in handling different types of legal aid cases, and may be adjusted if necessary.

Article 33 The aided person has the right to find out the facts about the operation of the legal aid provided for him from the legal aid institution or legal aid personnel; where it is proved by facts that the legal aid personnel fails to perform his duty in accordance with law, the aided person may request for change.

The aided person shall give truthful statement on the information involved in the legal aid case; promptly provide relevant evidence materials and offer assistance and cooperation to the legal aid institution and the legal aid personnel in carrying out the legal aid work.

Article 34 The legal aid institutions shall publish to the society in various forms the conditions, procedures, time limit, tables of contents of the application materials and model documents for application for legal aid.

第三十五条 司法行政部门应当建立健全法律援助质量监督制度，制定办理法律援助案件的质量标准，开展法律援助服务质量检查和评估，并将检查和评估结果依法公开。

第五章 法律责任

第三十六条 律师事务所拒绝法律援助机构的指派，不安排律师办理法律援助的，由司法行政部门给予警告、责令改正；情节严重的，给予1个月以上3个月以下停业整顿处罚。

第三十七条 律师、基层法律服务工作者违反本条例第三十一条规定，由司法行政部门给予警告、责令改正；情节严重的，给予1个月以上3个月以下停止执业处罚。

有第三十一条第二项违法行为的，由司法行政部门责令退还违法所得的财物，并可处所收财物价值1倍以上3倍以下罚款。

第三十八条 违反本条例规定，国务院《法律援助条例》和其他有关法律、法规已规定法律责任的，依照其规定执行。

第六章 附 则

第三十九条 本条例自2009年3月1日起施行。

Article 35 The judicial administrative departments shall establish and improve a system of supervision on the quality of legal aid, work out the standards on the quality of the handling of legal aid cases, conduct inspections and evaluations on the quality of legal aid services and publish the results thereof in accordance with law.

Chapter V Legal Liability

Article 36 Where a law firm refuses an assignment from the legal aid institution and fails to arrange its lawyer to handle a legal aid case, the judicial administrative department shall issue a warning and order it to make corrections. If the circumstances are serious, it shall be punished by suspension of its business for rectification for a period of not less than one month but not more than three months.

Article 37 Where a lawyer or legal service worker at the grass-root level violates the provisions of Article 31 of these Regulations, the judicial administrative department shall issue a warning and order him to make corrections. If the circumstances are serious, he shall be punished by suspension of practicing for a period of not less than one month but not more than three months.

For an illegal act provided in Item 2 of Article 31, the judicial administrative department shall order the return of the illegally received money or property and may concurrently impose a fine equivalent to more than one time and less than three times the worth of the received money or property.

Article 38 Where the Regulations on Legal Aid of the State Council and other laws or regulations have provided for the legal liability for a violation against these Regulations, such provisions shall be followed.

Chapter VI Supplementary Provisions

Article 39 These Regulations shall be effective as of March 1, 2009.

北京市行政执法机关移送涉嫌犯罪案件工作办法

(2016年12月15日北京市人民政府第274号令公布 根据2018年4月24日北京市人民政府第281号令修改)

第一条 为了规范行政执法机关对涉嫌犯罪案件的移送工作，依法惩治违法犯罪活动，依据国家有关法律法规，结合本市实际，制定本办法。

第二条 本市各级行政执法机关依法实施行政检查或者案件调查过程中，发现违法行为且违法情节或者后果涉嫌构成犯罪，依法需要追究刑事责任的，应当依照本办法向公安机关移送。

第三条 市级行政执法机关应当向市级公安机关移送涉嫌犯罪案件，区级和区以下行政执法机关应当向其所在地的区级公安机关移送涉嫌犯罪案件。

受行政执法机关委托执法的组织，应当通过委托机关按照前款规定移送涉嫌犯罪案件。

第四条 行政执法机关应当严格履行涉嫌犯罪案件移送职责，不得以行政处罚代替刑事责任追究；在公安机关立案前，不得擅自中止或者终止对移送案件的行政处理。

第五条 行政执法机关对涉嫌犯罪的行政违法案件调查取证应当符合行政执法证据规则，向公安机关移送的证据材料应当符合案件移送的证据要件要求。

涉嫌犯罪案件移送的证据要件要求应当根据涉嫌犯罪类型，按照一类一确定的原则，由市级行政执法机关与市级公安机关共同确定；双方存在异议的，共同提请市政府法制机构和市人民检察院确定。

第六条 行政执法机关向公安机关移送涉嫌犯罪案件应当在案件调查终结后进行，并提供下列材料：

Measures of Beijing Municipality for Transfer of Suspected Criminal Cases by Administrative Law Enforcement Organs

(Promulgated by Decree No. 274 of the People's Government of Beijing Municipality on December 15, 2016, and revised in accordance with Decree No. 281 of the People's Government of Beijing Municipality on April 24, 2018)

Article 1 The Measures are formulated to regulate the transfer of suspected criminal cases by administrative law enforcement organs and punish illegal and criminal activities according to law in accordance with relevant laws and regulations of the State and in light of actual conditions of this Municipality.

Article 2 Administrative law enforcement organs at all levels of this Municipality shall, when conducting administrative inspection or case investigation according to law, transfer any illegal act which is suspected to constitute a crime in light of illegal circumstances or consequences and for which criminal liability shall be investigated for according to law to public security organs in accordance with the Measures.

Article 3 Administrative law enforcement organs at the municipal level shall transfer suspected criminal cases to public security organs at the municipal level, while administrative law enforcement organs at or below the district level shall transfer suspected criminal cases to public security organs at the district level of the places where they are located.

Law enforcement organizations as entrusted by administrative law enforcement organs shall, through entrusting organs, transfer suspected criminal cases in accordance with the provisions of the preceding paragraph.

Article 4 Administrative law enforcement organs shall strictly perform the duty of transferring suspected criminal cases, and shall not substitute administrative punishment for investigation for criminal liability, or suspend or terminate administrative handling of transferred cases without authorization before public security organs accept such cases.

Article 5 Administrative law enforcement organs shall obtain evidence through investigation of administrative violations suspected to constitute crimes in accordance with the rules of evidence for administrative law enforcement, and shall transfer evidence materials to public security organs in accordance with the requirements on evidence elements for case transfer.

The requirements on evidence elements for transfer of suspected criminal cases shall, in light of the types of suspected crimes and in accordance with the principle of determination by type, be jointly determined by the municipal administrative law enforcement organ and the municipal public security organ; in case of objections, they shall jointly report to the Legal Affairs Office of the Municipal Government and the Municipal People's Procuratorate for determination.

Article 6 Administrative law enforcement organs shall transfer suspected criminal cases to public security organs after the end of case investigation and provide the following

（一）涉嫌犯罪案件移送书。

（二）涉嫌犯罪案件的调查报告。调查报告应当载明案件来源、查获情况、涉嫌犯罪人员基本情况、涉嫌犯罪的事实、采取相关行政强制措施、实施行政处罚情况，以及认为应当追究刑事责任的意见等。

（三）行政违法案件的证据材料。证据材料应当包括行政案件调查中获取的案件当事人以及相关人员的陈述、证人证言、物证、书证、电子数据、视听资料以及现场勘验、检查笔录等。

（四）符合移送要求的涉嫌犯罪案件证据要件材料。

（五）行政执法机关取得的其他证据材料。

查封、扣押的涉案物品应当附有涉案物品清单，经检验或者鉴定的涉案物品应当附有专业机构的检验或者鉴定意见，已按照规定处理的涉案物品应当说明处理情况。

第七条 行政执法机关应当在依法作出批准移送决定后 24 小时内向公安机关移送涉嫌犯罪案件，并指定不少于 2 人专门负责。相关移送材料应当抄送同级人民检察院。

第八条 公安机关应当对行政执法机关移送的涉嫌犯罪案件当场登记并出具回执。移送材料符合本办法第六条要求的，公安机关应当在登记后 48 小时内确定具体承办机构并书面告知行政执法机关；移送材料需要补正的，公安机关应当在登记后 48 小时内一次性告知行政执法机关，行政执法机关应当在 3 日内补正。

第九条 公安机关应当及时办理行政执法机关移送的涉嫌犯罪案件，自案件登记之日起 10 日内作出立案或者不予立案的决定；案情重大复杂的，可以在案件登记之日起 30 日内作出立案或者不予立案的决定。

公安机关作出立案或者不予立案决定的，应当书面告知移送案件的行政执法机关、同级人民检察院。公安机关作出不予立案决定的，应当说明不予立案的原因。

第十条 行政执法机关应当在收到公安机关立案决定告知之日起 3 日内与公安机关办结交接手续，并于交接之日起解除对查封、扣押的涉案物品的行政强制措施。

因客观条件限制，查封、扣押的涉案物品需要由行政执法机关代为保管的，公安

materials:

- (1) letters of transfer of suspected criminal cases;
- (2) investigation reports on suspected criminal cases, which shall specify, among others, case sources, seizure information, basic information of suspected criminals, facts of suspected crimes, adoption of relevant administrative compulsory measures, implementation of administrative punishment, and opinions that criminal liability shall be investigated for;
- (3) evidence materials for cases of administrative violations, which shall include, among others, statements of the parties and relevant persons, witness statements, material evidence, documentary evidence, electronic data, audio-visual materials, as well as on-the-spot investigation and inspection records obtained in investigation of administrative cases;
- (4) evidence element materials of suspected criminal cases that meet transfer requirements; and
- (5) other evidence materials obtained by administrative law enforcement organs.

The articles involved that are placed under seal or seized shall be accompanied by a list of the articles involved, the inspected or appraised articles involved shall be accompanied by the inspection or appraisal opinions of a professional agency, and an explanation shall be given to the disposal of the articles involved as stipulated.

Article 7 Administrative law enforcement organs shall, within 24 hours after a decision to approve the transfer is made according to law, transfer suspected criminal cases to public security organs, and shall assign no less than 2 persons to be specially responsible for the transfer. Relevant transfer materials shall be copied to the people's procuratorates at the corresponding levels.

Article 8 Public security organs shall register the suspected criminal cases transferred by administrative law enforcement organs on the spot and issue a return receipt. Where the transfer materials meet the requirements in Article 6 of the Measures, public security organs shall, within 48 hours after registration, determine a specific undertaking agency and inform administrative law enforcement organs in writing; where the transfer materials need additions and corrections, public security organs shall inform administrative law enforcement organs within 48 hours after registration, while administrative law enforcement organs shall make additions and corrections within 3 days.

Article 9 Public security organs shall handle the suspected criminal cases transferred by administrative law enforcement organs in a timely manner, and decide on accepting or not accepting such cases within 10 days from the date of case registration; in the case of serious and complicated cases, a decision on accepting or not accepting such cases may be made within 30 days from the date of case registration.

Where a public security organ decides on accepting or not accepting a case, it shall inform the administrative law enforcement organ that has transferred the case and the people's procuratorate at the same level in writing. Where a public security organ decides on not accepting a case, it shall give the reasons therefor.

Article 10 Administrative law enforcement organs shall, within 3 days from receiving the notice from public security organs of a decision on accepting a case, complete the transfer procedures with public security organs, and shall terminate the administrative compulsory measures taken against the articles involved that have been placed under seal or seized from the date of transfer.

Where the articles involved that have been placed under seal or seized need to be kept by administrative law enforcement organs due to objective constraints, public security

机关应当与行政执法机关签订委托保管协议。委托保管协议应当附有公安机关实施查封、扣押的涉案物品清单。

第十一条 公安机关的立案决定不影响行政执法机关对涉嫌犯罪的违法行为作出或者执行警告、责令停产停业、暂扣或者吊销许可证、暂扣或者吊销执照等行政处罚决定。

公安机关立案之日起，行政执法机关对涉嫌犯罪案件已作出但尚未执行完毕的罚款、没收违法所得、没收非法财物的行政处罚，应当中止执行。

行政执法机关应当将相关处罚决定或者中止处罚决定及时送达公安机关，公安机关应当将该决定附于侦查卷。

第十二条 行政执法机关对公安机关不予立案决定存在异议的，可以在收到书面告知之日起3日内向作出决定的公安机关提请复核，公安机关应当在收到复核请求之日起3日内进行复核并出具书面复核意见。行政执法机关对复核意见仍有异议的，可以提请同级人民检察院立案监督。

第十三条 对涉嫌犯罪案件，有下列情形之一的，行政执法机关可以在初步核实案件线索并立案后，立即书面提请公安机关协助：

- （一）涉案人员众多或者涉案金额特别巨大的；
- （二）有证据证明涉案人员可能逃匿的；
- （三）必须采取侦查手段才能获取涉嫌犯罪证据的；
- （四）可能严重危害公共安全或者严重损害公共利益的。

行政执法机关提请公安机关协助，应当提供案件线索和已取得的证据，并说明需要提请协助的事项和理由。

第十四条 公安机关应当在收到书面协助请求后24小时内与行政执法机关进行会商，并作出下列决定：

- （一）由行政执法机关立即移送案件；
- （二）协助行政执法机关调查；

organs shall conclude a bailment agreement with administrative law enforcement organs, which shall be accompanied by a list of the articles involved that have been placed under seal or seized by public security organs.

Article 11 Decisions on accepting cases by public security organs shall not affect the decisions of administrative penalties made or implemented by administrative law enforcement organs against illegal acts suspected to constitute crimes, which shall include, among others, a warning, an order to suspend production or business, and suspension or revocation of a permit or license.

From the date when public security organs accept a case, administrative law enforcement organs shall suspend execution of the administrative penalty of a fine, confiscation of illegal income or confiscation of illegal property that has been imposed but has not been fully executed in the suspected criminal case.

Administrative law enforcement organs shall send relevant punishment decisions or punishment suspension decisions to public security organs in a timely manner, and public security organs shall attach these decisions to investigation files.

Article 12 Where an administrative law enforcement organ has objections to the decision on not accepting a case of a public security organ, it may, within 3 days from the date of receiving the written notice, apply to the public security organ that has made the decision for review, while the public security organ shall, within 3 days from the date of receiving the request for review, conduct review and issue written review opinions. Where the administrative law enforcement organ still has objections to the review opinions, it may apply to the people's procuratorate at the same level for supervision through placing the case on file.

Article 13 In a suspected criminal case, under any of the following circumstances, an administrative law enforcement organ may, after preliminarily verifying the clues of the case and placing it on file, immediately request a public security organ in writing for assistance:

- (1) It involves a large number of persons or a particularly huge amount of money;
- (2) There is evidence to prove that the persons involved in the case may escape or hide;
- (3) Evidence of a suspected crime may be obtained only by means of investigation; or
- (4) It is likely to seriously endanger public security or seriously damage public interests.

Where an administrative law enforcement organ requests assistance from a public security organ, it shall provide case clues and the evidence obtained, and shall explain the matters requiring assistance and reasons therefor.

Article 14 The public security organ shall, within 24 hours after receiving the written request for assistance, consult with the administrative law enforcement organ and make any of the following decisions:

- (1) The administrative law enforcement organ shall immediately transfer the case;
- (2) The public security organ shall assist the administrative law enforcement organ in investigation; or

（三）由行政执法机关继续自行调查。

公安机关作出立即移送案件决定的，行政执法机关应当在 24 小时内向公安机关提交涉嫌犯罪案件移送书。

公安机关作出协助调查决定的，应当指定专人协助行政执法机关调查，并根据相关证据收集情况及时决定是否要求移送。

第十五条 公安机关对犯罪嫌疑人采取刑事拘留、取保候审、监视居住、逮捕等强制措施的，应当在采取强制措施之日起 3 日内书面告知行政执法机关。

第十六条 公安机关决定撤销立案或者人民检察院作出不起诉决定的，行政执法机关应当在收到撤销立案决定或者不起诉决定告知之日起恢复执行已中止的行政处罚。

人民法院对移送案件作出判决的，行政执法机关应当在收到或者知道判决结果之日起 2 日内，对已中止的行政处罚作出恢复执行或者终止执行的决定。

第十七条 公安机关、人民检察院查办刑事案件或者人民法院审理刑事案件过程中，需要行政执法机关予以协助的，行政执法机关应当予以协助。

公安机关、人民检察院查办刑事案件或者人民法院审理刑事案件过程中发现涉嫌行政违法行为并移送行政执法机关查处的，行政执法机关应当在收到移送材料后当场登记、出具回执，并在 5 日内进行立案。行政执法机关应当在作出行政处理决定之日起 3 日内将行政处理结果反馈移送的司法机关。

第十八条 本市建立涉嫌犯罪案件移送信息系统。各级行政执法机关、公安机关应当即时将涉嫌犯罪案件移送的证据要件以及案件移送和办理信息录入系统。

第十九条 行政执法机关移送涉嫌犯罪案件工作应当接受政府法制机构和人民检察院的动态监控和全过程监督。

任何单位和个人发现行政执法机关不按照规定向公安机关移送涉嫌犯罪案件，均有权向监察机关或者人民检察院提出检举或者控告。

第二十条 行政执法机关及其工作人员违反本办法有下列情形之一的，由本级人

(3) The administrative law enforcement organ shall continue investigation independently.

Where the public security organ decides to have the case transferred immediately, the administrative law enforcement organ shall submit a letter of transfer of the suspected criminal case to the public security organ within 24 hours.

Where the public security organ decides to assist in investigation, it shall appoint specially-assigned persons to assist the administrative law enforcement organ in investigation, and timely decide whether to request the transfer in light of the collection of relevant evidence.

Article 15 Where public security organs take compulsory measures against criminal suspects such as criminal detention, release on bail pending trial, residential surveillance and arrest, they shall notify administrative law enforcement organs in writing within 3 days from the date of compulsory measures.

Article 16 Where a public security organ decides to revoke a case placed on file or a people's procuratorate decides not to prosecute, the administrative law enforcement organ shall resume execution of the suspended administrative penalty from the date of receiving the notice of such decision.

Where a people's court makes a judgment on the transferred case, the administrative law enforcement organ shall, within 2 days from the date of receiving or knowing the judgment, decide on resuming or terminating execution of the suspended administrative penalty.

Article 17 Where public security organs, the people's procuratorates or the people's courts need assistance from administrative law enforcement organs in the process of investigating and handling or hearing criminal cases, administrative law enforcement organs shall give assistance.

Where public security organs or the people's procuratorates, in the process of investigating and handling criminal cases, or the people's courts, in the process of hearing criminal cases, discover suspected administrative violations and transfer them to administrative law enforcement organs for investigation and punishment, administrative law enforcement organs shall, after receiving the transfer materials, register and issue a return receipt on the spot and place them on file within 5 days. Administrative law enforcement organs shall, within 3 days from the date of deciding on administrative handling, give feedback on administrative handling results to the judicial organs that have transferred such cases.

Article 18 This Municipality shall establish an information system for transfer of suspected criminal cases. Administrative law enforcement organs and public security organs at all levels shall promptly input the evidence elements, case transfer and handling information of suspected criminal cases into the system.

Article 19 Administrative law enforcement organs shall, when transferring suspected criminal cases, accept the dynamic monitoring and whole-process supervision of the legal affairs offices of the government and the people's procuratorates.

Any unit or individual who discovers that an administrative law enforcement organ fails to transfer a suspected criminal case to the public security organ as stipulated shall have the right to file an exposure or accusation with supervisory organs or the people's procuratorates.

Article 20 Where an administrative law enforcement organ and its staff members, under any of the following circumstances, violate the Measures, they shall be ordered to

民政府或者实行垂直管理的上级行政执法机关责令限期改正；涉嫌职务违法或者职务犯罪的，由监察机关依法处理：

- （一）未履行涉嫌犯罪案件移送职责或者以行政处罚代替刑事责任追究的；
- （二）在公安机关决定立案前，擅自中止或者终止对移送案件行政处理的；
- （三）在公安机关立案后，未及时办理交接、解除行政强制措施手续或者不按
规定中止、擅自停止有关行政处罚的；
- （四）未按规定恢复或者终止行政处罚执行的；
- （五）对公安机关、人民检察院、人民法院提出的协助请求未予协助或者对其移
送的案件未立案查处的；
- （六）未按规定将涉嫌犯罪案件移送的证据要件以及案件移送和办理信息录入本
市涉嫌犯罪案件移送信息系统的。

第二十一条 公安机关及其工作人员违反本办法有下列情形之一的，由上级公安
机关责令限期改正；涉嫌职务违法或者职务犯罪的，由监察机关依法处理：

- （一）未按规定对移送案件进行登记或者立案的；
- （二）未按规定与行政执法机关办理立案后交接手续的；
- （三）对行政执法机关提请协助的案件未及时作出决定或者因工作不当造成犯罪
证据灭失、犯罪人员逃匿、危害损害扩大等后果的。

第二十二条 行政执法机关、公安机关在执法过程中发现案件涉嫌公职人员职务
违法或者职务犯罪的，应当按照国家和本市有关规定及时将相关线索移送监察机关。

行政执法机关在执法过程中，发现违反海关监管规定的涉嫌走私犯罪案件，应当
依照相关规定移送海关走私犯罪侦查机关。法律、法规另有规定的，从其规定。

第二十三条 本办法自 2017 年 3 月 1 日起施行。

make corrections within a prescribed time limit by the people's government at the same level or the administrative law enforcement organ at a higher level that exercises vertical management; if they are suspected of committing duty-related violations or duty-related crimes, they shall be dealt with by the supervisory organ according to law:

(1) failing to perform the duty of transferring suspected criminal cases or substituting administrative punishment for investigation for criminal liability;

(2) suspending or terminating the administrative handling of a transferred case without authorization before the public security organ decides to place the case on file;

(3) after the public security organ places a case on file, failing to go through the procedures for transfer or for termination of administrative compulsory measures in a timely manner, or failing to suspend as stipulated or stopping without authorization relevant administrative penalties;

(4) failing to resume or terminate execution of administrative penalties as stipulated;

(5) failing to give assistance as requested by a public security organ, a people's procuratorate or a people's court, or failing to place on file any case transferred thereby for investigation and handling; or

(6) failing to input the evidence elements transferred by suspected criminal cases and case transfer and handling information into the information system for transfer of suspected criminal cases of this Municipality as stipulated.

Article 21 Where a public security organ and its staff members, under any of the following circumstances, violate the Measures, they shall be ordered to make corrections within a prescribed time limit by the public security organ at a higher level; if they are suspected of committing duty-related violations or duty-related crimes, they shall be dealt with by the supervisory organ according to law:

(1) failing to register or place on file transferred cases as stipulated;

(2) failing to go through the transfer procedures with the administrative law enforcement organ after a case has been placed on file as stipulated; or

(3) failing to make a timely decision in a case where the administrative law enforcement organ requests assistance, or performing duties in an improper manner so that the evidence of crimes loses, criminals escape and hide, harms and damages expand, etc.

Article 22 Where administrative law enforcement organs and public security organs, in the process of law enforcement, find a case in which civil servants are suspected of committing duty-related violations or duty-related crimes, they shall promptly transfer relevant clues to supervisory organs in accordance with relevant provisions of the State and this Municipality.

Where administrative law enforcement organs, in the process of law enforcement, find suspected smuggling crimes in violation of customs regulations, they shall transfer such cases to the investigation organs for customs smuggling crimes in accordance with relevant regulations. Where laws and regulations have provided otherwise, such provisions shall prevail.

Article 23 The Measures shall come into force as of March 1, 2017.

（八）游行示威

北京市实施《中华人民共和国集会游行示威法》办法

（1989年12月28日北京市第九届人民代表大会常务委员会第十六次会议通过）

第一条 为了实施《中华人民共和国集会游行示威法》，保障公民依法行使集会、游行、示威的权利，维护首都的社会安定和公共秩序，结合本市情况，制定本办法。

第二条 凡在本市行政区域内的公共道路和露天公共场所举行集会、游行、示威，必须遵守《中华人民共和国集会游行示威法》和本办法。

第三条 公民行使集会、游行、示威的权利，各级人民政府应当依法予以保障。

公民在行使集会、游行、示威的权利的时候，必须遵守宪法和法律，不得反对宪法所确定的基本原则，不得损害国家的、社会的、集体的利益和其他公民的合法的自由和权利。

第四条 本市集会、游行、示威的主管机关，是集会、游行、示威举行地的公安分局和县公安局；游行、示威路线经过本市两个以上区、县的，主管机关为市公安局。

第五条 举行集会、游行、示威，必须有负责人。负责人必须持本人居民身份证和其他身份证件，在举行集会、游行、示威的5日前向公安机关递交申请书。以信件、电报、电话或者其他方式提出申请的，公安机关不予受理。

申请书中应当载明集会、游行、示威的目的、方式、标语、口号、人数、车辆数、使用音响设备的种类与数量、起止时间、地点（包括集合地和解散地）、路线和负责人的姓名、职业、住址。

第六条 以国家机关、社会团体、企业事业组织的名义组织或者参加集会、游行、示威的，必须经本单位负责人批准。申请书必须加盖该组织的公章。依照《中华人民

viii. Demonstration

Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Assemblies, Processions and Demonstrations

(Adopted at the 16th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on December 28, 1989)

Article 1 The Measures are formulated for the purposes of implementing the Law of the People's Republic of China on Assemblies, Processions and Demonstrations, safeguarding citizens' exercise of their right to assembly, procession and demonstration according to law, and maintaining social stability and public order of the capital in light of actual circumstances of this Municipality.

Article 2 Assemblies, processions and demonstrations held along a public road or at a public place in the open air within the administrative area of this Municipality shall conform to the Law of the People's Republic of China on Assemblies, Processions and Demonstrations and the Measures.

Article 3 The people's governments at all levels shall guarantee citizens' exercise of their right to assembly, procession and demonstration according to law.

In exercising their right to assembly, procession and demonstration, citizens must abide by the Constitution and the law, and shall not oppose the cardinal principles specified in the Constitution, or impair state, public or collective interests or the lawful freedoms and rights of other citizens.

Article 4 The competent authorities governing assemblies, processions and demonstrations of this Municipality shall be the public security sub-bureaus or county security bureaus in the localities where the assemblies, processions and demonstrations are held; if the route of a procession or demonstration cuts through two or more districts or counties, the competent authority shall be the Municipal Public Security Bureau.

Article 5 There must be a person(s) responsible for the holding of an assembly, a procession or a demonstration. The person responsible must submit an application to the public security organ 5 days before the holding of an assembly, a procession or a demonstration with his resident identity card and other identity documents. If an application is filed by letter, telegram, telephone or other means, the public security organ shall not accept it.

The application shall specify the purposes of the assembly, procession or demonstration, how it is going to be conducted, the posters and slogans to be used, the number of participants, the number of vehicles, the specifications and quantities of the sound facilities to be used, the starting and finishing time, the places (including places where the participants assemble and disperse), the route, and the name, occupation and address of the person responsible for the assembly, procession or demonstration.

Article 6 The organization of or participation in an assembly, a procession or

《中华人民共和国集会游行示威法》有关规定不需要申请的除外。

第七条 公安机关接到集会、游行、示威申请书后，应当依照《中华人民共和国集会游行示威法》的规定，在申请举行日期的2日前，将许可或者不许可的决定通知书送达申请集会、游行、示威的负责人。逾期不送达的，视为许可。负责人不在住址，致使决定通知书无法送达的，视为撤回申请。

第八条 申请举行集会、游行、示威要求解决具体问题的，公安机关可以通知有关机关或者单位同申请集会、游行、示威的负责人协商解决问题，并可以将申请举行的时间推迟5日。

有关机关或者单位应当按公安机关规定的时限将协商结果报告公安机关。

第九条 集会、游行、示威的负责人对公安机关不许可的决定不服的，可以自接到决定通知书之日起3日内，向作出不予许可决定的公安机关的同级人民政府申请复议。人民政府应当自接到申请复议书之日起3日内作出决定。

第十条 对于依法举行的集会、游行、示威，公安机关应当派出人民警察维持交通秩序和社会秩序。

第十一条 依法举行的集会、游行、示威，除申请参加的人员外，其他人员不得加入。任何人不得以暴力、胁迫或者其他非法手段进行扰乱、冲击和破坏。

第十二条 集会、游行、示威在国家机关、军事机关、广播电台、电视台、外国驻华使馆领馆等单位所在地举行或者经过的，公安机关为了维护秩序，可以在附近设置金黄色绳带标志的临时警戒线。临时警戒线未经人民警察许可，任何人不得逾越。

第十三条 在下列场所周边距离10米至300米内，非经国务院或者市人民政府批准，不得举行集会、游行、示威：

（一）全国人民代表大会常务委员会、国务院、中央军事委员会、最高人民法院、最高人民检察院的所在地；

（二）国宾下榻处；

（三）重要军事设施；

a demonstration in the name of a state organ, a social organization, an enterprise or an institution must be approved by the person in charge of the unit. The application must bear the official seal of the organization, except that an application is not required in accordance with relevant provisions of the Law of the People's Republic of China on Assemblies, Processions and Demonstrations.

Article 7 After receiving an application for an assembly, a procession or a demonstration, the public security organ shall, in accordance with the provisions of the Law of the People's Republic of China on Assemblies, Processions and Demonstrations, inform the person responsible in writing of its decision to grant or not to grant permission 2 days prior to the date of the activity applied for. Failure to serve a notice within the time limit shall be deemed as the granting of permission. If the person responsible is not in his domicile, resulting in failure to serve the notice, the application shall be deemed to be withdrawn.

Article 8 If an application is made for an assembly, a procession or a demonstration which will press for the settlement of specific issues, the public security organ may inform the departments or units concerned to resolve such issues through consultation with the person responsible for the assembly, procession or demonstration, and may also postpone for 5 days the starting date specified in the application.

The departments or units concerned shall report the results of consultation to the public security organ within the time limit prescribed by the public security organ.

Article 9 If the person responsible for an assembly, a procession or a demonstration is not satisfied with the decision of the public security organ not to grant permission, he may, within 3 days from the date of receiving the notice of the decision, apply to the people's government at the same level as the public security organ that made the decision for reconsideration. The people's government shall make a decision within 3 days after receiving the application for reconsideration.

Article 10 With respect to an assembly, a procession or a demonstration held according to law, the public security organ shall dispatch the people's police to keep traffic and public order.

Article 11 An assembly, a procession or a demonstration held according to law shall not be joined by any person other than those who have applied, and shall not be disturbed, broken into or disrupted by anybody by violence, coercion or any other illegal means.

Article 12 If an assembly, a procession or a demonstration is held in or passes by places where state organs, military organs, radio stations, television stations or foreign embassies or consulates are located, the public security organ may, with a view to keeping order, establish temporary security lines with golden tapes, which shall not be crossed without permission by the people's police.

Article 13 Without the approval of the State Council or the Municipal People's Government, no assembly, procession or demonstration shall be held within a peripheral distance of 10 to 300 meters from the following places:

- (1) premises of the Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court and the Supreme People's Procuratorate;
- (2) places where state guests are staying;
- (3) important military installations; and

（四）航空港、火车站。

前款所列场所的具体周边距离，由市人民政府规定。

第十四条 未经国务院或者市人民政府批准，不得在天安门广场举行集会、游行、示威。

第十五条 集会、游行、示威应当按照许可的目的、方式、标语、口号、起止时间、地点、路线及其他事项和平地进行。

集会、游行、示威不得携带武器、管制刀具和爆炸物，不得使用暴力或者煽动使用暴力，不得扰乱治安、妨碍交通，不得沿途涂写刻画、张贴标语，不得损坏园林、绿地、公共设施。

第十六条 举行集会、游行、示威的负责人必须负责维持秩序，并佩戴明显标志。负责人应当指定参加集会、游行、示威人数十分之二的人员维持秩序。维持秩序的人员应当佩戴统一标志，与现场维持秩序的人民警察保持联系，保障活动依法进行。佩戴的标志样品应当在举行集会、游行、示威的前一日送公安机关备案。

第十七条 举行集会、游行、示威，有下列情形之一的，公安机关应当予以制止：

（一）未依法申请或者申请未获许可的；

（二）未按照公安机关许可的目的、方式、标语、口号、起止时间、地点、路线进行的；

（三）在进行中出现危害公共安全或者严重破坏社会秩序情况的。

有前款所列情形之一，不听制止的，人民警察现场负责人有权命令解散；拒不解散的，人民警察现场负责人有权依照国家有关规定采取必要手段强行驱散，对拒不服从的人员强行带离现场或者立即予以拘留。

参加集会、游行、示威的人员违反本办法第十二条、第十三条、第十四条的规定，或者有其他违法犯罪行为的，人民警察可以将其强行带离现场或者立即予以拘留。

第十八条 对违反《中华人民共和国集会游行示威法》和本办法的，依法追究法律责任。

(4) air harbours and railway stations.

The specific peripheral distances from the places listed in the preceding paragraph shall be defined by the Municipal People's Government.

Article 14 No assembly, procession or demonstration may be held in Tian'anmen Square without the approval of the State Council or the Municipal People's Government.

Article 15 An assembly, a procession or a demonstration shall be conducted in accordance with the purposes, manners, posters, slogans, starting and finishing time, places, routes and other matters for which permission has been granted.

No one participating in assemblies, processions or demonstrations may carry weapons, controlled knives and explosives, resort to violence or incite violence, disturb public security or hinder traffic, scribble or put up posters along the way, or damage parks, green spaces or public facilities.

Article 16 The person responsible for an assembly, a procession or a demonstration must be responsible for maintaining order and wear obvious signs. The person responsible shall designate persons equivalent to two-tenths of the participants in an assembly, a procession or a demonstration to maintain order. These persons shall wear unified signs and keep in touch with the people's police who maintain order at the scene, so as to ensure that the activity is carried out in accordance with the law. Samples of the signs to be worn shall be submitted to the public security organ for the record one day before the holding of the assembly, procession or demonstration.

Article 17 The public security organ shall stop an assembly, a procession or a demonstration that is being held, if it involves one of the following circumstances:

- (1) failure to make an application according to law or to obtain permission for the application;
- (2) failure to act in accordance with the purposes, manners, posters, slogans, starting and finishing time, places and routes permitted by the public security organ; or
- (3) the emergence, in the course of the activity, of a situation which endangers public security or seriously undermines public order.

If any of the circumstances specified in the preceding paragraph occurs and the instruction to stop the activity is ignored, the chief officer of the people's police present at the scene shall have the authority to order a dismissal; for those who refuse to dismiss, the chief police officer present at the scene shall have the authority to decide, in accordance with relevant state provisions, on the adoption of necessary measures to force a dismissal and to take away from the scene by force those who refuse to obey or detain them at once.

If any person participating in an assembly, a procession or a demonstration violates the provisions of Article 12, 13 or 14 of the Measures, or commits any other illegal or criminal act, the people's police may take him away from the scene by force or detain him at once.

Article 18 Whoever violates the Law of the People's Republic of China on Assemblies, Processions and Demonstrations and the Measures shall be held legally liable according to law.

第十九条 本办法具体应用中的问题，由北京市人民政府负责解释。

第二十条 本办法自公布之日起施行。1986 年 12 月 26 日北京市第八届人民代表大会常务委员会第三十三次会议通过的《北京市关于游行示威的若干暂行规定》自本办法施行之日起即行废止。

Article 19 The Beijing Municipal People's Government shall be responsible for the interpretation of issues in specific application of the Measures.

Article 20 The Measures shall come into force as of the date of promulgation. The Several Interim Provisions of Beijing Municipality on Processions and Demonstrations adopted at the 33rd Meeting of the Standing Committee of the 8th People's Congress of Beijing Municipality on December 26, 1986 shall be repealed as of the date of implementation of the Measures.

北京市人民政府关于不得举行集会游行示威场所 周边范围的规定

(1990 年 1 月 11 日北京市人民政府第 2 号令发布)

《中华人民共和国集会游行示威法》第二十三条和《北京市实施〈中华人民共和国集会游行示威法〉办法》第十三条规定：非经国务院或省、自治区、直辖市人民政府批准，不得举行集会、游行、示威的场所的周边距离为 10 米至 300 米内，具体周边距离由省、自治区、直辖市人民政府规定。为此，特作如下规定：

一、下列道路和场所属于非经国务院或市人民政府批准，不得举行集会、游行、示威的场所周边距离的范围：

天安门广场以西至六部口北口的西长安街路段，人民大会堂西侧路、南侧路，人民大会堂西侧路与西交民巷交叉路口以东的西交民巷路段；

府右街、文津街、南长街、北长街、景山西街、陟山门街、故宫博物院北门以西的景山前街路段；

台基厂街、正义路、台基厂街与东交民巷交叉路口以西的东交民巷路段；

东安门大街与北河沿大街交叉路口以北的北河沿大街路段、智德北巷；

阜成路与三里河路交叉路口以南至国家计划委员会办公楼南端的三里河路段，以西到阜成路 10 号楼的阜成路路段；

钓鱼台国宾馆以西、以南 300 米以内的公共道路和露天公共场所；

首都机场、火车站、重要军事设施周边距离 300 米以内的公共道路和露天公共场所。

重要军事设施按中央军事委员会划定的范围执行。

Provisions of the People's Government of Beijing Municipality on the Peripheral Distances from Places Prohibited for Assemblies, Processions and Demonstrations

(Promulgated by Decree No. 2 of the People's Government of Beijing
Municipality on January 11, 1990)

According to Article 23 of the Law of the People's Republic of China on Assemblies, Processions and Demonstrations and Article 13 of the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Assemblies, Processions and Demonstrations, without the approval of the State Council or the people's governments of provinces, autonomous regions or municipalities directly under the Central Government, the peripheral distances from places where no assembly, procession or demonstration shall be held shall be 10 to 300 meters, and the specific peripheral distances shall be defined by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government. For this purpose, the following provisions are hereby promulgated:

1. The following roads and places are within the range of the peripheral distances from places where no assembly, procession or demonstration shall be held without the approval of the State Council or the Municipal People's Government:

The section of West Chang An Avenue from west of Tian'anmen Square to north of Liubukou, western side road and southern side road of the Great Hall of the People, and Xijiaominxiang section to the east of the intersection of western side road of the Great Hall of the People and Xijiaominxiang;

Fuyou Street, Wenjin Street, Nanchang Street, Beichang Street, Jingshan West Street, Zhishanmen Street, and Jingshan Front Street section to the west of the north gate of the Palace Museum;

Taijichang Street, Zhengyi Road, and Dongjiaominxiang section to the west of the intersection of Taijichang Street and Dongjiaominxiang;

Beiheyuan Street section to the north of the intersection of Dong'anmen Street and Beiheyuan Street, and Zhidebeixiang;

Sanlihe Road section from south of the intersection of Fucheng Road and Sanlihe Road to the south end of the office building of the State Planning Commission, and Fucheng Road section ending at No. 10 Building on Fucheng Road in the west;

Public roads and public places in the open air within 300 meters from west and south of Diaoyutai State Guesthouse;

Public roads and public places in the open air within 300 meters from Beijing Capital Airport, railway stations and important military installations.

Important military installations shall follow the range defined by the Central Military

天安门广场：北至天安门城墙和中山公园南门、劳动人民文化宫南门（含东西侧的红墙），南至正阳门，西至人民大会堂东侧栅栏、西交民巷东口，东至历史博物馆、东交民巷和新大路西口。

二、非经国务院或市人民政府批准，在本规定第一项划定的范围内举行集会、游行、示威的，按照《中华人民共和国集会游行示威法》和《北京市实施〈中华人民共和国集会游行示威法〉办法》，追究法律责任。

三、本规定执行中的具体问题，由市公安局负责解释。

四、本规定自 1990 年 1 月 11 日起施行。

Commission.

Tian'anmen Square: from Tian'anmen Wall, south gate of Zhongshan Park and south gate of Working People's Cultural Palace (including the red wall on the east and west sides) in the north to Zhengyangmen in the south, and from the east fence of the Great Hall of the People and east entrance of Xijiaominxiang in the west to the History Museum, Dongjiaominxiang and west entrance of Xinda road in the east.

2. Whoever, without the approval of the State Council or the Municipal People's Government, holds an assembly, a procession or a demonstration within the range specified in the first paragraph of the Provisions shall be held legally liable in accordance with the Law of the People's Republic of China on Assemblies, Processions and Demonstrations and the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Assemblies, Processions and Demonstrations.

3. The Municipal Public Security Bureau shall be responsible for the interpretation of specific issues during implementation of the Provisions.

4. The Provisions shall come into force as of January 11, 1990.

（九）军事、国防

北京市民兵预备役工作条例

（1994年9月9日北京市第十届人民代表大会常务委员会第十二次会议通过）

第一条 为加强本市民兵、预备役部队建设，根据《中华人民共和国兵役法》和《民兵工作条例》以及国家有关法律、法规的规定，结合本市实际情况，制定本条例。

第二条 本条例适用于户籍在本市的公民和本市行政区域内的机关、团体、企业、事业单位。

第三条 民兵是中国共产党领导的不脱离生产的群众武装组织，是国家武装力量的组成部分。预备役部队是以现役军人为骨干，以编入民兵组织或者经过登记服预备役的人员为基础组建起来的战时快速动员武装组织。

民兵、预备役部队的主要任务依照国家的有关规定执行。

第四条 本市民兵、预备役工作在上级军事机关和市人民政府的领导下，由北京卫戍区主管。

各级人民政府必须加强对民兵、预备役工作的领导，统筹安排民兵、预备役工作，组织和监督完成民兵、预备役工作任务。各级人民政府的有关部门，应当协助军事机关开展民兵、预备役工作，解决有关问题。

区、县人民武装部是本地区的军事领导指挥机关，负责本区域的民兵、预备役工作。乡、镇、街道和部门、系统以及企业、事业单位的人民武装部负责办理本地区、本部门、本系统、本单位的民兵、预备役工作。

本市民兵、预备役工作实行目标管理责任制。

ix. Military and National Defense

Regulations of Beijing Municipality on the Militia and Reserve Service Work

(Adopted at the 12th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 9, 1994)

Article 1 The Regulations are formulated for the purpose of strengthening the construction of the militia and reserve force in this Municipality in accordance with the Military Service Law of the People's Republic of China, the Regulations on the Work of the Militia and relevant laws and regulations of the State and in light of actual circumstances of this Municipality.

Article 2 The Regulations shall apply to citizens with registered permanent residence in this Municipality, as well as government bodies, organizations, enterprises and institutions within the administrative area of this Municipality.

Article 3 The militia is an armed organization of the masses under the leadership of the Communist Party of China that is not divorced from production and is a component of the State's armed forces. The reserve force is an armed organization to be mobilized quickly in wartime, which is organized with active servicemen as the backbone and with those regimented into militia organizations or registered in the reserve service as the basis.

The main tasks of the militia and reserve force shall be governed by relevant provisions of the State.

Article 4 The Beijing Garrison Command shall, under the leadership of the military organs at higher levels and the Municipal People's Government, be in the charge of the work in respect of the militia and reserve service in this Municipality.

The people's governments at all levels must strengthen their leadership over the work in respect of the militia and reserve service, make overall arrangements for the work in respect of the militia and reserve service, and organize and supervise the completion of the work tasks in respect of the militia and reserve service. The relevant departments of the people's governments at various levels shall assist the military organs in carrying out the work in respect of the militia and reserve service and in solving relevant problems.

The departments of people's armed forces of districts or counties are the military leading and commanding organs in their respective areas, and shall be responsible for the work in respect of the militia and reserve service in their respective areas. The departments of people's armed forces of townships, towns, sub-districts, departments, systems, enterprises or institutions shall be responsible for the work in respect of the militia and reserve service in their respective areas, departments, systems or units.

The target management responsibility system shall be implemented for the work in respect of the militia and reserve service in this Municipality.

第五条 企业、事业单位有在职职工 1000 人以上的，应当设立人民武装部，1000 人以下的，根据民兵、预备役工作的实际需要设立人民武装部；按规定不设立人民武装部的单位，应当配备专职人民武装干部，或者确定一个部门负责办理民兵、预备役工作。

人民武装部干部的配备和机构的变更，依照国家和本市的有关规定办理，任何单位和部门不得擅自撤销或者合并人民武装部。

第六条 依照法律服兵役和参加民兵组织是中华人民共和国公民的光荣义务。凡 18 岁至 35 岁符合服兵役条件的本市男性公民，除正在服现役的以外，应当参加民兵组织、服预备役。

根据需要，吸收女性公民参加基干民兵组织。

第七条 凡是符合建立一个基干民兵班或者民兵排条件的农村乡、镇和行政村，城市企业、事业单位和街道，都应当建立民兵组织。农村一般以行政村为单位编民兵排（基干班）、连或营；城市一般以企业、事业单位、街道为单位编民兵排、连、营、团。

按照规定不建立民兵组织的，应当对符合条件的公民进行预备役登记。

预备役部队依照上级军事机关的规定组建。

第八条 乡、镇人民政府和街道办事处，企业、事业单位应当把民兵、预备役人员的政治教育纳入全民国防教育计划，保证人员、时间、内容的落实。

第九条 乡、镇人民政府和街道办事处，企业、事业单位应当围绕经济建设开展民兵、预备役工作，组织发动民兵、预备役人员带头完成生产任务，开展劳动竞赛、技术革新、增产节约等活动，主动承担急难险重及其他公益建设任务，为两个文明建设做贡献。

第十条 各级人民武装部和预备役师、团应当组织民兵、预备役人员学习科学文化知识和生产技能，因地制宜地开展以劳养武活动。各级人民政府和有关部门对以劳养武活动应当给予支持。

Article 5 A department of people's armed forces shall be established in an enterprise or institution with 1,000 or more active employees, or in an enterprise or institution with less than 1,000 active employees according to the actual needs of the work in respect of the militia and reserve service. A unit not establishing such department as stipulated shall have full-time cadres of people's armed forces or shall designate a department to be responsible for the work in respect of the militia and reserve service.

The appointment of cadres of people's armed forces and the change of such department shall be handled in accordance with relevant provisions of the State and this Municipality. No unit or department may arbitrarily cancel or merge the department of people's armed forces.

Article 6 It is the honourable duty of citizens of the People's Republic of China to perform military service and join the militia in accordance with the law. Male citizens who belong to the 18-35 age group and are fit for military service, excluding those in active service, shall join the militia or perform reserve service.

The primary militia may recruit female citizens when necessary.

Article 7 Militia organizations shall be established in all townships, towns and administrative villages in rural areas, as well as in enterprises, institutions and sub-districts in urban areas that meet the requirements for the establishment of a primary militia squad or platoon. In rural areas, an administrative village shall be based to establish a militia platoon (primary squad), company or battalion, and in urban areas, an enterprise, institution or sub-district shall be based to establish a militia platoon, company, battalion or regiment.

If no militia organization is to be established as stipulated, eligible citizens shall register for reserve service.

The reserve force shall be established in accordance with the provisions of the military organs at higher levels.

Article 8 The township or town people's governments, sub-district offices, enterprises and institutions shall incorporate the political education of militiamen and reservists into the plan for national defense education for all, and ensure the participants, time and content thereof.

Article 9 The township or town people's governments, sub-district offices, enterprises and institutions shall carry out the work in respect of the militia and reserve service around economic construction, and organize and mobilize militiamen and reservists to take the lead in completing production tasks, carry out activities such as work competition, technological innovation and production increase while practicing economy, and take the initiative to undertake urgent and dangerous tasks and other public welfare construction tasks, so as to contribute to the construction of a socialist society with advanced material and ethical standards.

Article 10 The departments of people's armed forces at all levels, and reserve divisions and regiments shall organize militiamen and reservists to study scientific and cultural knowledge and production skills, and carry out activities to support the performance of militia duties through production according to local conditions. The people's governments

第十一条 民兵、预备役部队的军事训练任务，由市人民政府和北京卫戍区下达，区、县人民政府和军事部门应当按要求完成任务。

乡、镇人民政府和街道办事处应当根据上级下达的当年军事训练任务，掌握民兵、预备役人员流动情况，保证参加训练的人员、时间的落实。

企业、事业单位应当把民兵、预备役部队军事训练所需的人员、时间，纳入劳动、人事管理计划，保证军事训练任务的完成。

第十二条 民兵、预备役部队军事训练所需场地、武器装备应当得到保障。军事训练器材、教材，应当严格管理，不得挪作他用。

第十三条 各级人民政府应当加强对民兵、预备役部队武器装备管理工作的领导。

民兵、预备役部队武器装备仓库的新建、改建、扩建，应当纳入地方基建计划。配备有民兵、预备役部队武器装备的乡、镇人民政府和企业、事业单位，应当按规定做好武器装备管理、维修工作，落实保管武器装备所需的库（室）、安全设施和看管人员。

民兵、预备役部队武器装备的配备、调整、使用、调动和安全管理等，依照上级军事机关和本市的有关规定办理。

第十四条 民兵、预备役部队应当积极参加社会治安综合治理，配合公安部门维护社会治安秩序。

区、县人民政府和区、县人民武装部以及预备役师、团依照上级的有关规定，组织和落实民兵、预备役部队应急分队，随时担负上级赋予的任务。动用民兵、预备役部队应急分队的批准权限，依照有关规定执行。

第十五条 民兵、预备役人员参加军事训练期间原有的待遇不变。是农村村民的，比照当地同等劳动力的收入水平由所在乡、镇人民政府给予误工补贴；是企业、事业单位职工的，由所在单位照发工资和奖金；是城市个体工商户和待业人员的，由所在街道办事处给予适当补助。

at all levels and relevant departments shall give support to the activities of supporting the performance of militia duties through production.

Article 11 The military training tasks of the militia and reserve force shall be assigned by the Municipal People's Government and the Beijing Garrison Command. The district or county people's governments and the military departments shall complete the tasks as required.

The township or town people's governments and sub-district offices shall, in accordance with the military training tasks of the year assigned by their superiors, keep abreast of the flow of militiamen and reservists, and ensure the participants and time of the training.

Enterprises and institutions shall incorporate the personnel and time needed for the military training of the militia and reserve force into their labor and personnel management plans to ensure the completion of military training tasks.

Article 12 The sites and weaponry needed for the military training of the militia and reserve force shall be guaranteed. The equipment and teaching materials for the military training shall be strictly controlled and shall not be diverted for other purposes.

Article 13 The people's governments at all levels shall strengthen their leadership in the management of the weaponry of the militia and reserve force.

The construction, reconstruction and expansion of armories of the militia and reserve force shall be incorporated into local infrastructure plans. The township or town people's governments, enterprises and institutions equipped with the weaponry of the militia and reserve force shall manage and maintain the weaponry as stipulated, and provide the armories, safety facilities and guards required for the custody of the weaponry.

The provision, adjustment, use, transfer and safety technology management of the weaponry of the militia and reserve force shall be handled in accordance with relevant provisions of the military organs at higher levels and this Municipality.

Article 14 The militia and reserve force shall take an active part in the management of public security and cooperate with the public security departments in maintaining public security and order.

The district or county people's governments and departments of people's armed forces, as well as the reserve divisions and regiments, shall, in accordance with relevant provisions of their superiors, organize and establish the emergency teams of the militia and reserve force, which shall, at any time, undertake the tasks assigned by their superiors. The approval authority for the use of the emergency teams of the militia and reserve force shall be governed by relevant provisions.

Article 15 During the period of military training, the original benefits of militiamen and reservists shall remain unchanged. Those who are rural villagers shall be subsidized for the loss of work time according to the income of local similar workers by the local township or town people's governments; those who are employees of enterprises or institutions shall receive their wages and bonuses from their respective units as usual; and those who are self-employed and unemployed in urban areas shall be subsidized by local sub-district offices as appropriate.

民兵、预备役人员参加军事训练期间的伙食补助和往返交通费，比照国家和本市有关规定办理。

第十六条 本市民兵、预备役工作所需经费，主要由市人民政府下拨民兵事业费和区、县财政补贴以及实行乡、镇、企业、事业单位统筹的办法解决。统筹的具体办法以及经费的使用、管理等，由市人民政府另行规定。

第十七条 基层人民武装部和企业、事业单位及其有关人员，在民兵、预备役工作中做出显著成绩的，由当地人民政府或者上级军事部门给予表彰。

民兵、预备役人员在参战执勤、军事训练、维护社会治安、抢险救灾以及其他民兵、预备役工作中做出显著成绩的，由当地人民政府或者军事部门参照《中国人民解放军纪律条令》规定的奖励项目和批准权限，或者按照当地人民政府的有关规定，分别给予嘉奖、记功、授予荣誉称号以及其他奖励。

民兵、预备役人员因参战执勤、军事训练、维护社会治安、抢险救灾以及其他民兵、预备役工作牺牲、致残的，依照国家和本市有关规定给予抚恤、优待或者安置。

第十八条 应当参加民兵、预备役组织的公民拒绝参加的，逃避教育训练和执行任务的民兵、预备役人员经教育不改的，由人民武装部提请其所在单位或者当地人民政府有关部门给予下列处分或行政处罚，并强制其履行兵役义务：

- （一）是在职职工的，由所在单位扣发半年至一年的奖金；
- （二）是从事个体经营的，由工商行政管理部门责令暂停营业三个月至半年；
- （三）是城镇待业青年或者农村青年的，由街道办事处或者乡、镇人民政府给予相当于当地一个参加军事训练人员训练所需经费 1 至 3 倍的罚款，或者责令其从事同等训练时间的社会公益劳动。

第十九条 部门、系统、企业、事业单位应当建立人民武装部和民兵组织而拒绝建立的，擅自撤销、合并人民武装部或者取消民兵、预备役组织的，拒绝接受民兵、预备役工作任务的，不完成军事训练任务的，由当地人民武装部对责任单位进行通报批评、责令限期改正，或者提请同级人民政府按照市人民政府的有关规定给予行政处

Food allowances and round-trip fares for militiamen and reservists during the period of military training shall be handled by reference to relevant provisions of the State and this Municipality.

Article 16 The funds needed for the work in respect of the militia and reserve service in this Municipality shall mainly come from militia undertakings funds allocated by the Municipal People's Government and the district or county financial subsidies, and shall be solved by the overall planning among townships, towns, enterprises and institutions. The specific measures for overall planning and the use and management of the funds shall be formulated separately by the Municipal People's Government.

Article 17 Local people's governments or the military departments at higher levels shall commend the grass-roots departments of people's armed forces, enterprises, institutions and their relevant personnel that have made outstanding achievements in the work in respect of the militia and reserve service.

Where militiamen or reservists have made remarkable achievements in military operations and performance of military duties, military training, maintenance of public order, emergency rescue and disaster relief, and other work in respect of the militia and reserve service, the local people's government or military department shall, by reference to the rewards and approval authority as stipulated in the Ordinances on the Discipline of the Chinese People's Liberation Army, or in accordance with relevant provisions of the local people's government, give a commendation, record a merit, award honorary titles or offer other rewards.

Where militiamen or reservists die or are disabled as a result of their participation in military operations and performance of military duties, military training, maintenance of public order, emergency rescue and disaster relief, and other work in respect of the militia and reserve service, they shall be given pensions, preferential treatment or placement in accordance with relevant provisions of the State and this Municipality.

Article 18 If a citizen refuses to participate in a militia or reserve organization as required, or if a militiaman or reservist evades education, training and performance of a task and refuses to mend his ways in spite of persuasion, the department of people's armed forces shall request the unit to which he belongs or the relevant department of the local people's government to give the following sanctions or administrative penalties and compel him to fulfill his duty of performing military service:

(1) In the case of an active employee, the unit to which he belongs shall deduct his bonus for half a year to one year;

(2) In the case of an individual business, it shall be ordered by the administrative department for industry and commerce to suspend its business for 3 to 6 months; or

(3) In the case of an urban unemployed youth or a rural youth, the sub-district office or the township or town people's government shall impose a fine equivalent to one to three times the amount of money needed for the training of a local military training participant, or order him to engage in public welfare work for the same period as military training.

Article 19 If a department, system, enterprise or institution refuses to establish a department of people's armed forces or a militia organization as required, or cancels or merges a department of people's armed forces or a militia or reserve organization without authorization, or refuses to accept the work in respect of the militia or reserve service,

罚，并可以由其上级主管部门对责任单位的主要负责人给予行政处分。

第二十条 对于违反有关规定或者疏于管理而发生武器装备事故的，由当地人民政府或者上级军事部门按照国家和市人民政府的有关规定，对责任单位给予行政处罚；对责任单位的负责人和直接责任人给予行政处分；构成犯罪的，依法追究刑事责任。

第二十一条 本条例具体应用中的问题，由市人民政府负责解释。

第二十二条 本条例自 1994 年 12 月 1 日起施行。

or fails to complete military training tasks, the local department of people's armed forces shall circulate a notice of criticism against the responsible unit and order it to make corrections within a time limit, or request the people's government at the same level to impose administrative penalties in accordance with relevant provisions of the Municipal People's Government, and the competent department at the next higher level may impose administrative sanctions on the main person in charge of the responsible unit.

Article 20 Where a weaponry accident occurs due to violation of relevant provisions or neglect of management, the local people's government or the military department at the next higher level shall, in accordance with relevant provisions of the State and the Municipal People's Government, impose administrative penalties on the responsible unit; and the person in charge and the person directly responsible of the responsible unit shall be given administrative sanctions; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 21 The Municipal People's Government shall be responsible for the interpretation of issues in specific application of the Regulations.

Article 22 The Regulations shall come into force as of December 1, 1994.

北京市人民防空条例

(2002年3月29日北京市第十一届人民代表大会常务委员会
第三十三次会议通过)

第一章 总 则

第一条 为了有效地组织人民防空,保护人民的生命和财产安全,根据《中华人民共和国人民防空法》,结合本市实际情况,制定本条例。

第二条 人民防空是国防的重要组成部分。人民防空建设是国民经济和社会发展的重要方面,是城市建设的重要内容,是利国利民的社会公益事业。

人民防空实行长期准备、重点建设、平战结合的方针,贯彻与经济建设协调发展,与首都城市建设、平时防灾救灾相结合的原则,努力适应不断发展变化的新形势。

第三条 市和区、县人民政府应当将人民防空建设纳入国民经济和社会发展规划。

第四条 市和区、县人民政府应当将负担的人民防空经费列入同级财政预算。

有关单位应当按照国家和本市的规定负担人民防空费用。

第五条 市人民政府、北京卫戍区领导本市的人民防空工作。

区、县人民政府和同级军事机关领导本区、县的人民防空工作。

第六条 市人民防空主管部门管理本市的人民防空工作。

区、县人民防空主管部门管理本区、县的人民防空工作。

乡、民族乡、镇人民政府和街道办事处可以根据人民防空工作的需要,设置专(兼)职办事机构或者人员,负责本地区的人民防空工作。

发展计划、规划、建设、市政管理、公安、民政、交通、国土房管、卫生、教育、工商行政、税务、通信管理、广播电视等部门按照各自的职责依法做好人民防空工作。

Regulations of Beijing Municipality on Civil Air Defense

(Adopted at the 33rd Meeting of the Standing Committee of the 11th
People's Congress of Beijing Municipality on March 29, 2002)

Chapter I General Provisions

Article 1 The Regulations are formulated for the purpose of organizing effective civil air defense and protecting people's lives and property in accordance with the Civil Air Defense Law of the People's Republic of China and in light of actual circumstances of this Municipality.

Article 2 Civil air defense is an important component of national defense. Civil air defense construction is an important aspect of national economic and social development, a vital element of urban construction, as well as a public welfare undertaking which benefits both the country and the people.

The guidelines of making long-term preparation, giving priority to the building of key works and suiting both peacetime and wartime needs shall be applied and the principles of coordinating its buildup with the development of the economy and combining it with the capital's urban construction and peacetime disaster prevention and relief shall be carried out in civil air defense in an effort to adapt to the ever-changing situation.

Article 3 The municipal, district and county people's governments shall incorporate civil air defense construction into their plans for national economic and social development.

Article 4 The municipal, district and county people's governments shall incorporate the expenses they bear for civil air defense in their budgets at the corresponding levels.

Relevant units shall bear their proportions of the expenses for civil air defense in accordance with the provisions of the State and this Municipality.

Article 5 The Municipal People's Government and the Beijing Garrison Command shall exercise leadership in the work of civil air defense in this Municipality.

The district or county people's governments and the military organs at the corresponding levels shall exercise leadership in the work of civil air defense within their respective administrative areas.

Article 6 The municipal competent department for civil air defense shall administer the work of civil air defense in this Municipality.

The district or county competent departments for civil air defense shall administer the work of civil air defense within their respective administrative areas.

The people's governments at the township, nationality township or town level as well as sub-district offices may, depending on the needs of the work of civil air defense, arrange full-time (part-time) administrative offices or personnel to be responsible for the work of civil air defense within their respective administrative areas.

The departments of development planning, planning, construction, municipal administration, public security, civil affairs, transportation, land and housing management,

第七条 一切组织和个人都有得到人民防空保护的权力，都必须依法履行人民防空义务。

第八条 市、区、县人民政府和同级军事机关对在人民防空工作中做出显著成绩的单位和个人给予表彰、奖励。

第二章 防护重点

第九条 本市是人民防空重点城市。以下地区和目标为人民防空防护重点：

（一）市区和其他人口密集区；

（二）重要的工矿企业、科研基地、桥梁、交通枢纽、通信枢纽、仓库、储罐、发电厂、配电站、水库和供水、供热、供气设施等重要经济目标；

（三）重要文物保护单位；

（四）广播电视台站等重要目标。

具体防护重点由市人民政府和北京卫戍区确定。

第十条 市和区、县人民政府会同同级军事机关制定本行政区域内的防空袭方案及实施计划，必要时经批准可以组织演习。

市防空袭方案及实施计划，按照规定报国家有关部门批准，并向国家人民防空主管部门备案。

区、县防空袭方案及实施计划，报市人民政府和北京卫戍区批准，并向市人民防空主管部门备案。

防空袭方案及实施计划的修订、补充和重大事项的调整，应当报经原批准机关同意。

第十一条 重要经济目标的单位应当制定防护方案和应急抢险抢修方案，并向所在地区、县人民防空主管部门备案。

public health, education, industrial and commercial administration, tax, communication management, radio and television, etc. shall, within the scope of their respective functions and duties, do a good job in the work of civil air defense according to law.

Article 7 All organizations and individuals shall have the right of being protected by civil defense and must perform their duties in civil air defense according to law.

Article 8 The municipal, district or county people's governments and the military organs at the corresponding levels shall commend and reward units and individuals that have made outstanding achievements in the work of civil air defense.

Chapter II Priority of Protection

Article 9 This Municipality enjoys priority in civil air defense. The following areas and targets shall enjoy priority in civil air defense:

- (1) downtown areas and other densely populated areas;
- (2) important economic targets such as important industrial and mining enterprises, scientific research bases, bridges, transportation hubs, communication centers, warehouses, storage tanks, power plants, power distribution stations, reservoirs as well as water-supply, heat-supply and gas-supply facilities;
- (3) important cultural relic protection sites; and
- (4) important targets such as broadcasting and television stations.

The specific priorities of protection shall be determined by the Municipal People's Government and the Beijing Garrison Command.

Article 10 The municipal, district and county people's governments shall, together with the military organs at the corresponding levels, devise air defense programs and draw up plans for their enforcement within their respective administrative areas, and may, upon approval, organize exercise when necessary.

The municipal air defense programs and plans for their enforcement shall be submitted to the relevant department of the State for approval as stipulated, and be filed to the national competent department for civil air defense for the record.

The district or county air defense programs and plans for their enforcement shall be submitted to the Municipal People's Government and the Beijing Garrison Command for approval, and be filed to the municipal competent department for civil air defense for the record.

Any amendment or supplement to or adjustment of the major items of air defense programs and plans for their enforcement shall be submitted to the original approval authority for consent.

Article 11 Units falling into the category of important economic targets shall formulate protection plans and emergency rescue and repair plans, and submit them to the district or county competent departments for civil air defense of the places where they are located for the record.

第十二条 市和区、县人民政府应当将人民防空工程建设规划纳入城市总体规划。

城市规划和建设应当符合人民防空要求。

重要经济目标的规划和建设应当征求人民防空主管部门和同级军事机关的意见。

对适合建在地下的重点项目或者项目的关键部位，应当结合平时建设有计划地建在地下；不宜建在地下的应当采取伪装等防护措施。

城市地下交通干线、地下商业娱乐设施、地下停车场、地下过街道、共同沟等城市地下空间的开发建设，应当兼顾人民防空需要。

第十三条 为战时储备粮食、医药、油料和其他必需物资的工程，应当建在地下或者其他隐蔽地点。

第三章 人民防空工程

第十四条 市和区、县人民政府负责组织为保障战时人员与物资掩蔽、人民防空指挥、医疗救护等单独修建的地下防护建筑的建设。根据形势发展需要，采取有效措施组织人民防空工程应急建设。

第十五条 鼓励、支持企事业单位、社会团体和个人投资人民防空工程建设。人民防空工程平时由投资者使用管理，收益归投资者所有。

企事业单位、社会团体和个人投资建设人民防空设施的，享受国家和本市规定的优惠政策。

第十六条 城市新建民用建筑必须按照国家和本市的规定修建防空地下室。

按照规定必须建设防空地下室的建设项目，由于地质条件限制不能修建防空地下室的，按照规定交纳易地建设费，由人民防空主管部门统筹安排组织易地建设。

易地建设费的收费标准由市价格主管部门会同市财政主管部门制定。除国家规定的减免项目外，任何部门不得批准减免易地建设费。

Article 12 The municipal, district and county people's governments shall incorporate the plans for construction of civil air defense works into the overall urban plans. The urban plans and construction shall conform to the requirements of civil air defense.

The opinions of the competent departments for civil air defense and the military organs at the corresponding levels shall be solicited in the planning and construction of important economic targets. Those important projects or key sections fit for being built underground shall be built underground in a planned way in combination with peacetime construction, while camouflages and other protection measures shall be taken for those not fit for being built underground.

In developing and constructing trunk lines of underground traffic, underground commercial and entertainment facilities, underground parking lots, underground passages, utility tunnels and other urban underground space, consideration shall be given to the needs of civil air defense.

Article 13 All projects for storing grains, medicines, oils and other necessary goods and materials for wartime use shall be built underground or in other concealed areas.

Chapter III Civil Air Defense Works

Article 14 The municipal, district and county people's governments shall be responsible for organizing the construction of underground protective structures that are constructed particularly for sheltering people and goods and materials, civil air defense command and medical aid in wartime. Effective measures shall be taken to organize the construction of civil air defense works in emergency in light of the development of the situation.

Article 15 Enterprises, institutions, social organizations and individuals shall be encouraged and supported to invest in the construction of civil air defense works. In peacetime, civil air defense works shall be used and managed by the investors and the income therefrom shall be owned by the investors.

Enterprises, institutions, social organizations and individuals that invest in the construction of civil air defense works shall enjoy the preferential policy stipulated by the State and this Municipality.

Article 16 Basements for air defense must be built in new urban buildings for civil use in accordance with the provisions of the State and this Municipality.

For those construction projects in which basements for air defense must be built as stipulated, but it is unable to build such basements due to geological constraints, the expenses for constructing such basements in other locations shall be paid and the competent departments for civil air defense shall make overall arrangements for organizing the construction of such basements in other locations.

The charging standards for the expenses for constructing basements for air defense in other locations shall be determined by the municipal competent department for price together with the municipal competent department for finance. With the exception of the projects eligible for reduction or exemption of the expenses as stipulated by the State, no department may approve the reduction or exemption of the expenses for constructing

第十七条 新建人民防空工程的进出道路、孔口、出入口、口部管理房等设施的设计应当与城市建设规划衔接。

在已建成的人民防空工程的进出道路、孔口、出入口、口部管理房等设施周边安排建设项目，影响人民防空工程使用的，应当采取相应措施后方可建设。

第十八条 人民防空工程建设的设计、施工、质量必须符合国家规定的防护标准和质量标准。

人民防空工程竣工验收合格的，建设单位应当向人民防空主管部门备案。

第十九条 对用于人员掩蔽的人民防空工程和具有一定防护能力的城市地下交通干线、地下商业娱乐设施、地下停车场、地下过街道、共同沟等地下工程，建有或者使用人民防空工程的单位和个人应当设置明显的掩蔽标识，掩蔽标识破损、丢失的，应当及时更换、补设。

第二十条 人民防空主管部门对人民防空工程的维护管理进行监督检查。

公用的人民防空工程的维护管理由人民防空主管部门负责，有关单位应当按照国家规定出工维护。有关单位出工确有困难的，按照市价格主管部门规定的标准出资，由人民防空主管部门组织有资质的单位进行维护。

建有或者使用人民防空工程的单位和个人应当按照国家规定，对已经修建或者使用的人民防空工程进行维护管理，使其保持良好的使用状态。

第二十一条 鼓励平时利用人民防空工程为经济建设和人民生活服务。平时利用人民防空工程，不得影响其防空效能。

第二十二条 平时利用人民防空工程应当经所在地区、县人民防空主管部门批准，并按规定使用。根据战时需要，人民防空工程必须在规定时限内完成平战转换。

平时利用人民防空工程，应当保障进出道路、孔口、出入口等的畅通，不得改变人民防空工程主体结构，不得拆除人民防空工程设备设施。

使用人民防空工程的单位和个人应当建立防火、防汛、治安等责任制度，确保人民防空工程的安全和防空效能。

basements for air defense in other locations.

Article 17 The design of access roads, openings, entries and exits, management rooms at the entry or other facilities of new civil air defense works shall be connected with the urban construction plan.

Construction projects to be arranged around the access roads, openings, entries and exits, management rooms at the entry or other facilities of completed civil air defense works that affect the use of civil air defense works shall not commence until corresponding measures are taken.

Article 18 The design, construction and quality of civil air defense works must conform to the protection and quality standards established by the State.

After completion and acceptance of civil air defense works, the construction units shall report them to the competent departments for civil air defense for the record.

Article 19 For those civil air defense works that are used for sheltering people and such underground works as trunk lines of underground traffic, underground commercial and entertainment facilities, underground parking lots, underground passages and utility tunnels that possess certain protective capability, the units and individuals that construct or use such civil air defense works shall install conspicuous shelter signs and replace or re-install such signs timely where the signs are broken or lost.

Article 20 The competent departments for civil air defense shall oversee and inspect the maintenance and management of civil air defense works.

The competent departments for civil air defense shall be responsible for the maintenance and management of civil air defense for public use, and relevant units shall contribute labor to the maintenance in accordance with the provisions of the State. Units that do have difficulties in contributing labor shall contribute money in accordance with the standard stipulated by the municipal competent department for price and the competent departments for civil air defense shall organize the maintenance by qualified units.

Units and individuals that construct or use such civil air defense works shall, in accordance with the provisions of the State, maintain and manage civil air defense works already built or put to use and keep them in good repair.

Article 21 The use of civil air defense works for economic development and the daily lives of the people in peacetime shall be encouraged. However, such use may not impair their functions as air defense works.

Article 22 Use of civil air defense works in peacetime shall be subject to approval by the district or county competent departments for civil air defense of the places where such works are located and those works shall be used as stipulated. In light of the needs in wartime, the civil air defense works must be converted from peacetime use to wartime use within the prescribed time limit.

In the use of civil air defense works in peacetime, access roads, openings and entries and exits shall be kept clear and the main structures of civil air defense works shall not be changed, nor shall the equipment or facilities in civil air defense works be dismantled.

Units and individuals using civil air defense works shall establish a responsibility system regarding fire prevention, flood control as well as security maintenance, etc. to ensure the security and air-defense functions of civil air defense works.

第二十三条 任何组织或者个人不得进行影响人民防空工程使用或者降低防护能力的作业，不得向人民防空工程内排入废水、废气和倾倒废弃物，不得在人民防空工程内生产、储存爆炸、剧毒、易燃、放射性和腐蚀性物品。

第二十四条 任何组织或者个人不得擅自拆除公用的人民防空工程和专用配套工程；确需拆除的，必须报经所在地区、县人民防空主管部门批准，并由拆除单位补建或者补偿。

其他人民防空工程确需拆除的，报所在地区、县人民防空主管部门备案。

第二十五条 人民防空主管部门依法收取的人民防空工程易地建设、维护等费用应当纳入财政预算，专款专用，不得挪用和挤占，并接受同级财政、审计部门的监督、检查。

第四章 通信和警报

第二十六条 市和区、县人民防空主管部门负责制定本行政区域的人民防空通信、警报建设规划，组织本行政区域人民防空通信、警报网的建设和管理。

第二十七条 通信管理、无线电管理部门对人民防空通信、警报所需的专用线（电）路、频率应当予以保障；安装人民防空通信、警报设施，有关单位或者个人应当提供方便条件，不得阻挠。

用于人民防空通信的专用频率和防空警报音响信号，任何组织或者个人不得占用、混同。

第二十八条 重要经济目标的单位应当在人民防空主管部门指导下，按照战时防空袭实际需要，建设本单位的防空警报设施。

第二十九条 人民防空通信、警报设施应当保持良好的使用状态。

设置在有关单位的人民防空警报设施，由其所在单位负责维护管理，不得擅自拆除，不得擅自鸣响。因拆迁、改造建筑物，确需拆除的，报经所在地区、县人民防空

Article 23 No organization or individual may conduct any operations that may impair the use of civil air defense works or weaken their protective capabilities, discharge waste water or gas or dump waste materials into any civil air defense works, or produce or store any explosive, hyper-toxic, inflammable, radioactive or corrosive substances in any civil air defense works.

Article 24 No organization or individual may dismantle any civil air defense works for public use and the special supporting projects without authorization; where it is truly necessary to dismantle such works, the matter must be reported to the district or county competent departments for civil air defense of the places where such works are located for approval, and the units that dismantle such works shall be responsible for reconstruction or compensation.

Where it is truly necessary to dismantle other civil air defense works, the matter shall be reported to the district or county competent departments for civil air defense of the places where such works are located for the record.

Article 25 The expenses for constructing civil air defense works in other locations and maintaining such works as well as other expenses collected according to law by the competent departments for civil air defense shall be incorporated into the budgets and earmarked for the specified purpose, shall not be diverted for any other purpose, and shall be subject to the supervision and inspection by the financial and audit departments at the corresponding levels.

Chapter IV Communications and Warning

Article 26 The municipal, district and county competent departments for civil air defense shall be responsible for working out plans for construction of civil air defense communications and warning within their respective administrative areas and organizing the establishment and management of their local networks of civil air defense communications and warning.

Article 27 The departments of communications management and radio management shall guarantee provision of the special lines (circuits) and frequency required by civil air defense communications and warning; relevant units and individuals shall provide convenience for installation of facilities of civil air defense communications and warning, and may not obstruct it.

No organization or individual may use the same frequency or acoustic signals as those specially used for civil air defense communications and warning.

Article 28 Units falling into the category of important economic targets shall, under the guidance of the competent departments for civil air defense, construct their own air defense warning facilities in light of the actual needs of air defense in wartime.

Article 29 All facilities for civil air defense communications and warning shall be kept in good repair.

Civil air defense warning facilities shall be maintained and controlled by the units in which they are installed and may not be dismantled without authorization, nor shall they

主管部门批准。

第三十条 市和区、县人民政府根据需要经批准可以组织防空警报试鸣，并在试鸣的5日前发布公告。

第三十一条 市和区、县人民防空主管部门应当充分利用人民防空通信、警报设施为城市防灾救灾应急救援服务。

第五章 疏散和掩蔽

第三十二条 人民防空疏散必须根据国家发布的命令，由本市各级人民政府统一组织实施，任何组织不得擅自行动。

第三十三条 市和区、县人民政府应当组织有关部门制定疏散、掩蔽计划，必要时可以组织演练，指导单位和个人辨别防空袭警报音响信号，熟悉疏散路线、掩蔽场所。

第三十四条 市和区、县人民政府应当加强人民防空预定的疏散地建设，做好城市疏散人口安置和物资储运、供应的准备工作。

第三十五条 战时人口疏散应当以人口密集区和重要经济目标附近的人员为主，其他地区人员应当根据战时需要组织疏散或者就近实施掩蔽。

战时一切组织和个人的交通运输工具应当为人民防空疏散服务。

第六章 群众防空组织

第三十六条 市和区、县人民政府应当根据人民防空的需要，组织有关部门建立群众防空组织。群众防空组织战时承担人民防空任务，平时协助防汛、防震等部门担负抢险救灾任务。

第三十七条 群众防空组织的组建和任务：

（一）城建、市政管理、电力等部门组建抢险抢修队，负责对工程、道路、桥梁、水库和给排水、电力、燃气等公共设施进行抢险抢修以及抢救人员和物资等工作；

sound without authorization. Where it is truly necessary to dismantle such facilities due to the demolition or reconstruction of buildings, the matter shall be reported to the district or county competent departments for civil air defense of the places where such facilities are located for approval.

Article 30 When necessary, the municipal, district and county people's governments may organize trial air defense warning upon approval and shall make it known to the public 5 days before the trial.

Article 31 The municipal, district and county competent departments for civil air defense shall make full use of civil air defense communications and warning facilities in the service of urban disaster prevention and relief as well as emergent rescue.

Chapter V Evacuation and Shelter

Article 32 Civil air defense evacuation must be organized and carried out in a unified manner by the people's governments at all levels of this Municipality in accordance with the order issued by the State, and no organization may go into action without such an order.

Article 33 The municipal, district and county people's governments shall organize relevant departments to formulate plans for evacuation and shelter, and when necessary, may organize drills, in order to guide units and individuals to identify acoustic signals for air defense warning and familiarize them with the evacuation routes and shelters.

Article 34 The municipal, district and county people's governments shall strengthen the construction of planned evacuation zones for civil air defense, and do a good job in making preparations for settlement of the urban population to be evacuated and for storage, transport and supply of goods and materials.

Article 35 People in densely populated areas and near important economic targets shall be given priority in wartime evacuation, and people in other areas shall be evacuated or arranged to nearby shelters in light of the needs of wartime.

In wartime, all means of transportation owned by organizations and individuals shall be used in the service of evacuation.

Chapter VI Mass Organizations for Air Defense

Article 36 The municipal, district and county people's governments shall, in light of the needs of civil air defense, organize relevant departments to establish mass organizations for civil air defense. Mass organizations for civil air defense shall undertake the task of civil air defense in wartime and assist the departments for fighting against floods and earthquakes in dealing with emergencies and doing disaster relief in peacetime.

Article 37 Mass organizations for civil air defense shall be established as follows to undertake the following tasks:

(1) The departments of urban construction, municipal management and power supply shall organize teams to deal with emergencies and do rush repairs, which shall be responsible

（二）卫生、医药部门组建医疗救护队，负责战地救护、运送、治疗伤员和组织防疫灭菌、指导群众进行自救互救等工作；

（三）公安部门组建治安队，负责维护社会治安、保卫重要目标、监督灯火管制；

（四）公安消防部门组建消防队，负责火情观察，执行对重要目标、设施的防火灭火，配合消除沾染任务；

（五）公安交通管理部门组建交通队，负责交通管制任务，维护交通秩序；

（六）卫生、化工、环境保护等部门组建防化防疫队，负责对核武器、化学武器、生物武器袭击的景象、效应进行观测、监测、化验、消毒、消除沾染，并对群众进行相关知识教育等工作；

（七）通信管理部门组建通信队，负责对有线、无线、移动通信等设备、设施进行抢修，保障通信畅通；

（八）交通运输部门组建运输队，负责人口疏散和物资、器材的转运以及运输工具的修理等工作。

市人民政府可以根据需要，组建其他群众防空组织。

红十字会组织依法进行救护工作。

第三十八条 市和区、县人民防空主管部门根据公民自愿原则，可以组织人民防空志愿者队伍。

人民防空志愿者应当参加防空防灾培训，按照要求参加应急救援活动。

第三十九条 群众防空组织的专业训练应当根据市人民防空主管部门制定的训练大纲和训练计划，由组建单位组织实施。

第七章 人民防空教育

第四十条 市和区、县人民政府应当开展人民防空教育，使本市公民增强国防观念，掌握人民防空的基本知识和技能。

for dealing with the emergencies in connection with and doing rush repairs of projects, roads, bridges, reservoirs as well as public facilities for water supply and drainage, power supply and gas supply, and also be responsible for rescuing people and salvaging materials;

(2) The public health and medical departments shall organize medical aid teams, which shall be responsible for such work as rescue, transport and treatment of the wounded in the battlefield, organizing epidemic prevention and sterilization, as well as instructing the masses in self-rescue and mutual rescue;

(3) The public security departments shall organize public security teams, which shall be responsible for maintaining public security, defending important targets and supervising the blackout;

(4) The fire departments shall organize fire-fighting teams, which shall be responsible for observing fires, implementing such tasks as fire prevention and extinction in important targets and installations, and providing cooperation in radiological decontamination;

(5) The traffic management departments shall organize traffic teams, which shall be responsible for the task of traffic control and maintaining traffic order;

(6) The departments of public health, chemical industry, environment protection, etc. shall organize anti-chemical and anti-epidemic teams, which shall be responsible for observation, monitoring, testing, disinfection and radiological decontamination of the scenes and effects of the attack by nuclear, chemical and biological weapons, and conducting work such as education in related knowledge among the masses;

(7) The communications management departments shall organize communications teams, which shall be responsible for doing rush repairs of wired, wireless and mobile communications equipment and facilities so as to guarantee effective communication;

(8) The transportation departments shall organize transportation teams, which shall be responsible for such work as evacuating people, transferring goods and materials as well as equipment, and repairing the means of transportation.

The Municipal People's Government may establish other mass organizations for air defense as needed.

The Red Cross organizations shall provide first aid according to law.

Article 38 The municipal, district and county competent departments for civil air defense may organize volunteer teams for civil air defense among citizens on a voluntary basis.

Civil air defense volunteers shall take part in air defense and disaster prevention trainings as well as emergent rescue as required.

Article 39 The units that organize mass organizations for air defense shall organize and carry out professional training of mass organizations for air defense in accordance with the training programs and plans formulated by the municipal competent department for civil air defense.

Chapter VII Education in Civil Air Defense

Article 40 The municipal, district and county people's governments shall develop civil air defense education to help citizens of this Municipality enhance their awareness of the importance of national defense and acquire the basic knowledge and skills of civil air

第四十一条 本市教育行政主管部门应当将人民防空教育纳入学校教学计划，由各级教育主管部门和人民防空主管部门组织实施。

第四十二条 国家机关、社会团体、企业事业单位人员的人民防空教育由所在单位组织实施；其他人员的人民防空教育，由街道办事处、乡镇人民政府组织实施。

第四十三条 本市新闻出版、广播电视、文化等有关部门应当协助开展人民防空教育。

第八章 法律责任

第四十四条 城市新建民用建筑，违反本条例第十六条第一款规定，不修建防空地下室的，由人民防空主管部门给予警告、责令限期修建，可以按下列规定并处罚款：

（一）应建未建面积不到 500 平方米的，处 3 万元以下罚款；

（二）应建未建面积在 500 平方米以上不到 1000 平方米的，处 3 万元以上 5 万元以下罚款；

（三）应建未建面积在 1000 平方米以上的，处 5 万元以上 10 万元以下罚款。

第四十五条 有下列行为之一的，由人民防空主管部门给予警告，责令限期改正，可以对个人并处 5000 元以下罚款、对单位并处 1 万元以上 5 万元以下罚款；造成损失的，应当依法赔偿损失：

（一）违反本条例第十八条第一款规定，不按照国家规定的防护标准和质量标准修建人民防空工程的；

（二）违反本条例第二十二条第二款、第三款规定，改变人民防空工程主体结构、拆除人民防空工程设备设施或者采用其他方法危害人民防空工程安全和防空效能的；

（三）违反本条例第二十三条规定，向人民防空工程内排入废水、废气或者倾倒废弃物的；

defense.

Article 41 The competent department for education of this Municipality shall incorporate civil air defense education into the teaching plans of schools, and the competent departments for education and civil air defense at all levels shall organize their implementation.

Article 42 Civil air defense education among the personnel of state organs, social organizations, enterprises and institutions shall be organized and carried out by the units to which they belong; and such civil air defense education among other persons shall be organized and carried out by sub-district offices and the township or town people's governments.

Article 43 Relevant departments of press and publications, broadcasting and television, culture, etc. of this Municipality shall provide assistance in developing civil air defense education.

Chapter VIII Legal Liability

Article 44 Where no basement for air defense is built for a new urban building for civil purpose in violation of the provisions of Paragraph 1, Article 16 of the Regulations, the competent department for civil air defense shall give a warning and order to build such basement within a specified time limit, and may impose a fine in accordance with the following provisions:

(1) Where the area of such basement that shall be built but is not built is less than 500 square meters, a fine of not more than 30,000 yuan may be imposed;

(2) Where the area of such basement that shall be built but is not built is between 500 square meters and 1,000 square meters, a fine of not less than 30,000 yuan but not more than 50,000 yuan may be imposed; or

(3) Where the area of such basement that shall be built but is not built is more than 1,000 square meters, a fine of not less than 50,000 yuan but not more than 100,000 yuan may be imposed.

Article 45 A party that commits any of the following acts shall be given a warning and ordered to make corrections within a specified time limit by the competent department for civil air defense; in the case of an individual, a fine of not more than 5,000 yuan may be concurrently imposed on him, or in the case of a unit, a fine of not less than 10,000 yuan but not more than 50,000 yuan may be concurrently imposed on it; if losses are caused, the party shall be liable for compensation according to law:

(1) failing to construct civil air defense works in conformity with the protection standards and quality standards stipulated by the State in violation of the provisions of Paragraph 1, Article 18 of the Regulations;

(2) changing the main structures of civil air defense works, dismantling equipment or facilities for civil air defense works, or endangering the security or impairing the functions of civil air defense works by any other means in violation of the provisions of Paragraphs 2 and 3, Article 22 of the Regulations;

(3) discharging waste water or gas or dumping wastes into any civil air defense works

（四）违反本条例第二十四条第一款规定，擅自拆除公用的人民防空工程和专用配套工程，拒不补建或者补偿的；

（五）违反本条例第二十七条第一款规定，阻挠安装人民防空通信、警报设施，拒不改正的；

（六）违反本条例第二十七条第二款、第二十九条第二款规定，占用人民防空通信专用频率，使用与人民防空警报相同的音响信号或者擅自拆除人民防空通信、警报设施的。

第四十六条 违反本条例第十八条第二款规定，人民防空工程竣工验收后，不向人民防空主管部门备案的，由人民防空主管部门给予警告，责令限期改正，并可处 1 万元以下罚款。

第四十七条 违反本条例第二十二条第一款规定，平时利用人民防空工程，未经所在地区、县人民防空主管部门批准或者未按规定使用的，由人民防空主管部门责令限期改正；危害人民防空工程安全和防空效能的，可以对个人并处 5000 元以下罚款，对单位并处 1 万元以上 5 万元以下罚款；造成损失的，应当依法赔偿损失。

第四十八条 违反本条例规定，故意损坏人民防空工程设施或者在人民防空工程内生产、储存爆炸、剧毒、易燃、放射性等危险品，构成犯罪的，依法追究刑事责任；尚未构成犯罪的，由公安机关依照《中华人民共和国治安管理处罚条例》的有关规定处罚。

第四十九条 人民防空主管部门的工作人员有下列行为之一，构成犯罪的，依法追究刑事责任；尚未构成犯罪的，依法给予行政处分；有违法所得的，没收违法所得：

（一）贪污、挪用、挤占人民防空工程易地建设、维护等费用的；

（二）不按规定履行审批和监督管理职责，致使人民防空工程、人民防空通信和警报设施出现重大损毁，丧失防空效能的；

（三）其他玩忽职守、滥用职权、徇私舞弊的。

in violation of the provisions of Article 23 of the Regulations;

(4) dismantling civil air defense works for public use and the special supporting projects without authorization and refusing reconstruction or compensation in violation of the provisions of Paragraph 1, Article 24 of the Regulations;

(5) obstructing the installation of facilities for civil air defense communications and warning and refusing to make corrections in violation of the provisions of Paragraph 1, Article 27 of the Regulations; or

(6) using the special frequency for civil air defense communications or the same acoustic signals as those used for civil air defense warning or dismantling facilities for civil air defense communications and warning without authorization in violation of the provisions of Paragraph 2, Article 27 and Paragraph 2, Article 29 of the Regulations.

Article 46 Whoever, in violation of the provisions of Paragraph 2, Article 18 of the Regulations, fails to report completed civil air defense works upon acceptance to the competent department for civil air defense for the record shall be given a warning and ordered to make corrections within a specified time limit by the competent department for civil air defense, and may also be fined not more than 10,000 yuan.

Article 47 Where a party, in violation of the provisions of Paragraph 1, Article 22 of the Regulations, uses civil air defense works in peacetime without approval by the district or county competent departments for civil air defense of the places where such works are located or not in accordance with provisions, the competent department for civil air defense shall order it to make corrections within a specified time limit; where such use endangers the security or impairs the functions of civil air defense works, a fine of not more than 5,000 yuan may be concurrently imposed in the case of an individual, or a fine of not less than 10,000 yuan but not more than 50,000 yuan may be concurrently imposed in the case of a unit; if losses are caused, the party shall be liable for compensation according to law.

Article 48 Whoever, in violation of the provisions of the Regulations, intentionally damages civil air defense facilities or produces or stores in civil air defense works explosive, hyper-toxic, inflammable, radioactive and other dangerous substances shall be investigated for criminal responsibility according to law if a crime is constituted; if a crime is not constituted, public security organs shall impose punishments in accordance with relevant provisions of the Regulations of the People's Republic of China on Penalties for Administration of Public Security.

Article 49 Where any staff member of the competent departments for civil air defense commits any of the following acts, criminal responsibility shall be investigated for according to law if a crime is constituted; if a crime is not constituted, administrative sanctions shall be given according to law; if there are illegal gains, such illegal gains shall be confiscated:

(1) embezzling the expenses for constructing civil air defense works in other locations and maintaining such works as well as other expenses, or diverting such expenses for any other purpose;

(2) failing to perform the examination and approval as well as supervisory and administrative duties as stipulated, which makes civil air defense works and facilities for civil air defense communications and warning suffer major damages thus losing air defense functions; or

(3) other acts such as neglecting his duties, abusing his power or engaging in malpractices for personal gains.

第九章 附 则

第五十条 本条例自 2002 年 5 月 1 日起施行。

Chapter IX Supplementary Provisions

Article 50 The Regulations shall come into force as of May 1, 2002.

北京市征兵工作条例

(2003年5月30日北京市第十二届人民代表大会常务委员会
第四次会议通过)

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第一章 总 则

第一条 为了加强国防建设,保障征兵工作顺利进行,根据《中华人民共和国兵役法》和《征兵工作条例》以及其他有关法律、法规的规定,结合本市实际情况,制定本条例。

第二条 本条例适用于具有本市常住户口的公民和本市行政区域内的机关、团体、企业事业单位以及其他组织。

第三条 保卫祖国、抵抗侵略是每个公民的神圣职责。依法服兵役是公民的光荣义务。

依法做好征兵工作,是加强部队建设、巩固国防的一项重要任务,是全社会的共

Regulations of Beijing Municipality for Recruitment of Soldiers

(Adopted by the Standing Committee of the Twelfth Beijing Municipality
People's Congress at its 4th Meeting on May 30, 2003)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of strengthening national defense construction and guaranteeing the smooth accomplishment of recruitment in accordance with the Law of the People's Republic of China on Military Service and Regulations for Recruitment of Soldiers as well as other relevant laws and provisions and in light with the actual conditions in this Municipality.

Article 2 These Regulations apply to citizens with permanent residences in this Municipality and state organs, groups, enterprises and institutions as well as other organizations within this Municipality.

Article 3 It is the sacred responsibility for every citizen to safeguard the motherland and resist invasion and it is the glorious obligation to perform military service according to law.

The smooth accomplishment of recruitment of soldiers according to law is an important task to strengthen the military construction and consolidate national defense, and it is the shared responsibility of the whole society.

同责任。

第四条 每年12月31日前年满18岁的男性公民,符合条件的,应当被征集服现役。当年未被征集的,在22岁前仍可以被征集服现役。

女性公民的征集,按照国家有关规定执行。

每年12月31日前年满17岁未满18岁的男女公民,根据军队需要和本人自愿的原则,可以被征集服现役。

适龄公民是正在全日制学校就学的学生或者是维持家庭生活的唯一劳动力,可以缓征,但本人自愿的可以被征集服现役。

第五条 本市征兵工作实行目标管理责任制。每年的征兵人数、范围、时间和要求,由市人民政府、中国人民解放军北京卫戍区根据国务院和中央军事委员会当年的征兵命令,下达给区、县人民政府。

第六条 本市征兵工作在上级军事机关和市人民政府的领导下,由市兵役机关组织实施。

市和区、县人民政府组织同级兵役机关、公安、卫生、教育、财政、民政等部门组成征兵办公室,负责办理本行政区域内的平时征兵准备、征兵实施、征兵宣传、从非军事部门直接招收志愿兵等工作。

乡镇人民政府、街道办事处和机关、团体、企业事业单位以及其他组织,应当根据区、县人民政府的安排和要求,负责本地区、本单位的征兵工作。

工会、共青团、妇联等人民团体以及宣传、新闻单位,应当积极配合征兵办公室做好征兵工作。

第七条 征兵宣传工作应当纳入本市国防教育和法制宣传教育规划。各部门、各单位应当加强征兵的宣传工作,广泛开展爱国主义、革命英雄主义和依法服兵役的教育,做好应征公民的思想政治工作,鼓励他们为保卫社会主义祖国积极报名应征。

第八条 市和区、县人民政府征兵办公室开展征兵工作所需经费,应当列入同级财政年度预算。

Article 4 Male citizens reached 18 before December 31 of each year shall be recruited for active military service. Those not recruited that year may still be recruited for active military service before they reach 22.

Female citizens shall be recruited according to relevant State provisions.

Male and female citizens reached 17 but yet not 18 reached before December 31 of each year may be recruited for active military service, respecting the principle of the army's need and their wishes.

Where a citizen of military age is the only labor to support his family or a student of a full-time school, recruitment may be suspended. Where he wishes, he may be recruited for active military service.

Article 5 A responsibility system of management by objectives is carried out for the recruitment of soldiers in this Municipality. The number, range, requirements and time of recruitment of soldiers of each year shall be issued by the Municipal People's Government and Beijing Garrison Command of the People's Liberation Army of PRC to the district and county people's governments according to the recruitment order of the State Council and the Central Military Commission.

Article 6 The recruitment of soldiers shall be organized and implemented by the municipal military service department under the leadership of higher military organs and the Municipal People's Government.

The Municipal, district and county people's governments shall form the recruitment offices together with departments of military service, public security, health, education, finance and public works at the corresponding levels to take charge of tasks such as the preparation, implementation, publicity of the recruitment, direct recruitment of volunteers from non-military departments.

Township and town people's governments, sub-district offices, state organs, groups, enterprises and institutions as well as other organizations shall be charged with the work of recruitment of soldiers within their respective areas and units according to the arrangements and requirements of their respective district and county people's governments.

People's organizations such as the Trade Union, the Communist Youth League, the Women's Federation as well as publicity and press units shall actively support the recruitment offices to well implement the recruitment of soldiers.

Article 7 Publicity work for recruitment shall be brought into the planning of defense education as well as legal publicity and education. All departments and units shall enhance the publicity work of recruitment, widely carry out the education work of patriotism, revolutionary heroism and performing military services according to law, earnestly enlighten the citizens to be recruited from the perspectives of ideology and politics, and encourage them to actively register for the recruitment for protecting our socialist country.

Article 8 The funds and expenses for recruitment of soldiers needed by the recruitment: offices of district and county people's governments shall be incorporated in the yearly budget at the corresponding levels.

机关、团体、企业事业单位以及其他组织所需征兵工作经费，由各单位自行解决。

第九条 对在征兵工作中做出显著成绩的单位和个人，由本市各级人民政府给予表彰和奖励。

第二章 兵役登记

第十条 兵役登记工作在市人民政府征兵办公室的指导下，由区、县兵役机关组织实施。

第十一条 区、县人民政府征兵办公室应当于当年兵役登记开始 10 日前发出兵役登记公告。

乡镇人民政府、街道办事处和机关、团体、企业事业单位以及其他组织，应当根据区、县兵役机关的安排和要求，设立兵役登记站，并于兵役登记开始 7 日前将登记事项通知适龄男性公民。

第十二条 每年 12 月 31 日前年满 18 岁的男性公民，应当于当年 9 月 30 日前，按照区、县兵役机关的通知，持本人身份证、学历证明到兵役登记站进行兵役登记。

适龄男性公民因特殊情况不能到兵役登记站登记的，可以书面委托其亲属或者所在单位代为登记。

第十三条 乡镇人民政府、街道办事处和机关、团体、企业事业单位以及其他组织应当根据区、县兵役机关的安排，组织本地区、本单位的适龄男性公民进行兵役登记；依法确定应当服兵役、免服兵役和不得服兵役的人员，并报区、县兵役机关批准；依法对经兵役登记和初步审查合格的应征公民进行体格目测、病史调查和政治、文化素质审查，择优选定当年预定征集的对象，并通知本人。

第十四条 区、县兵役机关和基层单位应当加强对预定征集的应征公民的管理、教育和考察，了解掌握基本情况。预定征集的应征公民离开本市 1 个月以上的，应当向所在基层人民武装部报告去向和联系办法，并按照区、县人民政府征兵办公室的通知及时返回应征。

The funds and expenses for recruitment of soldiers needed by state organs, groups, enterprises and institutions as well as other organizations shall be arranged by themselves.

Article 9 The units and individuals that make notable achievements in die recruitment work shall be honored and awarded by the people's governments at different levels in this Municipality.

Chapter II Military Service Registration

Article 10 The military service registration shall be carried out by the district and county military service departments under the guidance of the recruitment office of the Municipal People's Government.

Article 11 The recruitment offices of district and county people's governments shall issue public notice ten days before the start of military service registration each year.

Township and town people's governments, sub-district offices, state organs, groups, enterprises and institutions as well as other organizations shall set up military service registration stations according to the arrangements and requirements of district and county military service departments, and shall inform the male citizens of military age seven days before the start of registration.

Article 12 The male citizens at 18 before December 31 of each year shall go to the military service registration stations according to the notice of district or county military service departments, with their own ID cards and educational certificates in hand, to make the registration before September 30 of that year.

For those male citizens of military age who cannot go to make the registration in person for special reasons, they can entrust their relatives or the units at which they work in writing to make the registration for them.

Article 13 Township and town people's governments, sub-district offices, state organs, enterprises and institutions as well as other organizations shall, in line with arrangements of district or county military service departments, organize the male citizens of military age of their respective units and areas to make military service registration. They shall determine according to law the persons who perform military service, are exempted from military service and cannot perform military service, and shall report to the district and county military service departments for approval. They shall make visual examination of physique, investigation of medical history, political examinations as well as cultural background examination to those registered citizens who have passed initial examination, choose and predetermine the better ones to be recruited of a year and shall inform those citizens.

Article 14 District and county military service departments as well as grass-root units shall strengthen the management, education and investigation of the citizens who have been predetermined for recruitment and get the basic information of those citizens. Where those citizens leave this Municipality for more than one month, they shall report their whereabouts and contact details to the grass-root people's armed forces departments in places where they are located, and shall return for recruitment according to the notification of the recruitment offices of district or county people's governments.

第十五条 区、县人民政府征兵办公室对经过兵役登记的适龄公民，发放由市人民政府征兵办公室印制的《北京市公民兵役证》，并负责《北京市公民兵役证》的管理、核验工作。

《北京市公民兵役证》由适龄公民本人保管，遗失的应当及时向发证单位申请补发；经兵役登记的适龄公民变更户口所在地、住所地或者就业单位，应当及时到发证单位办理兵役登记变更手续。

《北京市公民兵役证》不得转借、涂改、伪造和变造。

第十六条 本市有关部门或者单位在招录国家公务员、办理出境或者招生、招工
时，应当查验本市适龄公民的《北京市公民兵役证》。

第三章 体格检查

第十七条 应征公民体格检查工作，由区、县人民政府征兵办公室统一组织，同级卫生行政主管部门在二级以上医院设立体检站，抽调医务人员组成体检组具体实施。

第十八条 市和区、县人民政府征兵办公室会同卫生行政主管部门对参加体格检查工作的医务人员进行培训。

负责体格检查工作的医务人员，应当按照征兵体格检查标准和有关规定对应征公民进行体格检查。

第十九条 乡镇人民政府、街道办事处和机关、团体、企业事业单位应当根据区、县人民政府下达的征集任务和要求，组织当年预定征集的应征公民参加体格检查。

第二十条 应征公民应当按照区、县人民政府征兵办公室的要求参加体格检查，并如实反映健康状况。

应征公民参加体格检查的，应当视为出勤。

第二十一条 应征公民的体格检查采取基层初检、区县体检、市抽查的方法进行。

对应征公民的抽查人数一般不得少于征兵人数的1/3。经抽查，合格率低于95%的，应当对体格检查合格人员全部进行复查。

Article 15 The recruitment offices of district and county people's governments shall issue the Beijing Municipality Military Service Certificate for Citizen to the citizens of military age who have made military service registration, and shall be responsible for its management and check.

Citizens of military age shall keep the Beijing Municipality Military Service Certificate for Citizen and shall apply for re-issuance of the certificate to the relevant department when lost. Where citizens of military age who have made military service registration change their registered residences, residences or working units, they shall go to the units issuing the certificates for going through formalities of changing military service registration in time.

The Beijing Municipality Military Service Certificate for Citizen shall not be borrowed lent, changed, forged or used as other certificates.

Article 16 The relevant departments or units in this Municipality shall check and examine the Beijing Municipality Military Service Certificate for Citizen when they enroll state civil servants, go through formalities for going abroad and enroll students or recruit workers.

Chapter III Physical Examination

Article 17 The physical examination of citizens to be recruited shall be uniformly organized by the recruitment offices of district and county people's governments. The administrative departments of public health at the same level shall set up physical examination stations in the above Class II hospitals, and transfer medical personnel to form the physical examination group to conduct the specific examination.

Article 18 The recruitment offices of district and county people's governments together with administrative departments of public health shall provide training services to those medical personnel who will take part in the physical examination.

Medical personnel who take charge of physical examination shall conduct the physical examination in accordance with physical examination standards of recruitment as well as proscribed provisions.

Article 19 Township and town people's governments, sub-district offices, state organs, groups, enterprises and institutions as well as other organizations shall organize the citizens predetermined to be recruited to take physical examination according to the recruitment tasks and requirements assigned by the district and county people's governments.

Article 20 The citizens to be recruited shall participate in physical examination according to the requirements of recruitment offices of the district or county people's governments and provide true health conditions.

Those citizens to be recruited who participate in physical examination are considered as attendance in their working units.

Article 21 The physical examination of citizens to be recruited shall be conducted following the procedures of initial examination by grass-root, physical examination by the district or county and selected physical examination by Municipality.

The number of persons selected to be examined shall be no less than one third of the number of recruitments. Where the qualified rate is less than 95% after the selected examination, all qualified ones shall be reexamined.

第四章 政治审查

第二十二条 应征公民的政治审查工作，由区、县人民政府征兵办公室统一组织，公安部门按照政治审查有关规定具体实施。有关单位和个人应当协助配合，如实提供情况。

第二十三条 市和区、县人民政府征兵办公室会同公安部门对参加政治审查工作的人员进行业务培训。

参加政治审查工作的人员，应当按照征兵政治审查工作的有关规定，对应征公民的有关政治状况等进行审查，重点查清其现实表现。

第二十四条 应征公民的政治审查工作实行村（居）民委员会、职工所在单位初审，乡镇人民政府、街道办事处和公安派出所复审，区、县人民政府征兵办公室终审的三级审查和相关地区、单位联合交叉审查制度。

第五章 审定、交接与退兵

第二十五条 区、县人民政府征兵办公室应当对体格检查、政治审查合格的应征公民进行全面衡量，在听取乡镇人民政府、街道办事处和有关单位意见的基础上，召集接兵部队负责人审定兵员，择优批准服现役，并将被批准服现役的人员名单予以公布。

第二十六条 区、县人民政府征兵办公室应当对被批准服现役的公民办理入伍手续，发给《应征公民入伍通知书》，通知其常住户口所在地的户口登记机关，并统一编制《新兵花名册》，报市人民政府征兵办公室备案。

有关单位应当按照区、县人民政府征兵办公室的要求，移交被批准服现役公民的档案材料。

第二十七条 交接新兵，由区、县人民政府征兵办公室派人送兵、新兵自行到部队报到或者部队派人接兵。

Chapter IV Political Examination

Article 22 The political examination of citizens to be recruited shall be uniformly organized by the recruitment offices of district and county people's governments. The public security departments shall implement the specific work according to the relevant provisions of political examination. Relevant units and individuals shall provide assistance and true information.

Article 23 The recruitment offices of municipal, district and county people's governments together with the public security departments provide professional training to the personnel conducting the political examination.

Personnel conducting the political examination shall, according to relevant provisions on recruitment political examination, make examination of the political status and other matters of citizens to be recruited with emphasis put on their actual behaviors.

Article 24 The political examination of citizens to be recruited shall be conducted under the system of three-tiered examination of initial examination by the village (residents) committee or the unit at which a citizen works, reexamination by township, town people's governments, sub-district offices and local police station of public security as well as final examination by recruitment offices of district and county people's governments, together with uniform and cross examination of relevant areas and units.

Chapter V Examination and Approval, Hand-over and Returning Soldiers

Article 25 The recruitment offices of district and county people's governments shall make all-around evaluation of the citizens to be recruited who have passed the physical and political examination, heed the suggestion of the township or town people's governments, sub-district offices and relevant units, call the persons from army in charge of the hand-over to examine them. Only the better ones shall be approved and a list of them shall be made know.

Article 26 The recruitment offices of district and county people's governments shall go through formalities for the citizens approved to perform active military service and issue the Enlistment Notification for Citizens to Be Recruited to them, notify the household registration departments of the places where their registered residences are located, uniformly work out Muster Roll of New Soldiers and report it to the recruitment office of the Municipal People's Government for the record.

Relevant units shall hand over the dossier of citizens to be approved to perform active military service according to the requirements of the recruitment offices of district and county people's governments.

Article 27 As for the hand-over of new soldiers, they may be sent by persons appointed by the recruitment offices of district and county people's governments, go to the army by themselves to report for duty or the army units may send persons to fetch them.

区、县人民政府征兵办公室应当在规定时间内、地点办理新兵交接手续。

第二十八条 新兵到达部队后，按照规定进行检疫和复查，因不符合条件被部队作退兵处理的，由市人民政府征兵办公室按照有关规定办理退兵手续。

区、县人民政府征兵办公室不得擅自接收或者调换被部队退回的新兵。

第二十九条 对部队按规定退回的新兵，市人民政府征兵办公室应当通知原征集的区、县人民政府征兵办公室领回，注销其入伍手续，当地公安部门应当予以落户；原是机关、团体、企业事业单位职工的，原单位应当准予复职、复工；原是高等学校学生的，原学校应当准予复学。

第六章 优待与安置

第三十条 义务兵及其家属应当受到社会的尊重，享受国家和本市规定的优待。

本市鼓励机关、团体、企业事业单位以及其他组织和个人开展拥军优属活动。

第三十一条 义务兵服现役期间，其家属应当享受优待金。优待金的支出纳入财政预算。优待金的标准不低于当地平均生活水平，具体标准和发放办法由市人民政府规定。

义务兵原所在单位上年度人均收入高于优待金标准的，原所在单位应当给予适当补贴。

义务兵到国家确定的自然条件恶劣地区服现役的，其家属享受的优待金应当适当增加；对在服现役期间荣立三等功以上的义务兵，由区、县人民政府给予一次性奖励。

义务兵家属享受优待金后，生活仍确有困难的，区、县人民政府应当给予补助。

第三十二条 义务兵原租赁公房的租赁和使用权应当予以保留；住房被拆迁或者其所在地土地被征用的，应当按照有关规定给予补偿安置。

入伍前是在职职工的义务兵，由原单位发给离职当月的全部工资、奖金及各种补贴。

The recruitment offices of district and county people's governments shall go through formalities of handing over new soldiers at the given time and place.

Article 28 After arriving at the army, new soldiers shall go through quarantine and reexamination according to relevant provisions. The recruitment office of Municipal People's Government shall go through formalities of returning new soldiers for those returned due to disqualification according to relevant provisions.

The recruitment offices of district and county people's governments shall not accept or exchange the new soldiers returned by the army without authorization.

Article 29 For those new soldiers returned by the army according to relevant provisions, the recruitment office of the Municipal People's Government shall ask the recruitment offices of district and county people's governments that recruit them to take them back and write off the procedures of their enrollment: The local departments of public security shall register their residences. Where the returned soldiers were employees of stated organs, groups, enterprises or institutions before the recruitment, those units shall resume their posts and let them work. Where the returned soldiers were students of universities and colleges before the recruitment, those schools shall permit them to resume studies.

Chapter VI Preferential Treatment and Arrangements

Article 30 The compulsory servicemen and their relatives shall be respected by the society and enjoy preferential treatments provided by the state and this Municipality.

This Municipality encourages all activities supporting the army and providing preferential treatments to servicemen's relatives conducted by state organs, groups, enterprises, institutions and other organizations as well as individuals.

Article 31 During the active military service of compulsory servicemen, their relatives shall get preferential subsidies. All subsidies shall be included into the financial budget. The standards of preferential subsidies shall not be lower than local average living standards, and the Municipal People's Government shall determine the specific criterion and distributing methods.

Where the average income per person of the unit that a compulsory serviceman used to work in the previous year is higher than the preferential subsidies, that unit shall provide reasonable subsidies.

For compulsory servicemen doing serves in areas of adverse natural circumstances determined by the State, the standards of subsidies provided to their relatives shall be improved moderately. For compulsory servicemen who are honored, as above Class-III contribution, the district or county people's governments shall give just-for-once reward.

The district or county people's governments shall provide additional subsidies to the relatives of compulsory servicemen that are still difficult to make a living with the preferential subsidies.

Article 32 The compulsory servicemen shall continue to enjoy the leasing and using rights of public houses which they leased before being recruited. Where those houses are pulled down or their land is requisitioned, compensation and resettlement shall be arranged in line with relevant provisions.

For those compulsory servicemen who were employees before recruited, their former units shall pay all the wages, bonus and subsidies for the month when they left their posts.

入伍前是农业户口的义务兵，服现役期间其家庭承包的土地、山林等应当予以保留。

第三十三条 义务兵退出现役后，本市各级人民政府和有关单位应当按照国家和本市有关规定妥善安置，不得拒绝接收。

对在自然条件恶劣地区服现役和在服现役期间荣立二等功以上的义务兵，其退后安置工作，应当按照从优的原则，在就业、农转非等方面给予优惠和照顾。

第三十四条 入伍前是在职职工的义务兵退出现役后，原单位应当安排工作。原单位撤销、倒闭等不能安排工作的，由上一级主管单位安置；没有主管单位的，由本市各级人民政府按规定负责安置。义务兵退出现役，予以安置后的工资、社会保险、福利待遇等按照本单位同工种、同岗位、同工龄职工情况确定。

非农业户口义务兵退出现役后自谋职业的，区、县人民政府应当给予一次性经济补助，并给予其他政策优惠。

入伍前是非农业户口的义务兵退出现役后，在待安置期间，由区、县人民政府每月按照不低于当地最低生活水平的原则发给生活补助费。

第三十五条 入伍前是农业户口的义务兵退出现役后，由乡镇人民政府妥善安排他们的生产和生活。机关、团体、企业事业单位在农村招收员工时，在同等条件下，应当优先录用退伍军人。

第三十六条 义务兵退出现役后，报考国家公务员、高等学校和中等专业学校的，应当予以优待。

第三十七条 义务兵入伍前是全日制高等学校的大学生，原就读学校应当保留其学籍，退伍后准予其复学，并在学费、升学等方面享受国家和本市的优惠政策。

第三十八条 应征公民经征兵体检、政审合格后，因名额限制未被征集入伍的，一年内各单位在招录国家公务员、招生等时，同等条件下应当优先招用、录取。

For those compulsory servicemen with registered residences in the countryside before recruited, the land and forest their family contract shall be reserved.

Article 33 The people's government at different levels of this Municipality shall well arrange the compulsory servicemen withdrawing from active military service according to relevant state and municipal provisions and shall not refuse to accept them.

For those ex-servicemen who once did services in areas with adverse natural circumstances or who were honored as above Class-II contribution, their arrangements shall respect the principle of giving better treatments and they shall be provided preferential treatments in terms of finding job, changing from rural to non-rural residence registration, etc.

Article 34 The former units shall offer jobs to those compulsory servicemen withdrawing from active military service that were their employees before recruited. Where those units have been dissolved or bankrupt, their higher administrative units shall make arrangements for those persons. Where there are no administrative units, the people's governments at different levels shall make arrangements according to relevant provisions. After the arrangements, the wages, social insurance and material benefits of ex-servicemen shall be fixed according to those who take the same job, in the same post and with the same work years.

For those compulsory servicemen withdrawing from active military service with registered residences in towns who look for jobs by themselves, the district or county people's governments shall offer them just-for-once subsidies and provide other preferential policies.

For those compulsory servicemen withdrawing from active military service with registered residences in towns, the district or county people's governments shall provide them living subsidies no less than the lowest local living standards per month during the period of waiting for arrangements.

Article 35 For those compulsory servicemen withdrawing from active military service with registered residences in the countryside, the towns or townships people's governments shall well arrange their agricultural production and life. When state organs, groups, enterprises and institutions enroll employees in rural areas, those ex-servicemen shall take precedence in the same conditions.

Article 36 Where compulsory servicemen withdrawing from active military service apply for the posts of civil servant or studying at universities and other secondary vocational schools, preferential treatments shall be provided to them.

Article 37 Where compulsory servicemen withdrawing from active military service were students of full-time universities or colleges before recruited, their names on the school roll shall be kept in their former universities or colleges. After withdrawing for active military service, they can resume their studies and enjoy preferential policies in terms of tuition fees and the entry to higher schools provided by the State and this Municipality.

Article 38 For those citizens to be recruited who have passed the physical examination and political examination but failed to do active military service because of limited enlistment number, they shall take precedence within one year when the units enroll civil servants or new students in the same conditions.

第七章 法律责任

第三十九条 有服兵役义务的公民违反本条例有下列行为之一的，由区、县人民政府责令限期改正；逾期不改的，由区、县人民政府强制其履行兵役义务，并可以处年优待金标准 1 至 3 倍罚款：

（一）拒绝、逃避兵役登记和体格检查的；

（二）应征公民拒绝、逃避征集的。

有前款第（二）项行为，拒不改正的，在两年内不得被录取为国家公务员、国有企业职工，不得出国或者升学。

战时有第一款第（二）项行为，构成犯罪的，依法追究刑事责任。

第四十条 违反本条例第十五条第三款规定，转借、涂改、伪造和变造《北京市公民兵役证》逃避兵役登记的，由区、县人民政府责令改正，并可以处年优待金标准 1 至 3 倍罚款。涂改、伪造和变造的《北京市公民兵役证》予以没收。

第四十一条 机关、团体、企业事业单位及其他组织违反本条例有下列行为之一的，由区、县人民政府责令改正，并可以处年优待金标准 5 倍以上 10 倍以下罚款；对单位直接负责的主管人员和其他直接责任人员，处 2000 元以上 5000 元以下罚款：

（一）拒绝完成征兵任务的；

（二）不按规定组织适龄公民进行兵役登记的；

（三）阻挠适龄公民参加兵役登记、体格检查或者应征入伍的；

（四）隐瞒适龄公民人数、弄虚作假或者采用其他手段庇护应征公民逃避服兵役的；

（五）录用或者录取本条例第三十九条第二款规定的应征公民就业、就学的；

（六）拒绝接收、安置退出现役军人的。

第四十二条 对没有完成征兵任务的区、县人民政府，由市人民政府给予通报批评，并对区、县人民政府的行政负责人给予行政处分；对没有完成征兵任务的乡镇人民政府、街道办事处，由区、县人民政府给予批评，并对行政负责人给予行政处分。

Chapter VII Legal Responsibilities

Article 39 Citizens with the duties of doing military service who commit any of the following acts in contravention of these Regulations, shall be ordered to make corrections by the district or county people's governments within a time limit; where they fail to do so, they shall be forced to do military service by the district or county people's governments and may be imposed a fine one to three times their yearly preferential subsidies:

- (1) refusing or avoiding the military service registration and physical examination; or
- (2) refusing or avoiding the recruitment.

Persons committing the acts provided for in item (2) of the previous paragraph and refusing to make corrections shall not be enrolled as civil servants or employees in the state-owned enterprises and shall not be permitted to go abroad or enter higher schools.

Where persons commit the acts provided for in item (2) of the previous paragraph during wartime and a crime is constituted, they shall be investigated for criminal responsibilities.

Article 40 Those who lend, change, forge or use the Beijing Municipality Military Service Certificate for Citizen as other certificates, in contravention of paragraph three in article 15, thus to avoid recruitment, shall be ordered to make corrections and may be imposed a fine one to three times their yearly preferential subsidies simultaneously. The changed and forged Beijing Municipality Military Service Certificate for Citizen shall be confiscated.

Article 41 State organs, groups, enterprises and institutions as well as other organizations that commit any of the following acts, in contravention of these Regulations, shall be ordered to make corrections by the district or county people's governments, and may be imposed a fine five to ten times the yearly preferential subsidies simultaneously; the person directly in charge or other person directly responsible for it shall be imposed a fine of not less than 2,000 yuan but no more than 5,000 yuan:

- (1) refusing to accomplish the recruitment tasks;
- (2) failing to organize citizens of military age to make military registration;
- (3) obstructing the citizens of military age to make military registration, take physical examination or recruit;
- (4) concealing the number of citizens of military age, sheltering citizens not to be recruited so as to avoid military service by taking deception or other means;
- (5) employing or enrolling citizens that should be recruited according to the provisions of Article 39 (2); or
- (6) refusing to accept or arrange ex-servicemen.

Article 42 The district or county people's governments that fail to accomplish the recruitment tasks shall be criticized in circulars by the Municipal People's Government, and the leading administrative officials of the district or county people's governments shall be imposed disciplinary sanction. The township or town people's governments and sub-district offices that fail to accomplish the recruitment tasks shall be criticized by the district

第四十三条 对有扰乱征兵工作秩序，或者阻碍征兵工作人员依法执行职务行为，尚不构成犯罪的，由公安机关依照治安管理的有关规定给予处罚。

第四十四条 国家工作人员在征兵工作中收受贿赂、徇私舞弊、玩忽职守的，由其所在单位或者上级主管部门给予行政处分；构成犯罪的，依法追究刑事责任。

第八章 附 则

第四十五条 本条例自 2003 年 7 月 1 日起施行。

1993 年 6 月 17 日北京市第十届人民代表大会常务委员会第三次会议通过的《北京市征兵工作若干规定》，1993 年 9 月 23 日北京市人民政府第 14 号令发布的《北京市兵役登记工作规定》和 1993 年 9 月 23 日北京市人民政府第 15 号令发布的《北京市征兵工作目标管理责任制规定》同时废止。

and county people's governments, and the leading administrative officials shall be imposed disciplinary sanction.

Article 43 Where persons disrupt the recruitment work or hinder the recruitment personnel to perform their duties according to law but a crime has not been constituted, they shall be punished by the public security departments according to relevant provisions on security administration.

Article 44 State personnel who accept bribes, practice favoritism and fraud, or abuse their powers and neglect their duties shall be given disciplinary sanction by their working units or higher administrative departments. Where a crime is constituted, they shall be investigated for criminal responsibilities.

Chapter VIII Supplementary Provisions

Article 45 These Regulations shall enter into force as of 1 July 2003.

The Certain Provisions of Beijing Municipality on Recruitment adopted by the Standing Committee of the Tenth People's Congress of Beijing Municipality at its 3rd Meeting on June 17, 1993, the Provisions of Beijing Municipality on Recruitment Registration promulgated by Decree No.14 of Beijing Municipal People's Government on September 23, 1993, and the Provisions of Beijing Municipality on the Responsibility System of Management by Objectives of Recruitment promulgated by Decree No.15 of Beijing Municipal People's Government on September 23, 1993 shall be repealed at the same time.

北京市保护军事设施安全若干规定

(1991年9月17日北京市人民政府第27号令发布)

第一条 为保护军事设施的安全，保障军事设施的使用效能和军事活动的正常进行，根据《中华人民共和国军事设施保护法》，结合本市实际情况，制定本规定。

第二条 本规定适用于本市行政区域内军事设施的保护。

第三条 市人民政府和有军事设施的各区、县人民政府，分别会同有关军事机关成立军事设施保护委员会。军事设施保护委员会的职责是：

(一) 贯彻国家关于保护军事设施的方针、政策和法律、法规、规章，并监督、检查执行情况。

(二) 协调解决划定军事禁区、军事管理区及军事禁区外围安全控制范围的问题。

(三) 检查军事设施安全保护情况。协调本地区各部门的军事设施保护工作，处理保护军事设施与地方经济建设、群众生产、生活等方面发生的问题，制止危害军事设施安全保密的行为。

(四) 组织保护军事设施的宣传教育工作。

(五) 制定保护军事设施的具体措施，并公告施行。

军事设施保护委员会下设办公室，具体负责日常工作。

第四条 本市军事禁区、军事管理区及军事禁区外围安全控制范围的划定工作，由北京军区和市人民政府依照《华北地区军事设施保护区域划定工作实施办法》统一组织，各级军事设施保护委员会具体承办，按照行政区划实施。

军事禁区、军事管理区划定后，应明确管理单位和管理职责。

第五条 下列军事禁区，应在其外围划定安全控制范围：

(一) 面积较小，仅在内部采取防护措施，不足以保障军事设施安全保密需要的；

Several Provisions of Beijing Municipality on the Protection of Military Installation

(Promulgated by Decree No. 27 of the People's Government of Beijing Municipality on September 17, 1991)

Article 1 The Provisions are formulated for the purposes of protecting the military installations and ensuring effective military installations and normal military activities in accordance with the Law of the People's Republic of China on the Protection of Military Installations and in light of actual circumstances of this Municipality.

Article 2 The Provisions shall apply to the protection of military installations within the administrative area of this Municipality.

Article 3 The Municipal People's Government and the people's governments of all districts or counties with military installations shall, together with relevant military organs, establish a commission for the protection of military installations. The commission for the protection of military installations shall perform the following duties:

(1) to implement state guidelines, policies, laws, regulations and rules on the protection of military installations, and supervise and inspect the implementation;

(2) to coordinate the solution of issues regarding the designation of military restricted zones, military control zones and security control areas around military restricted zones;

(3) to inspect the protection of military installations, coordinate the protection of military installations by all departments in its area, deal with problems between the protection of military installations and local economic construction as well as production and life of the masses, and stop acts endangering the security of military installations;

(4) to organize publicity for and education in the protection of military installations; and

(5) to formulate specific measures for the protection of military installations, and promulgate them for implementation.

The offices under the commission for the protection of military installations shall be responsible for the daily work.

Article 4 The designation of military restricted zones, military control zones and security control areas around military restricted zones in this Municipality shall be organized by the Beijing Military Area Command and the Municipal People's Government in a unified way in accordance with the Implementing Measures for Designation of Protection Areas for Military Installations in North China, undertaken by the commissions for the protection of military installations at all levels, and implemented by administrative division.

After the designation of military restricted zones and military control zones, the management units and responsibilities shall be clearly defined.

Article 5 Security control areas shall be designated around the following military restricted zones:

(1) small zones where only internal protective measures are not enough to ensure the

(二) 军事设施具有重大危险因素的；

(三) 军事设施有防电磁辐射、电磁干扰等特殊技术要求的。

第六条 军事禁区外围安全控制范围与军事禁区同时划定，其周边距离应根据军事设施的性质、国家军用技术标准、保密及防电磁辐射、电磁干扰的技术要求、当地地形、历史沿革和保障群众生产财产安全的需要等情况确定，并尽量控制在最小地域。

第七条 军事禁区（不含空中军事禁区）、军事管理区的范围，一般与军事设施的房地产管理范围相一致；军事禁区外围安全控制范围，根据军事设施的使用效能，可与军事设施的房地产管理范围不完全一致。有特殊保护要求的军事设施需要适当扩大保护区域的，由军事设施权属单位或管理单位，在征得当地县级以上人民政府同意后，报北京军区和市人民政府审批。

军事禁区范围的划定或者扩大，需要征用土地、林地、草地、水面、滩涂的，依照有关法律、法规的规定办理。

第八条 军事禁区、军事管理区的管理单位应当按照划定的范围，为军事禁区、军事管理区修筑围墙、设置铁丝网等障碍物或界线标志，并部署警卫力量守护、看管。

除经军区级以上军事机关批准的外，禁止军事禁区管理单位以外的人员、车辆、船舶进入禁区，禁止对禁区进行摄影、录音、录像、勘察、测量、描绘和记述资料。

军事管理区管理单位以外的人员、车辆、船舶进入军事管理区，必须经军事管理区管理单位许可。

第九条 军事禁区外围安全控制范围划定后，管理单位应在其外沿设置安全警戒标志；安全警戒标志牌，由市人民政府制作。安全警戒标志牌的设置地点，由管理单位和当地县级以上地方人民政府确定。

第十条 在军事禁区外围安全控制范围内，不得进行爆破、射击以及其他危害军事设施安全和使用效能的活动。通过安全控制范围内对外开放通道的人员，必须按指定的路线通行，不得在该安全控制范围内停留。

security of military installations;

(2) military installations with major risk factors; and

(3) military installations with special technical requirements for anti-electromagnetic radiation, anti-electromagnetic interference, etc.

Article 6 Security control areas around military restricted zones shall be designated at the same time as military restricted zones. The peripheral distances shall be determined according to the nature of military installations, national military technical standards, technical requirements for security, anti-electromagnetic radiation and anti-electromagnetic interference, local topography, historical evolution and needs to ensure the production and property safety of the masses, and shall be controlled within the minimum limits.

Article 7 The limits of military restricted zones (excluding military restricted airspace) and military control zones shall be generally consistent with the real estate management limits of military installations; the limits of security control areas around military restricted zones may be not completely consistent with the real estate management limits of military installations according to the use efficiency of military installations. If the protection area for the military installations with special protection requirements needs to be appropriately expanded, the unit that owns or manages the military installations shall, with the consent of the local people's government at or above the county level, report the matter to the Beijing Military Area Command and the Municipal People's Government for examination and approval.

Where it is necessary to requisition land, woodland, grassland, water surface or beaches for the designation or expansion of the limits of military restricted zones, it shall be handled in accordance with the provisions of relevant laws and regulations.

Article 8 The units that manage military restricted zones or military control zones shall, in accordance with the designated limits of the zones, put up enclosing walls, barbed wire fences or other barriers or boundary markers for military restricted zones or military control zones, and deploy security forces to guard and take care of them.

Except with the approval of the military organs at or above the military area command level, entry into military restricted zones by personnel, vehicles and vessels other than those belonging to the units that manage the zones shall be prohibited, and no photographing, video-taping, recording, reconnoitering, surveying, drawing or describing of the zones shall be allowed.

Entry into military control zones by personnel, vehicles and vessels other than those belonging to the units that manage the zones shall obtain permission from such units.

Article 9 After the designation of a security control area around a military restricted zone, the management unit shall set up security warning markers at the perimeter of the area; the security warning markers shall be made by the Municipal People's Government. The location of the security warning markers shall be determined by the management unit and the local people's government at or above the county level.

Article 10 In security control areas around military restricted zones, no blasting, shooting and other activities that endanger the safety and effective utilization of military installations may be carried out. Those who pass through the passage in security control areas must follow the designated route and shall not stay in security control areas.

第十一条 未划入军事禁区、军事管理区的军事设施，有军队驻守的，由驻守军队采取措施予以保护；无军队驻守的，由团级以上军事机关委托区、县人民武装部采取措施予以保护。

第十二条 未划入军事禁区、军事管理区的军事设施位于山区的，禁止在距其外沿 200 米范围内进行采石、取土、爆破等活动；位于平原的，禁止在距其外沿 100 米范围内进行拉沙、取土、破坏植被等活动。

第十三条 军事设施的管理单位和当地区、县人民政府，应针对该军事设施的实际情况，依法制定具体保护措施，建立健全相应的规章制度，并公告施行。

第十四条 任何组织和个人都有保护军事设施的义务，对破坏、危害军事设施的行为，有权检举和控告。

军事设施附近的机关、团体、企事业单位，以及当地乡镇人民政府、村民委员会和区人民政府街道办事处、居民委员会，应当与军事设施的管理单位配合，做好军事设施的保护工作。

军事设施附近的村民、居民，应当遵守军事设施管理单位和区、县人民政府制定的该军事设施的具体保护措施。

各军事设施管理单位应当严格履行保护军事设施的职责，教育军人爱护军事设施，保守军事设施的秘密，建立健全保护军事设施的规章制度。

第十五条 县级以上人民政府编制经济和社会发展规划，应当考虑保护军事设施安全的需要，并征求有关军事机关的意见。

各级人民政府的规划、土地等主管部门在审定建设规划、土地利用时，应当保护地下军事设施。安排建设项目或开辟旅游点，应避开军事设施，确实不能避开，需要将军事设施拆除或改做民用的，由市人民政府和军区级军事机关商定，并报国务院、中央军委批准。

军事设施管理单位必要时应当向县级以上人民政府提供地下电缆、管道等军事设施的位置资料。县级以上人民政府应按保密要求保管地下军事设施的有关资料。

Article 11 If there is a garrison for the military installations not included in military restricted zones and military control zones, the garrison shall take measures to protect them; if there is no garrison, the military organs at or above the regimental level shall entrust the district or county departments of people's armed forces to take measures to protect them.

Article 12 If the military installations not included in military restricted zones and military control zones are located in mountainous areas, stone-quarrying, earth-gathering, blasting, etc. within 200 meters from the perimeter thereof shall be prohibited; if they are located in plain areas, sand-digging, earth-gathering, vegetation destruction, etc. within 100 meters from the perimeter thereof shall be prohibited.

Article 13 The management units of military installations and the local district or county people's governments shall, in light of the actual conditions of the military installations, formulate specific protective measures in accordance with the law, establish and improve the corresponding rules and regulations, and promulgate them for implementation.

Article 14 All organizations and individuals shall have the duty to protect military installations, and shall have the right to report on and make charges against any act that damages or endangers military installations.

The government bodies, organizations, enterprises and institutions in the vicinity of military installations, as well as the local township or town people's governments, villagers' committees, and sub-district offices and residents' committees under the district people's governments, shall cooperate with the management units of military installations to do a good job in the protection of military installations.

Villagers and residents in the vicinity of military installations shall abide by the specific protective measures for such installations formulated by the management units of such installations and the district or county people's governments.

All management units of military installations shall strictly perform their duties of protecting military installations, educate military personnel to take good care of military installations, guard secrets about military installations, and establish and improve rules and regulations for the protection of military installations.

Article 15 When drawing up plans for economic and social development, the people's governments at or above the county level shall take into account the requirements for the protection of military installations and solicit opinions from the military organs concerned.

The competent departments for planning, land, etc. of the people's governments at various levels shall protect underground military installations when examining and approving construction plans and land utilization. When planning construction projects or developing new tourist attractions, the same shall see that they are not located in the vicinity of military installations. If it is not possible to do so and it is necessary to dismantle military installations or to convert them to civilian use, the Municipal People's Government shall consult with the military organs at the military area command level and submit a report to the State Council and the Central Military Commission for approval.

The management units of military installations shall, when necessary, provide the people's governments at or above the county level with the data on the location of such

建设单位和施工单位应当按照军事设施安全防护要求，对军事设施予以保护。

第十六条 禁止任何组织和个人破坏、危害军事设施。对破坏、危害军事设施安全的，按照《中华人民共和国军事设施保护法》的有关规定追究法律责任。

军事设施附近的有关单位不与军事设施管理单位配合，造成军事设施损坏，由其上级主管部门给予单位负责人和责任人行政处分；构成犯罪的，依法追究刑事责任。

对造成军事设施损坏后果的处理，按照军队有关技术规定执行。

第十七条 本规定执行中的具体问题，由市人民政府会同北京卫戍区解释。

第十八条 本规定自 1991 年 10 月 1 日起施行。

military installations as underground cables and pipelines. The people's governments at or above the county level shall keep the relevant information of the underground military installations in accordance with the requirements for guarding secrets.

Development units and construction units shall protect military installations in accordance with the requirements for the safety protection of military installations.

Article 16 All organizations and individuals are prohibited from damaging or endangering military installations. Whoever damages or endangers the military installations shall be held legally liable in accordance with relevant provisions of the Law of the People's Republic of China on the Protection of Military Installations.

Where the relevant units in the vicinity of military installations fail to cooperate with the management units of military installations, thus causing damage to military installations, the competent departments at the next higher level shall give administrative sanctions to the persons in charge and the persons responsible of the units; if a crime is constituted, criminal responsibility shall be investigated for according to law.

The consequences of damage to military installations shall be dealt with in accordance with the relevant military technical regulations.

Article 17 The Municipal People's Government shall, together with the Beijing Garrison Command, be responsible for the interpretation of specific issues during implementation of the Provisions.

Article 18 The Provisions shall come into force as of October 1, 1991.

北京市民用运力国防动员办法

(2007年11月16日北京市人民政府第198号令公布)

第一条 为有效组织和实施北京市民用运力国防动员，根据《民用运力国防动员条例》和其他有关法律、法规，结合本市实际情况，制定本办法。

第二条 本市的民用运力国防动员及其相关活动，应当遵守《民用运力国防动员条例》和本办法。

本办法所称民用运力国防动员，是指依法在平时进行非军事运力国防动员准备，在战时与平时特殊情况下统一组织、调用非军事单位和个人所拥有或者管理的运载工具以及相关设施、设备、人员的活动。

第三条 本市拥有或者管理民用运力的单位和个人，应当依法履行民用运力国防动员义务。

因履行民用运力国防动员义务而造成直接财产损失和人员伤亡的，相关单位和个人依法享有获得补偿和抚恤的权利。

第四条 市国防交通主管机构在市国防动员机构和市人民政府的领导下，负责组织实施本市的民用运力国防动员工作。

区、县国防交通主管机构负责具体实施本区、县的民用运力国防动员工作。

国民经济动员机构、人民武装动员机构和运输、民政、公安交通以及其他有关管理部门，在各自职责范围内负责相关的民用运力国防动员工作。

第五条 本市对民用运力实行国防动员统计、登记制度。下列民用运力应当予以登记：

(一) 机动车：

1. 大型客车以及其他四轮驱动的客车；

Measures of Beijing Municipality for National Defence Mobilization of Civil Transportation Resources

(Promulgated by Decree No. 198 of the People's Government of
Beijing Municipality on November 16, 2007)

Article 1 These Measures are formulated for the purposes of effectively organizing and implementing national defence mobilization of civil transportation resources in this Municipality in accordance with the Regulations on National Defence Mobilization of Civil Transportation Resources and other relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 The Regulations on National Defence Mobilization of Civil Transportation Resources and these Measures shall be followed in the national defence mobilization of civil transportation resources and related activities in this Municipality.

The term national defence mobilization of civil transportation resource in these Measures means the activities of preparation for national defence mobilization of non-military transportation resources in peacetime as well as that of organizing and deploying in a unified way the means of delivery and related equipment, facilities and personnel in the possession or charge of non-military units and individuals in wartime and on special occasions in peacetime.

Article 3 All units and individuals of this Municipality in possession or charge of civil transportation resources shall, in accordance with law, fulfill their obligation of national defence mobilization of civil transportation resources.

Relevant units or individuals suffering direct property losses or personal casualties in the fulfillment of the obligation of national defence mobilization of civil transportation resources are entitled to compensation or pension in accordance with law.

Article 4 The municipal competent agency for national defence communications shall, under the leadership of the municipal national defence mobilization agency and the Municipal People's Government, be responsible for organizing the implementation of the work of national defence mobilization of civil transportation resources in this Municipality.

The competent agencies for national defence communications at the district or county level shall be responsible for the concrete work in the implementation of national defence mobilization of civil transportation resources within their respective administrative areas.

National economy mobilization agencies, arm-the-people mobilization agencies and the administrative departments for transportation, civil affairs, public security traffic as well as other relevant administrative departments shall, within the scope of their respective functions and duties, be responsible for the related work of national defence mobilization of civil transportation resources.

Article 5 This Municipality adopts the statistics collection and registration system for national defence mobilization of civil transportation resources.

The following civil transportation resources shall be registered:

(1) Motor vehicles:

2. 重型和中型货车；
3. 重型和中型半挂牵引车、重型和中型半挂车、重型和中型全挂车；
4. 运油车、加油车、运水车、洒水车、集装箱车以及救护车、通信车、清障车、电源拖车、汽车抢修车、铲车、工程车、水泥运输车、高空作业车和起重举升车等专用车辆。

（二）城市轨道交通以及地方铁路、专用铁路的机车、车辆及相关设施、设备。

（三）其他需要登记的民用运力。

第六条 市运输、公安交通以及其他有关管理部门，应当按照民用运力国防动员准备工作的要求，在每年1月31日以前，向市国防交通主管机构提供民用运力的年度统计、登记资料和有关情况。

市国防交通主管机构应当对民用运力资料 and 情况进行分类整理、登记造册、及时更新，并负有妥善保管和保守秘密的义务。

第七条 根据民用运力国防动员的需要，有关部门无法提供相关资料的，国防交通主管机构可以向拥有或者管理民用运力的单位和个人进行补充登记，拥有或者管理民用运力的单位和个人应当予以配合。

第八条 市国防交通主管机构应当根据上级民用运力国防动员预案和本市民用运力国防动员需要以及民用运力资料，会同有关部门和同级军事机关拟订本市民用运力国防动员预案，并报市国防动员机构批准。

区、县国防交通主管机构应当根据市民用运力国防动员预案，拟订本级预案，并报同级国防动员机构批准。

民用运力国防动员预案应当报上一级国防交通主管机构备案。

第九条 市国防交通主管机构应当会同人民武装动员机构，根据民用运力国防动员预案确定预征民用运力，并向拥有或者管理民用运力的单位和个人发放统一的预征证书。

1. large coaches and other coaches of four-wheel drive;
2. heavy and medium trucks;
3. heavy and medium semi-trailer towing vehicles, heavy and medium semi-trailer vehicles, heavy and medium trailer vehicles; and
4. petrol delivery vehicles, fuel tanks, water delivery vehicles, sprinklers, container cars and such special-purpose vehicles as ambulances, communication vehicles, wreckers, power supply trailers, automobile repair vehicles, forklift trucks, engineering vehicles, vehicles for cement transportation, vehicles for work high above the ground, derrick cars.

(2) Locomotives, vehicles and related facilities and equipment for city rail transportation, local railways and special railways;

(3) Other civil transportation resources necessary to be registered.

Article 6 The municipal administrative departments for transportation and public security traffic and other relevant administrative departments shall, in accordance with the requirements of preparation for national defence mobilization of civil transportation resources, submit the annual statistics, registration materials of and related information about the civil transportation resources to the municipal competent agency for national defence communications no later than January 31 of each year.

The municipal competent agency for national defence communications shall assort and arrange the materials of and information about civil transportation resources, register them on file and make timely updating, and be obligated to keep them in careful storage and secret.

Article 7 In accordance with the requirements of national defence mobilization of civil transportation resources, where relevant departments are unable to provide relevant materials, the competent agencies for national defence communications shall make the supplementary registration from the units or individuals in possession or charge of civil transportation resources, and the units or individuals in possession or charge of civil transportation resources shall offer cooperation.

Article 8 The municipal competent agency for national defence communications shall, in accordance with the preplan for national defence mobilization of civil transportation resources at the higher level, the requirements of national defence mobilization of civil transportation resources in this Municipality and the materials of civil transportation resources draft the preplan for national defence mobilization of civil transportation resources in this Municipality jointly with relevant departments and the military organ at the same level, and submit it to the municipal national defence mobilization agency for approval.

The competent agencies for national defence communications at the district or county level shall, in accordance with the municipal preplan for national defence mobilization of civil transportation resources, draft the preplans at their level, and submit them to the national defence mobilization agencies at the same level for approval.

The preplans for national defence mobilization of civil transportation resources shall be submitted to the competent agency for national defence communications at the next higher level for the record.

Article 9 The municipal competent agency for national defence communications shall, jointly with the arm-the-people mobilization agency, determine the civil transportation resources for pre-requisition in accordance with the preplan for national defence mobilization of civil transportation resources and issue the uniform pre-requisition certificates to the

第十条 国防交通主管机构、人民武装动员机构应当组织对预征民用运力进行必要的专业技术训练和军事训练，提高快速动员能力。

第十一条 有下列情况之一的，领取预征证书的单位和个人应当及时告知发证机关：

- （一）预征运载工具连续一年以上不在本市行政区域内的；
- （二）预征运载工具更新、改造、转让或者报废的；
- （三）向发证机关提供的联系方式变更的。

第十二条 本市民用运力国防动员的实施，按照国家主席发布的动员令或者国务院、中央军事委员会发布的动员决定执行。

第十三条 需要本市实施民用运力国防动员征用时，市国防交通主管机构应当启动民用运力国防动员预案，作出征用计划安排，按照规定经批准后实施。

第十四条 征用民用运力的，国防交通主管机构应当会同同级人民武装动员机构，按照征用计划安排，通知被征民用运力的单位和个人。

被征民用运力的单位和个人应当按照通知的要求，组织被征用运载工具和操作、保障人员在规定时间内到达集结地点，并保证被征用运载工具的技术状态良好，操作、保障人员的技能符合军事行动要求。

第十五条 国防交通主管机构和同级人民武装动员机构以及其他有关部门应当在集结地组成民用运力国防动员征用接收机构，对集结后的民用运力进行查验、登记、编组，按时交付使用单位，并向被征民用运力的单位和个人发放征用证明。被征民用运力交付使用单位时，应当办理交接手续。

第十六条 被征民用运力交接后，民用运载工具以及相关设备由使用单位管理，并负责安全防护、后勤保障和技术维修等工作；相关操作、保障人员由使用单位负责管理、调配。

第十七条 被征用的民用运载工具需要加装改造的，由市国民经济动员机构会同市国防交通主管机构和使用单位组织实施。

units or individuals in possession or charge of civil transportation resources.

Article 10 The competent agencies for national defence communications and arm-the-people mobilization agencies shall organize the pre-requisitioned civil transportation resources to conduct necessary professional and military training to improve the capability of quick mobilization.

Article 11 In one of the following circumstances, the units or individuals obtaining the pre-requisition certificates shall timely notify the issuing agencies :

(1) the pre-requisitioned means of delivery have not been in the administrative areas of this Municipality consecutively for more than a year;

(2) the pre-requisitioned means of delivery have been updated, transformed, transferred or discarded; or

(3) the contact manners provided to the issuing agencies have been changed.

Article 12 The implementation of national defence mobilization of civil transportation resources in this Municipality shall be carried out in accordance with the mobilization orders proclaimed the President of the State or the mobilization decisions proclaimed by the State Council or the Central Military Commission.

Article 13 Where the requisition is needed for the implementation of national defence mobilization of civil transportation resources in this Municipality, the municipal competent agency for national defence communications shall launch the preplan for national defence mobilization of civil transportation resources, make arrangements for the requisition plan and implement them after they are approved in accordance with provisions.

Article 14 Where civil transportation resources are to be requisitioned, the competent agencies for national defence communications shall, jointly with the armed-the-people mobilization agencies at the same level, notify the units or individuals in possession or charge of civil transportation resources to be requisitioned in accordance with the arrangements for the requisition plan.

The units or individuals in possession or charge of the requisitioned civil transportation resources shall, in accordance with the requirements prescribed in the notification, organize the requisitioned means of delivery and operating and supporting personnel to arrive at the assembling place within the specified time, and ensure that the technical conditions of the requisitioned means of delivery are good and the technical abilities of the operating and supporting personnel satisfy the demand of military operations.

Article 15 The competent agencies for national defence communications, the armed-the-people mobilization agencies at the same level and other relevant departments shall form the requisition reception institutions of civil transportation resources for national defence mobilization at the assembling place, check, register and classify the assembled civil transportation resources, make on-schedule delivery to the units to use the resources, and issue the requisition certificates to the units or individuals of the requisitioned civil transportation resources. Handing-over procedures shall be conducted when the requisitioned civil transportation resources are delivered to the units to use the resources.

Article 16 After the requisitioned civil transportation resources are handed over, the means of delivery and related equipment shall be managed by the using units which shall be responsible for such work as the safety protection, logistic support and technical maintenance; and the relevant operating and supporting personnel shall be managed and deployed by the using units.

Article 17 Where refitment is needed for the requisitioned civil means of delivery, the municipal national economy mobilization agency shall, jointly with the municipal

承担加装改造任务的单位应当按照要求和技术标准进行加装改造，按期交付使用。

第十八条 在本市执行任务的民用运力使用单位，需要本市对被征民用运力提供后勤保障和技术维护的，由市国防交通主管机构协调交通、公安、通信等管理部门以及车辆维修、配件和油料供应等企业予以协助。

第十九条 民用运力国防动员任务完成后，民用运力使用单位和民用运力国防动员征用接收机构应当共同对复员的民用运力进行查验。

民用运力使用单位应当根据查验结果出具被征民用运载工具使用、损毁情况和操作、保障人员伤亡情况的证明，并与征用接收机构办理交接手续。

征用接收机构接收复员的民用运力后，应当及时交付被征民用运力的单位和个人，并办理移交手续。

第二十条 被征民用运力的单位和个人有权要求恢复被加装改造的运载工具。能够恢复的，由市国民经济动员机构会同市国防交通主管机构组织实施恢复；无法恢复的，由市国民经济动员机构出具相关证明。

第二十一条 对民用运载工具因参加训练造成的直接经济损失，训练的组织者应当给予适当补助。

训练期间的人员工资、补贴等，依照国家和本市有关民兵参加军事训练的规定执行。

第二十二条 因履行民用运力国防动员义务造成的运载工具和相关设备、设施的损毁、折旧等直接财产损失以及相关操作、保障人员的工资、津贴，依法由地方财政给予补偿的，市和区、县人民政府安排给予补偿。

因履行民用运力国防动员义务造成伤亡的人员，其抚恤优待由民政部门依照《军人抚恤优待条例》的规定执行。

第二十三条 因履行民用运力国防动员义务依法应当予以补偿的，被征民用运力的单位和个人凭相关证明，向下达征用通知的国防交通主管机构提出申请，由受理的国防交通主管机构提出补偿意见，经市国防交通主管机构审核、汇总并报市人民政府

competent agency for national defence communications and the using units, organize the implementation of the refitment.

The units undertaking the task of refitment shall conduct the refitment in accordance with the requirements and technical standards and make the delivery for use on-schedule.

Article 18 Where the civil transportation resources using units undertaking the tasks in this Municipality need this Municipality to provide the logistic support and technical maintenance to the requisitioned civil transportation resources, the municipal competent agency for national defence communications shall coordinate the administrative departments for transportation, public security, communication, etc. and the enterprises for vehicle repair, spare parts and fuel supply to offer assistance.

Article 19 After the task of national defence mobilization of civil transportation resources is completed, the civil transportation resources using units and the requisition reception institutions of civil transportation resources for national defence mobilization shall jointly check the demobilized civil transportation resources.

The civil transportation resources using units shall, based on the check results, produce the certificates for the use, the damage or destruction of the requisitioned means of delivery as well as the casualties of operating and supporting personnel, and conduct the handing-over procedures with the requisition reception institutions.

After receiving the demobilized civil transportation resources, the requisition reception institutions shall timely deliver them to the units or individuals of the requisitioned civil transportation resources and conduct the handing-over procedures.

Article 20 The units or individuals of the requisitioned civil transportation resources shall be entitled to require the restoration of the refitted means of delivery. Where the refitment can be restored, the municipal national economy mobilization agency shall, jointly with the municipal competent agency for national defence communications, organize the implementation of the restoration; where the refitment cannot be restored, the municipal national economy mobilization agency shall produce relevant certificates.

Article 21 As to the direct economic losses caused to civil transportation resources for participating in the trainings, the organizers of the trainings shall grant appropriate subsidy.

The salary or subsidy of the personnel during the trainings shall be granted in compliance with the provisions of the State and this Municipality on the participation of militia in military trainings.

Article 22 Where such direct property losses as the damage, destruction or depreciation of the means of delivery and related equipment, facilities as well as the wages or subsidy for relevant operating and supporting personnel suffered in fulfilling the obligation of national defence mobilization of civil transportation resources shall be compensated by the local finance in accordance with law, the municipal and the district or county people's governments shall make arrangements for the compensation.

As to the personnel casualties suffered in fulfilling the obligation of national defence mobilization of civil transportation resources, the pensions and preferential treatment shall be handled by the departments for civil affairs in accordance with the provisions of the Regulations on Pension and Preferential Treatment for Servicemen.

Article 23 Where the compensation shall be granted for the fulfilling of the obligation of national defence mobilization of civil transportation resources in accordance with law,

批准后实施。

第二十四条 按照《民用运力国防动员条例》的规定，应当由地方人民政府承担的民用运力国防动员准备所需的费用，由市和区、县国防交通主管机构根据年度民用运力国防动员工作任务提出需求，经同级财政部门审核后，纳入预算。

民用运力国防动员实施所需的费用，按照国家在战时以及平时特殊情况下有关国防动员经费保障办法执行。

第二十五条 违反本办法第七条规定，有关单位和个人拒绝提供其拥有或者管理的民用运力资料的，由市国防交通主管机构责令改正；拒不改正的，对单位处 2000 元以上 10000 元以下罚款，对个人处 200 元以上 1000 元以下罚款。

第二十六条 违反本办法第十一条规定，领取预征证书的单位或者个人不履行告知义务的，由市国防交通主管机构责令改正；拒不改正的，对单位处 3000 元以下罚款，对个人处 500 元以下罚款。

第二十七条 违反本办法，依照相关法律、法规和规章的规定应当予以处罚的，由有关部门依法处罚。

第二十八条 本办法自 2007 年 12 月 20 日起施行。

the units or individuals of the requisitioned civil transportation resources shall, on the strength of relevant certificates, apply to the competent agencies for national defence communications issuing the requisition notifications, the competent agencies for national defence communications accepting the applications shall put forward their opinions on the compensation and the compensation shall be granted after the municipal competent agency for national defence communications examines and summarizes the opinions and reports them to the Municipal People's Government for approval.

Article 24 As to the funds needed for preparation of national defence mobilization of civil transportation resources which shall be borne by the local governments in accordance with the provisions of the Regulations on National Defence Mobilization of Civil Transportation Resources, the municipal and the district or county competent agencies for national defence communications shall, in light of the annual tasks of national defence mobilization of civil transportation resources, put forward the demand and the funds shall be included in the budgets after being verified by the administrative departments for finance at the same level.

Funds needed for implementation of national defence mobilization of civil transportation resources shall be borne in accordance with the measures of the State for financial support for national defence mobilization in wartime and on special occasions in peacetime.

Article 25 Where any relevant unit or individual, in violation of the provisions of Article 7 of these Measures, refuses to provide the materials of the civil transportation resources in its possession or charge, the municipal competent agency for national defence communications shall order it to make corrections; where it refuses to make such corrections, the unit shall be imposed upon a fine of not less than 2,000 yuan but not more than 10,000 yuan and the individual shall be imposed upon a fine of not less than 200 yuan but not more than 1,000 yuan.

Article 26 Where any unit or individual obtaining the pre-requisition certificate, in violation of the provisions of Article 11 of these Measures, fails to perform the notification obligation, the municipal competent agency for national defence communications shall order it to make corrections; where it refuses to make such corrections, the unit shall be imposed upon a fine of not more than 3,000 yuan and the individual shall be imposed upon a fine of not more than 500 yuan.

Article 27 Where anyone in violation of these Measures shall be punished in accordance with the provisions of relevant laws, regulations or rules, relevant departments shall impose the punishments in accordance with law.

Article 28 These Measures shall be effective as of December 20, 2007.

（十）保密、档案

北京市实施《中华人民共和国 保守国家秘密法》若干规定

（1996年9月6日北京市第十届人民代表大会常务委员会第三十次会议通过 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正）

第一条 为了实施《中华人民共和国保守国家秘密法》和《中华人民共和国保守国家秘密法实施办法》，结合本市实际情况，制定本规定。

第二条 本市的国家机关、政党、社会团体、企业事业单位和保密工作由本市管理的其他单位以及公民，均应当遵守本规定。

第三条 保守国家秘密的工作，实行积极防范、突出重点、既确保国家秘密又便利各项工作的方针，坚持分级负责、严格管理、提高整体防范能力的原则。

第四条 市国家保密局主管全市的保守国家秘密工作，区国家保密局在其职权范围内主管本行政区域的保守国家秘密工作（市、区国家保密局以下简称保密工作部门）。

市级国家机关在其职权范围内，主管或者指导本系统保守国家秘密的工作。

工商行政、公安、国家安全、科技、新闻出版、统计、电信等管理部门按照各自的职责做好保密工作。

第五条 国家机关和涉及国家秘密的单位应当建立保密工作组织，确定专职或者兼职保密工作人员，管理本单位的保密工作。

x. Confidentiality, Archives

Several Provisions of Beijing Municipality on the Implementation of the Law of the People's Republic of China on Guarding State Secrets

(Adopted at the 30th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 6, 1996, and amended in accordance with the Decisions on Revising Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 25, 2016)

Article 1 The Provisions are formulated for the purpose of implementing the Law of the People's Republic of China on Safeguarding State Secrets and the Measures for Implementing the Law of the People's Republic of China on Safeguarding State Secrets in light of actual circumstances of this Municipality.

Article 2 All state organs, political parties, social organizations, enterprises, institutions and other units whose work of guarding secrets is under the administration of this Municipality as well as citizens of this Municipality shall abide by the Provisions.

Article 3 In the work of guarding state secrets, the guidelines of actively preventing their leak and laying emphasis on priorities so that state secrets are kept while work in all other fields is facilitated shall be practiced, and the principles of assuming responsibilities at different levels, implementing strict management and improving the overall preventive capacity shall be adhered to.

Article 4 The Municipal Secrecy Administration Bureau shall be in charge of the work of guarding state secrets throughout this Municipality, and the district secrecy administration bureaus shall, within the scope of their functions and powers, be in charge of the work of guarding state secrets within their respective administrative areas (the municipal and district secrecy administration bureaus shall be hereinafter referred to as the secret-guarding departments).

The municipal state organs shall, within the scope of their functions and powers, be in charge of or provide guidance to the work of guarding state secrets within their respective systems.

The administrative departments of industry and commerce, public security, national security, science and technology, press and publications, statistics, telecommunications, etc. shall do a good job in guarding secrets in accordance with their respective functions and duties.

Article 5 State organs and units involving state secrets shall set up offices or designate full-time or part-time personnel to administer the work of guarding secrets within their own organs or units.

国家机关和涉及国家秘密的单位应当对本机关、单位工作人员进行保密教育，建立保密制度，完善保密设施，定期检查保密工作。

第六条 国家机关和涉及国家秘密的单位对其所产生的国家秘密事项，应当按照国家保密法律、法规的规定及时确定密级、保密期限，及时变更密级或者解密。

第七条 国家机关、单位发生或者发现泄密事件，应当在知悉泄密事件的 24 小时内报告保密工作部门，并立即采取补救措施。

第八条 国家工作人员或者其他公民发现国家秘密已经或者可能泄露时，应当采取下列措施：

（一）拾获属于国家秘密的文件、资料和其他物品，应当及时送交有关机关、单位或者保密工作部门；

（二）发现出售、收买属于国家秘密的文件、资料和其他物品，应当及时报告保密工作部门或者公安、国家安全机关处理；

（三）发现盗窃、抢夺属于国家秘密的文件、资料和其他物品，应当立即报告保密工作部门或者公安、国家安全机关，并有权制止；

（四）发现泄露或者可能泄露国家秘密的线索，应当及时向有关机关、单位或者保密工作部门举报。

有关机关、单位接到前款第（一）项所列属于国家秘密的文件、资料和其他物品，应当妥善保管，防止扩散，并将有关材料及时移送保密工作部门处理。

第九条 在对外交往与合作中不得泄露国家秘密。对方以正当理由和合法途径要求提供国家秘密事项时，有关部门应当拟定提供方案，并经单位负责人和保密工作机构审查。属于本机关、单位业务范围内的事项，报上级业务主管部门审批，并向同级保密工作部门通报有关情况。

对方需要携带属于国家秘密的文件、资料和其他物品出境的，应当由提供单位到保密工作部门办理《国家秘密载体出境许可证》。

对外提供国家秘密事项涉及多部门或者发生争议的，由保密工作部门进行协调工作。

State organs and units involving state secrets shall educate their staff on guarding secrets, establish a system and improve the facilities for guarding secrets, and regularly inspect the work of guarding secrets.

Article 6 State organs and units involving state secrets shall, in accordance with the provisions of state laws and regulations on guarding secrets, classify the state secrets arising in these organs and units and determine the periods for guarding these secrets, as well as alter the categories of these secrets or have them declassified in a timely manner.

Article 7 Where a state organ or unit incurs or discovers a leak, it shall, within 24 hours of awareness of the leak, report it to the secret-guarding departments and take immediate remedial measures.

Article 8 State functionaries or other citizens shall, upon discovering that state secrets have been divulged or are in danger of being divulged, take the following measures:

(1) Where they find documents, materials and other articles classified as state secrets, they shall promptly deliver such documents, materials and articles to the relevant government bodies, units or secret-guarding departments;

(2) Where they find that documents, materials and other articles classified as state secrets are sold or bought, they shall promptly report the matter to the secret-guarding departments or public security or state security organs for handling;

(3) Where they find that documents, materials and other articles classified as state secrets are stolen or forcibly seized, they shall promptly report the matter to the secret-guarding departments or public security or state security organs and shall have the right to stop; and

(4) Where they find any clue that state secrets have been divulged or are in danger of being divulged, they shall promptly report to the relevant government bodies, units or secret-guarding departments.

After receiving documents, materials and other articles as listed in Item (1) of the preceding paragraph that are state secrets, the relevant government bodies and units shall keep them properly, prevent them from being spread, and promptly transfer relevant materials to the secret-guarding departments for handling.

Article 9 State secrets shall not be divulged in contacts and cooperation with foreign countries. Where a foreign party requests state secrets with legitimate reasons and by legal means, the relevant departments shall draw up a plan for providing state secrets, which shall be examined by the person in charge and the secret-guarding office of the unit concerned. Matters falling within the business scope of the organ or unit concerned shall be reported to the competent department at the next higher level for examination and approval, and the relevant information shall be reported to the secret-guarding department at the same level.

Where a foreign party needs to carry documents, materials and other articles classified as state secrets out of the country's territory, the provider thereof shall apply to the secret-guarding departments for the Exit Permit for State Secret Carriers.

第十条 召开涉及国家秘密内容的会议，主办单位应当采取以下措施：

- （一）选择具备保密条件的会议场所；
- （二）会议召开前应当对会议场所进行保密检查；
- （三）根据工作需要，限定参加会议人员的范围，对参加涉及绝密级事项会议的人员应当予以指定；
- （四）对参加会议人员提出保密要求；
- （五）依照保密规定使用会议设备和管理会议文件、资料；
- （六）确定会议内容是否传达以及传达范围。

第十一条 举办重大涉及国家秘密的活动，主办单位应当制定专项保密方案并报市保密工作部门；提供活动场所的单位，应当协助主办单位做好保密工作。

保密工作部门认为必要时，可以主动参与制定保密方案，并与主办单位共同组织和监督实施。

第十二条 参与涉及国家秘密的科学技术项目立项定密、成果鉴定、密级评价的专家、技术人员和其他知密人员，应当承担保密义务，不得泄露、使用或者向他人提供、转让该项技术。

第十三条 涉及国家科学技术秘密的国内转让、对外出口等的保密工作，应当按照国家和本市有关规定执行。

第十四条 在有线、无线通信中传递国家秘密的，应当采取与其密级相对应的保密措施。

第十五条 使用办公自动化设备，应当遵守下列规定：

- （一）不得在没有保密措施的传真机、计算机上传输或者处理涉及国家秘密的信息；
- （二）使用计算机信息网络国际联网传输信息不得涉及国家秘密；
- （三）未经原确定密级的国家机关、单位批准，不得复制涉及国家秘密的信息；
- （四）不得使用无线话筒传达涉及国家秘密的信息。

第十六条 销毁属于国家秘密的文件、资料和其他物品，应当到保密工作部门指定的单位。

Where the provision of state secrets to foreign parties involves multiple departments or disputes, the matter shall be coordinated by the secret-guarding departments.

Article 10 Where a meeting involving state secrets is to be held, the sponsor shall take the following measures:

- (1) to select a meeting place that meets the requirements for guarding secrets;
- (2) to inspect the meeting place before the meeting is held;
- (3) to define the scope of participants according to the work needs, and designate the participants of a meeting involving the most confidential secrets;
- (4) to put forward requirements for guarding secrets on participants;
- (5) to use meeting equipment and manage meeting documents and materials in accordance with the provisions on guarding secrets; and
- (6) to determine whether the contents of the meeting are to be communicated and the scope of communication.

Article 11 Where a major event involving state secrets is to be held, the sponsor shall formulate a special plan for guarding secrets and submit it to the municipal secret-guarding department; the unit providing the venue shall assist the sponsor in guarding secrets.

When necessary, the secret-guarding department may take the initiative to participate in the formulation of the plan for guarding secrets, and organize and supervise the implementation thereof together with the sponsor.

Article 12 Where experts, technical personnel and other personnel knowing secrets participate in the project establishment, secret classification, achievement appraisal and secret classification evaluation of a scientific technology involving state secrets, they shall bear the obligation of guarding secrets and shall not divulge, use or provide or transfer such technology to others.

Article 13 The work of guarding secrets in domestic transfer, export abroad, etc. that involves secrets of state science and technology shall be carried out in accordance with relevant provisions of the State and this Municipality.

Article 14 In the transmission of state secrets in wired or wireless communications, security measures corresponding to the categories of state secrets they shall be classified into shall be taken.

Article 15 In the use of office automation equipment, the following provisions shall be complied with:

- (1) No information involving state secrets shall be transmitted or processed on fax machines or computers without security measures;
- (2) No state secrets shall be involved in the use of computer information networks linked to the Internet to transmit information;
- (3) No information involving state secrets shall be copied without approval by the state organ or unit that determined its category; and
- (4) Wireless microphones shall not be used to convey information involving state secrets.

Article 16 The destruction of documents, materials and other articles classified as state secrets shall be undertaken by the units designated by the secret-guarding departments.

不得向个体商贩、废品收购单位出售属于国家秘密的文件、资料和其他物品。

第十七条 不得使用未采取保密措施的交通工具运送属于国家秘密的文件、资料和其他物品。

不得携带属于国家秘密的文件、资料和其他物品出入公共场所或者探亲访友。

第十八条 新闻出版、报道单位和提供信息的单位，对拟公开出版、报道的信息和提供的信息应当进行保密审查。

公开发行的书刊、音像制品、电子出版物以及用于公开交流的学术论文，不得涉及国家秘密。

第十九条 接受境外机构、团体和个人社会调查，或者境外机构、团体和个人进行社会调查，不得涉及国家秘密。

第二十条 违反本规定泄露国家秘密，情节轻微的，由保密工作部门给予批评教育，并由有关机关、单位对泄密责任者酌情给予处理。

第二十一条 保密工作部门对非法复制、使用、传输、买卖属于国家秘密的文件、资料和其他物品的，可以采取责令停止复制、停止使用，以及扣留和查封措施。

第二十二条 违反本规定，属于违反工商行政、公安、国家安全、科技、新闻出版等方面法律、法规的，由有关主管部门依法处理。

第二十三条 因泄露国家秘密所获取的非法收入，保密工作部门有权依法予以没收。

第二十四条 违反本规定泄露国家秘密，情节严重、构成犯罪的，依法追究刑事责任。

第二十五条 本规定自公布之日起施行。

No documents, materials and other articles classified as state secrets may be sold to individual peddlers or waste purchasing units.

Article 17 Vehicles without security measures shall not be used to transport documents, materials and other articles classified as state secrets.

No documents, materials and other articles classified as state secrets may be carried to go to public places or visit relatives and friends.

Article 18 Press and publications units, reporting units and information providing units shall inquire on the protection of secrets in the information to be published or reported and to be provided.

Books, periodicals, audio-visual products, electronic publications and academic papers for public communication that are publicly distributed shall not involve state secrets.

Article 19 No state secrets may be involved in accepting or conducting social investigations by overseas institutions, organizations or individuals.

Article 20 In case of divulgence of state secrets in violation of the Provisions, if the circumstances are minor, the secret-guarding departments shall give criticism and education, and the relevant organs or units shall deal with the person responsible for the divulgence as appropriate.

Article 21 Where anyone illegally reproduces, uses, transmits or trades in documents, materials and other articles classified as state secrets, the secret-guarding departments may order him to stop the reproduction or use, and may take measures to detain and seize such documents, materials and other articles.

Article 22 Any violation of the Provisions, which is a violation of the laws and regulations on industrial and commercial administration, public security, national security, science and technology, press and publications, etc., shall be dealt with by the relevant competent departments according to law.

Article 23 The secret-guarding departments shall have the right to confiscate the illegal income obtained by divulging state secrets according to law.

Article 24 Where anyone divulges state secrets in violation of the Provisions and the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated for according to law.

Article 25 The Provisions shall come into force as of the date of promulgation.

北京市实施《中华人民共和国档案法》办法

(1997年10月16日北京市第十届人民代表大会常务委员会第四十次会议通过 根据2001年8月3日北京市第十一届人民代表大会常务委员会第二十八次会议通过的《关于修改〈北京市实施中华人民共和国档案法办法〉的决定》修正 根据2016年11月25日北京市第十四届人民代表大会常务委员会第三十一次会议通过的《关于修改部分地方性法规的决定》修正)

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- 第三章 档案的管理
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- 第五章 奖励与处罚
- 第六章 附 则

第一章 总 则

第一条 为了实施《中华人民共和国档案法》，结合本市实际情况，制定本办法。

第二条 本市的国家机关、社会团体、企业、事业单位和档案工作由本市管理的其他单位（以下简称单位）以及公民，应当遵守本办法。

第三条 本办法所称档案，是指过去和现在的国家机构、社会组织以及个人从事政治、军事、经济、科学、技术、文化、宗教等活动直接形成的对国家和社会有保存

Measures of Beijing Municipality for Implementing the Archives Law of the People's Republic of China

(Adopted at the 40th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on October 16, 1997, amended in accordance with the Decision on Revising the Measures of Beijing Municipality for Implementing the Archives Law of the People's Republic of China adopted at the 28th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on August 3, 2001, and amended in accordance with the Decisions on Revising Some Local Regulations adopted at the 31st Meeting of the Standing Committee of the 14th People's Congress of Beijing Municipality on November 25, 2016)

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Chapter I General Provisions

Article 1 The Measures are formulated for the purpose of implementing the Archives Law of the People's Republic of China in light of actual circumstances of this Municipality.

Article 2 All state organs, social organizations, enterprises, institutions and other units whose archival work is under the administration of this Municipality (hereinafter referred to as units) as well as citizens of this Municipality shall abide by the Measures.

Article 3 For the purpose of the Measures, the term "archives" means historical records in various forms, including writings in different languages, pictures, diagrams, sounds, images, etc., whose preservation is of value to the State and society and which have been or are being directly formed by state organs, public organizations and individuals in their political, military, economic scientific, technological, cultural, religious and other activities.

价值的各种文字、图表、声像等不同形式的历史记录。

第四条 本市各级人民政府应当加强对档案工作的领导，把档案事业的建设列入国民经济和社会发展规划，重视档案宣传教育，根据档案事业发展的需要完善各类档案机构，确定必要的人员编制，保障档案事业经费并将其列入财政预算，逐年增加对档案事业的投入。

发展改革、财政、机构编制、人力社保等有关行政部门，应当按照各自的职责，配合档案行政管理部门做好档案工作。

第五条 各单位应当加强对本单位档案工作的领导，根据需要设置档案机构或者配备档案工作人员，提供必要条件，保障档案工作的正常开展。

各单位应当保持档案工作人员的相对稳定，重视档案工作人员的教育和培训。

第六条 本市档案工作实行统一领导、分级管理的原则，维护档案完整与安全，便于社会各方面的利用。

第二章 档案机构及其职责

第七条 市档案行政管理部门主管本市档案事业，依法对本市的档案事业实行统筹规划，组织协调，统一制度，监督和指导；组织档案行政执法检查，依法查处档案违法行为。

区档案行政管理部门主管本区的档案事业，依法对档案工作实行监督和指导；组织档案行政执法检查，依法查处档案违法行为。

乡、民族乡、镇人民政府和城市街道办事处的档案机构或者档案工作人员负责管理本机关的档案，并对所属单位以及所辖的村民委员会和居民委员会的档案工作实行监督和指导。

第八条 综合档案馆是按行政区域设置的，收集和永久保管多种门类的档案和有关资料，并向社会提供利用的机构。

Article 4 The people's governments at various levels of this Municipality shall strengthen their leadership in archival work, incorporate the development of undertakings of archives into the plans for national economic and social development, pay attention to the publicity and education with regard to archives, improve all types of archives institutions in light of the need in the development of undertakings of archives, determine the number of personnel for archival work, ensure the funds for undertakings of archives and include them into budgets, and increase the input into undertakings of archives year by year.

The relevant administrative departments of development and reform, finance, organization establishment, human resources and social security, etc. shall, within the scope of their respective functions and duties, cooperate with the administrative departments of archives in archival work.

Article 5 All units shall strengthen their leadership in archival work of their own, establish archives institutions or appoint archivists as needed, and offer necessary conditions, so as to ensure the normal development of archival work.

All units shall maintain relative stability of their archivists and pay attention to their training and education.

Article 6 In archival work of this Municipality, the principles of unified leadership and administration at different levels shall be practiced in order to ensure the integrity and safety of archives and facilitate their use by people of various quarters of society.

Chapter II Archives Institutions and Their Responsibilities

Article 7 The municipal administrative department of archives shall be in charge of the undertakings of archives throughout this Municipality. It shall make an overall plan, coordinate the organizations, unify the systems, exercise supervision and provide guidance with regard to the undertakings of archives throughout this Municipality according to law, organize supervision over administrative law enforcement in respect of archives, and investigate and deal with illegal acts relating to archives according to law.

The district administrative departments of archives shall be in charge of the undertakings of archives within their respective administrative areas, exercise supervision and provide guidance with regard to the undertakings of archives according to law, organize supervision over administrative law enforcement in respect of archives, and investigate and deal with illegal acts relating to archives according to law.

The archives institutions or archivists of the people's governments of townships, nationality townships or towns, and of urban sub-district offices, shall be responsible for administering the archives of their own, and shall exercise supervision over and provide guidance to the archival work of their subordinate units and of the villagers' committees and residents' committees under their jurisdiction.

Article 8 Comprehensive archives repositories shall be established by administrative division, which shall collect and permanently keep various types of archives and relevant materials, and make them available to the public.

专门档案馆是按专业设置的，收集和永久保管特定领域或者特殊载体的档案，并向社会提供利用的机构。

单位档案机构是各单位设置的档案馆、档案室、档案处、档案科，负责管理并且按照规定向综合档案馆和专门档案馆移交本单位的档案，指导文书部门和业务部门文件材料的收集、立卷和归档工作，并对所属单位的档案工作实行监督和指导。

第九条 综合档案馆的设立、变更和撤销，由同级人民政府批准；专门档案馆的设立、变更和撤销，经市档案行政管理部门审核后，由市人民政府批准；单位档案机构的设立、变更和撤销，应当分别向市或者区档案行政管理部门申报登记。

第十条 档案工作人员应当忠于职守，遵纪守法，热情服务，具备专业知识，并依法接受档案专业继续教育。

第三章 档案的管理

第十一条 国家和本市档案行政管理部门规定应当归档的文件材料，由文书部门或者业务部门收集齐全并整理立卷，在规定时间内移交本单位档案机构或者档案工作人员集中管理。任何单位和个人不得拒绝归档或者据为己有。

国家和本市规定不得归档的材料，禁止擅自归档。

第十二条 反映本行政区域重大的政治、经济、科学、技术、文化、宗教等活动，对国家和社会具有保存价值的或者应当保密的档案，应当重点收集和管理。

重点收集和管理的档案的具体范围，由市或者区档案行政管理部门确定，并通知有关单位或者个人。

第十三条 有下列情况之一的，有关部门应当及时通知市或者区档案行政管理部门，其档案工作应当接受档案行政管理部门的监督和指导：

（一）行政区划的变动；

Special archives repositories shall be established based on specialties, which shall collect and permanently keep archives in special fields or in special carriers, and make them available to the public.

Archives institutions within units are archives repositories, archives offices, archives divisions, or archives sections established by these units, which shall be responsible for administering the archives of these units and handing them over to comprehensive archives repositories and special archives repositories as stipulated, providing guidance to clerical departments and business departments with regard to the collection, filing and keeping of documents and materials, and exercising supervision over and providing guidance to the archival work of subordinate units.

Article 9 The establishment, alteration and dissolution of comprehensive archives repositories shall be approved by the people's governments at the corresponding levels; the establishment, alteration and dissolution of special archives repositories shall, upon the examination by the municipal administrative department of archives, be approved by the Municipal People's Government; the establishment, alteration and dissolution of archives institutions within units shall be declared to and registered with the municipal or district administrative department of archives respectively.

Article 10 Archivists shall be devoted to their duties, observe disciplines and laws, provide warm services, possess professional knowledge, and receive continuing professional education on archives according to law.

Chapter III Administration of Archives

Article 11 Documents and materials that shall be filed and kept as archives pursuant to the provisions of the State and the municipal administrative department of archives shall be completely collected, and shall be arranged, filed and handed over within the prescribed time limit by clerical departments or business departments to the archives institutions or archivists of the units for centralized management. No unit or individual may refuse to file such documents and materials or keep them as personal property.

Materials that shall not be kept as archives pursuant to the provisions of the State and this Municipality shall not be kept as archives without due authorization.

Article 12 Priorities shall be given to the collection and administration of archives whose preservation is of value to the State and society or which shall be kept confidential since they record significant political, economic, scientific, technological, cultural or religious activities within the administrative areas concerned.

The specific scope of the archives the collection and administration of which shall be given priorities shall be determined by the municipal or district administrative department of archives, and shall be notified to the units or individuals concerned.

Article 13 Under any of the following circumstances, the relevant departments shall promptly notify the municipal or district administrative department of archives, and their archival work shall be subject to the supervision and guidance of the administrative department of archives:

- (1) any change in administrative divisions;

（二）由市或者区人民政府批准设立的单位的设立、变更和撤销；

（三）列入市或者区的重点建设工程、重大科学研究和技术改造项目以及普查项目等立项；

（四）举办或者承办的重大活动。

第十四条 市或者区的重点建设工程、技术改造、科学研究和重要设备更新等项目进行竣工验收、鉴定时，由同级档案行政管理部门会同项目主管部门的档案机构对项目档案进行验收。

单位的重要建设工程、技术改造、科学研究和重要设备更新等项目，由本单位的档案机构对文件材料的管理进行监督和指导，并对项目档案进行验收。

第十五条 在本市城市规划区域内进行基本建设的单位，应当于建设工程竣工验收后的规定时间内，按照规定向有关专门档案馆和有关主管部门报送工程竣工档案。

第十六条 综合档案馆收集档案的范围，由市档案行政管理部门确定后实施。

专门档案馆收集档案的范围，由市有关主管部门制订，经市档案行政管理部门审核批准后实施。

第十七条 各单位应当按照下列规定向有关档案馆移交档案：

（一）列入市综合档案馆收集范围的档案，自形成之日起满二十年，向市综合档案馆移交；

（二）列入区综合档案馆收集范围的档案，自形成之日起满十年，向区综合档案馆移交；

（三）列入专门档案馆收集范围的档案，按照国家和本市有关专门档案接收年限的规定，向专门档案馆移交；

（四）重大活动的组织机构应当做好档案管理工作，对活动中形成的档案及时整理、归档，并在活动结束后六个月内将档案移交相应的综合档案馆。

因特殊情况需要变更档案移交期限的，应当经同级档案行政管理部门批准。

(2) the establishment, alteration or dissolution of a unit the establishment of which is approved by the municipal or district people's government;

(3) the approval of projects listed as the municipal or district key construction projects, major scientific and technological research projects, or technological transformation projects, general investigation projects, etc; or

(4) major activities held or undertaken.

Article 14 At the time of inspection for acceptance and appraisal, upon completion, of the municipal or district key construction projects, technological transformation projects, scientific and technological research projects, important equipment replacement projects, etc., the administrative departments of archives at the corresponding levels shall, together with the archives institutions of the departments in charge of these projects, inspect the archives of these projects for acceptance.

For the projects of a unit such as key construction projects, technological transformation projects, scientific and technological research projects, and important equipment replacement projects, the archives institution of the unit shall exercise supervision over and provide guidance to the administration of documents and materials, and inspect the archives of these projects for acceptance.

Article 15 Units carrying out basic construction within the areas under city planning of this Municipality shall, within the prescribed time limit after the completion and acceptance upon inspection of construction projects, submit the archives on the completion of projects to special archives repositories and the competent departments as stipulated.

Article 16 The scope of archives to be collected by comprehensive archives repositories shall be implemented after it has been determined by the municipal administrative department of archives.

The scope of archives to be collected by special archives repositories shall be worked out by the relevant competent departments of this Municipality and implemented after it has been examined and approved by the municipal administrative department of archives.

Article 17 All units shall hand over archives to the archives repositories concerned in accordance with the following provisions:

(1) Archives that are included into the scope of collection of municipal comprehensive archives repositories shall be handed over to such archives repositories upon expiration of 20 years from the date of creation of these archives;

(2) Archives that are included into the scope of collection of district comprehensive archives repositories shall be handed over to such archives repositories upon expiration of 10 years from the date of creation of these archives;

(3) Archives that are included into the scope of collection of special archives repositories shall be handed over to such archives repositories in accordance with the provisions of the State and this Municipality on the time period for handing over archives; and

(4) Organization institutions of major activities shall do a good job in administration of archives, timely sort out and file the archives relating to the activities, and hand them over to corresponding comprehensive archives repositories within 6 months after these activities.

If it is necessary to change the time period for handing over archives under special circumstances, the change shall be approved by the administrative departments of archives

对向档案馆移交档案的范围和技术要求有异议的，由同级档案行政管理部门进行裁决，裁决结果书面通知当事人。

第十八条 综合档案馆、专门档案馆和单位档案机构应当建立健全档案管理制度，配置适宜保管、开发利用档案的专门库房和设施，采用先进技术，按照国家有关规定接收、整理、保管档案，加强对档案库房有害物质的防治，及时消除不安全因素，确保档案的完整与安全。

第十九条 市有关主管部门制订的本专业档案管理的业务标准和技术规范，应当经市档案行政管理部门审核批准后实施。

第二十条 综合档案馆、专门档案馆和单位档案机构应当定期对档案进行鉴定，对失去保存价值的档案列出销毁清册，按照国家有关规定予以销毁。禁止擅自销毁档案。

第二十一条 禁止出卖属于国家所有的档案。

国有企业和事业单位资产转让时，按照国家有关规定转让档案。

档案复制件的交换、转让和出卖，按照国家规定办理。

第二十二条 集体所有的和个人所有的以及其他不属于国家所有的对国家和社会具有保存价值的或者应当保密的档案，档案所有者可以向综合档案馆或者专门档案馆寄存、捐赠或者出卖。寄存在档案馆的档案，其所有权属于寄存者。

前款所列档案，因保管条件恶劣或者其他原因可能导致档案损毁和不安全的，经市或者区档案行政管理部门批准，可以由综合档案馆和专门档案馆代为保管，必要时可以收购或者征购。

第二十三条 向综合档案馆和专门档案馆以外的任何单位和个人出卖集体所有、个人所有的以及其他不属于国家所有的对国家和社会具有保存价值或者应当保密的档案及其复制件的，应当按照有关规定由市或者区档案行政管理部门审查批准。严禁倒卖牟利，严禁卖给或者赠送给外国人。

at the corresponding levels.

Any objection to the scope of archives to be handed over to archives repositories and the technical requirements therefor shall be decided by the administrative departments of archives at the corresponding levels, and the results thereof shall be notified to the parties concerned in writing.

Article 18 Comprehensive archives repositories, special archives repositories and archives institutions within units shall establish and improve the archives management system, be equipped with special storehouses and facilities suitable for the preservation, development and use of archives, adopt advanced technology, accept, sort out and keep archives in accordance with relevant provisions of the State, strengthen the prevention and control of hazardous substances in archives storehouses, and promptly eliminate unsafe factors so as to ensure the completeness and safety of archives.

Article 19 The professional standards and technical norms formulated by a relevant municipal competent department for the administration of archives of the corresponding specialty shall be implemented after they are examined and approved by the municipal administrative department of archives.

Article 20 Comprehensive archives repositories, special archives repositories and archives institutions within units shall conduct regular appraisal over archives, and list the archives losing the value of preservation and have them destroyed in accordance with relevant provisions of the State. Unauthorized destruction of archives shall be prohibited.

Article 21 The sale of archives owned by the State shall be prohibited.

When state-owned enterprises and institutions transfer their assets, their archives shall also be transferred in accordance with relevant provisions of the State.

The exchange, transfer and sale of duplicates of archives shall be handled in accordance with the provisions of the State.

Article 22 With respect to collectively-owned or individually-owned archives and other archives not owned by the State whose preservation is of value to the State and society or which shall be kept confidential, the owners thereof may deposit them with, donate or sell them to comprehensive archives repositories or special archives repositories. The archives deposited with archives repositories shall be owned by those who deposit them.

If the archives mentioned in the preceding paragraph may be liable to damage or unsafe due to the adverse conditions under which they are kept or any other reason, upon the approval by the municipal or district administrative department of archives, they may be kept by comprehensive archives repositories or special archives repositories on behalf of the owners or, when necessary, be purchased or requisitioned by purchase.

Article 23 The sale of collectively-owned or individually-owned archives and other archives not owned by the State whose preservation is of value to the State and society or which shall be kept confidential or their duplicates to any units or individuals other than comprehensive archives repositories or special archives repositories shall be examined and approved by the municipal or district administrative department of archives in accordance with relevant provisions. It shall be strictly forbidden to sell such archives for profit, or to sell or give them to foreigners.

第二十四条 单位需要携带、运输、邮寄档案及其复制件出境的，应当经市有关主管部门同意并报市档案行政管理部门批准，海关凭批准文件放行。

个人需要携带、运输、邮寄对国家和社会具有保存价值或者应当保密的档案及其复制件出境的，应当在三十日前向市档案行政管理部门申报，市档案行政管理部门自受理之日起七日内作出审批决定，海关凭批准文件放行。

第四章 档案的利用与公布

第二十五条 综合档案馆和专门档案馆应当按照国家有关规定向社会开放档案，定期公布开放档案的目录。

第二十六条 综合档案馆、专门档案馆和单位档案机构，应当为档案的利用创造条件，简化手续，提供方便。

第二十七条 单位和公民持有介绍信或者身份证、工作证等合法证明，可以利用综合档案馆和专门档案馆开放的档案。利用综合档案馆和专门档案馆未开放的档案和单位档案机构保管的档案，须经档案保管单位同意。

外国组织和个人需要利用开放档案的，须经我国有关主管部门介绍以及其前往的档案馆的同意。

载有档案保管单位法定代表人的签名或者印章标记的档案复制件，具有与档案原件同等的效力。

第二十八条 向档案馆移交、捐赠、寄存档案的单位和个人，对其档案享有优先利用权，并可对其档案中不宜向社会开放的部分提出限制利用的意见，档案馆应当维护他们的合法权益。

第二十九条 属于综合档案馆和专门档案馆保管的档案，由本档案馆或者国家授权的有关机关公布；未经档案馆或者有关机关同意，任何组织和个人无权公布。

Article 24 Where a unit needs to carry, transport or post out of the country any archives or their duplicates, the matter shall be subject to consent of the relevant municipal competent departments and then submitted to the municipal administrative department of archives for approval, and the Customs shall give clearance on the basis of the documents of approval.

Where an individual needs to carry, transport or post out of the country any archives whose preservation is of value to the State and society or which shall be kept confidential or their duplicates, he shall make a declaration 30 days in advance to the municipal administrative department of archives which shall make a decision of examination and approval within 7 days from the date of acceptance, and the Customs shall give clearance on the basis of the documents of approval.

Chapter IV Use and Publication of Archives

Article 25 Comprehensive archives repositories and special archives repositories shall, in accordance with relevant provisions of the State, make archives accessible to the public and publish catalogues of archives that are accessible to the public on a regular basis.

Article 26 Comprehensive archives repositories, special archives repositories and archives institutions within units shall create conditions and simplify procedures for the convenient use of archives.

Article 27 Units and citizens may, by presenting such legal certificates as letters of introduction, identity cards and employee ID cards, use archives which are kept in comprehensive archives repositories and special archives repositories and are accessible to the public. The use of archives that are kept in comprehensive archives repositories and special archives repositories but not accessible to the public or of the archives kept by archives institutions within units shall be subject to consent of the units keeping such archives.

Foreign organizations or foreigners that intend to use archives that are accessible to the public shall obtain an introduction from the relevant competent departments of China and consent from the archives repositories where they will go.

Duplicates of archives bearing the signature or seal of the legal representative of the units keeping the archives shall be equally authentic as the original archives.

Article 28 Units or individuals that have handed over or donated archives to archives repositories or deposited archives with them shall have priority in the use of such archives and may propose restrictions on the use of parts of the archives that are not suitable for being accessible to the public, and the archives repositories shall protect the lawful rights and interests of such units or individuals.

Article 29 Archives kept by comprehensive archives repositories and special archives repositories shall be made public by such archives repositories or relevant government bodies authorized by the State; no organization or individual shall have the right to make public such archives without permission from such archives repositories or relevant government bodies.

集体所有的和个人所有的以及其他不属于国家所有的档案，档案的所有者有权公布，但必须遵守国家的有关规定，不得损害国家安全和利益，不得侵犯他人的合法权益。

第三十条 综合档案馆、专门档案馆和单位档案机构应当加强档案的研究，编辑出版档案史料，举办档案展览等活动，充分发挥档案的社会效益。

综合档案馆和专门档案馆应当发挥爱国主义教育基地的作用，利用馆藏档案资源，面向社会开展各种形式的爱国主义、革命传统教育和国情、市情、区情教育。

第三十一条 市综合档案馆应当建立全市性的档案资料目录中心，为利用者提供检索服务。专门档案馆和区综合档案馆以及单位档案机构按照有关规定向市综合档案馆报送档案资料目录。

本市逐步建立综合档案馆、专门档案馆和单位档案机构相互联通、信息共享的档案信息网络。

第三十二条 单位或者个人可以无偿利用其移交、捐赠、寄存在档案馆的档案；利用其他档案的，应当按照国家和本市的有关规定缴纳费用。

第五章 奖励与处罚

第三十三条 市、区人民政府，有关主管部门和企业事业单位对有下列情形之一的档案机构、档案工作人员和其他组织与个人予以奖励：

- （一）在档案的收集、整理、保护和提供利用等方面成绩突出的；
- （二）在档案学研究中做出重要贡献的；
- （三）将重要或者珍贵的档案捐献给国家的；
- （四）举报、制止档案违法行为，查处档案违法案件表现突出的；
- （五）热心资助档案事业事迹突出的；
- （六）在其他方面对档案事业做出突出贡献的。

With respect to collectively-owned or individually-owned archives and other archives not owned by the State, the owners shall have the right to make them public but they must abide by relevant provisions of the State, and may not endanger the security and interests of the State or encroach upon the lawful rights and interests of others.

Article 30 Comprehensive archives repositories, special archives repositories and archives institutions within units shall strengthen research into archives, compile and publish archives and historical materials, hold archives exhibition, etc., so as to give full play to the social benefits of archives.

Comprehensive archives repositories and special archives repositories shall play the role as patriotism education bases, and make use of the archives resources kept therein to carry out education in patriotism, revolutionary traditions, as well as national, municipal and district conditions in various forms.

Article 31 Municipal comprehensive archives repositories shall set up centers of catalogues of archives catering to the whole city so as to offer retrieval services to users. Special archives repositories, district comprehensive archives repositories, and archives institutions within units shall, in accordance with relevant provisions, submit catalogues of their archives to municipal comprehensive archives repositories.

This Municipality shall establish archives information networks whereby comprehensive archives repositories, special archives repositories and archives institutions within units are mutually connected and share information.

Article 32 Units or individuals that have handed over or donated archives to archives repositories or deposited archives with them may use such archives free of charge; fees shall be paid as prescribed by the State and this Municipality if they use any other archives.

Chapter V Rewards and Punishments

Article 33 Under any of the following circumstances, archives institutions, archivists and other organizations and individuals shall be rewarded by the municipal or district people's governments, relevant competent departments, enterprises or institutions:

- (1) having made outstanding achievements in collecting, sorting out, protecting and providing access to archives;
- (2) having made major contributions to archival research;
- (3) having donated important or valuable archives to the State;
- (4) having made outstanding performance in reporting or stopping illegal acts relating to archives, or in investigating into and dealing with cases relating to archives;
- (5) having made outstanding performance in financing the development of archival undertakings; or
- (6) having made outstanding contributions to archival undertakings in other aspects.

第三十四条 有下列行为之一的，由市或者区档案行政管理部门、有关主管部门对直接负责的主管人员或者其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

- （一）损毁、丢失属于国家所有的档案的；
- （二）擅自提供、抄录、公布、销毁属于国家所有的档案的；
- （三）涂改、伪造档案的；
- （四）擅自出卖或者转让国家所有的档案及集体所有、个人所有的以及其他不属于国家所有的对国家和社会具有保存价值或者应当保密的档案的；
- （五）倒卖档案牟利或者将档案卖给、赠送给外国人的；
- （六）不按规定归档或者不按期移交档案的；
- （七）明知所保存的档案面临危险而不采取措施，造成档案损失的；
- （八）档案工作人员玩忽职守，造成档案损失的。

第三十五条 有本办法第三十四条第（一）项、第（二）项、第（三）项行为的，由市或者区档案行政管理部门给予警告，根据有关档案的价值和数量，对责任单位可以并处1万元以上10万元以下罚款，对直接负责的主管人员或者其他直接责任人员可以并处500元以上5000元以下罚款；造成档案损失的，由市或者区档案行政管理部门、有关主管部门根据损失档案的价值，责令赔偿损失。

第三十六条 企业事业组织或者个人有本办法第三十四条第（四）项、第（五）项行为的，由市或者区档案行政管理部门给予警告，根据有关档案的价值和数量，对责任单位可以并处1万元以上10万元以下罚款，对直接负责的主管人员或者其他直接责任人员可以并处500元以上5000元以下罚款；有违法所得的，没收违法所得；并可以依照本办法第二十二条的规定征购所出卖或者赠送的档案。

第三十七条 有违反本办法其他行为的，由市或者区档案行政管理部门责令限期改正，并提请其上级主管部门对直接负责的主管人员或者其他直接责任人员依法给予行政处分。

Article 34 If any of the following acts is committed, the municipal or district administrative department of archives, or the relevant competent departments, shall, in accordance with law, impose administrative sanctions on persons directly in charge or other persons directly responsible; if a crime is constituted, criminal responsibility shall be investigated for according to law:

- (1) damaging or losing state-owned archives;
- (2) providing, transcribing, publicizing, or destroying state-owned archives without authorization;
- (3) altering or forging archives;
- (4) selling or transferring without authorization state-owned, collectively-owned, or individually-owned archives or other archives not owned by the State but whose preservation is of value to the State and society or which shall be kept confidential;
- (5) selling archives for profit or selling or giving archives to foreigners;
- (6) failing to file records as stipulated or failing to hand over archives as scheduled;
- (7) failing to adopt any measures for the archives being preserved, with knowledge that they are in danger, thus causing damage to the archives; or
- (8) causing damage to archives as a result of neglect of duty on the part of archivists.

Article 35 If any act as described in Item (1), (2) or (3) of Article 34 of the Measures is committed, the municipal or district administrative department of archives shall give a warning, and may, on the basis of the value and quantity of the archives concerned, concurrently impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the unit responsible, or a fine of not less than 500 yuan but not more than 5,000 yuan on the person directly in charge or other persons directly responsible; where any damage is caused to the archives, the municipal or district administrative department of archives or the relevant competent departments shall order compensation to be made on the basis of the value of the archives damaged.

Article 36 Where an enterprise, institution or individual commits any act as described in Item (4) or (5) of Article 34 of the Measures, the municipal or district administrative department of archives shall give a warning, and may, on the basis of the value and quantity of the archives concerned, concurrently impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the unit responsible, or a fine of not less than 500 yuan but not more than 5,000 yuan on the person directly in charge or other persons directly responsible; the illegal gains, if any, shall be confiscated; and the archives that have been sold or given away may be requisitioned by purchase according to the provisions of Article 22 of the Measures.

Article 37 In case of any other violation of the Measures, the municipal or district administrative department of archives shall order to make corrections within a specified time limit, and request the competent department at the next higher level to impose administrative sanctions on the person directly in charge or other persons directly responsible according to law.

第三十八条 携带、运输、邮寄禁止出境的档案、档案复制件出境的，由海关按照有关法律法规没收其档案、档案复制件，可以并处罚款；构成犯罪的，依法追究刑事责任。海关没收的档案、档案复制件，应当移交市档案行政管理部门处理。

第六章 附 则

第三十九条 本办法自 1998 年 1 月 1 日起施行。

Article 38 Where anyone carries, transports or posts out of the country archives or duplicates thereof, the exit of which from the country is forbidden, such archives or duplicates thereof shall be confiscated by the Customs according to relevant laws and regulations, and a fine may be imposed concurrently; if a crime is constituted, criminal responsibility shall be investigated for according to law. The archives or duplicates thereof confiscated by the Customs shall be handed over to the municipal administrative department of archives for handling.

Chapter VI Supplementary Provisions

Article 39 The Measures shall come into force as of January 1, 1998.

（十一）其 他

北京市人事争议仲裁办法

（2003 年 3 月 7 日北京市人民政府第 121 号令发布）

第一章 总 则

第一条 为公正、及时地处理人事争议，保障争议双方当事人的合法权益，根据本市实际情况，制定本办法。

第二条 本办法适用于本市事业单位与其工作人员之间因人事关系的建立、变更、解除等发生的人事争议，以及按照国家和本市有关规定应当仲裁的其他人事争议。

国家法律、法规另有规定的除外。

第三条 人事争议仲裁依法独立进行，不受行政机关、社会团体和个人的干涉。

第四条 人事争议仲裁应当遵循公正、及时的原则。

当事人在人事争议仲裁中的地位平等。

第二章 组织机构

第五条 市和区、县设立人事争议仲裁委员会（以下简称仲裁委员会），分别处理管辖范围内的人事争议案件。

仲裁委员会下设办事机构，负责办理日常工作以及仲裁委员会授权的其他事宜。

第六条 仲裁委员会履行下列职责：

- （一）负责管辖范围内人事争议的仲裁；
- （二）领导、监督仲裁委员会办事机构和仲裁庭开展工作；

xi. Other

Measures of Beijing Municipality for Arbitration of Disputes in Personnel Matters

(Promulgated by Decree No.121 of the People's Government of Beijing
Municipality on March 7, 2003)

Chapter I General Provisions

Article 1 These Measures are formulated in order to deal with the disputes in personnel matters impartially and promptly and safeguard the legitimate rights and interests of both parties involved in the disputes and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall be applicable to the disputes in personnel matters arising between institutions of this Municipality and their working staff due to the establishment, alteration and rescission of personnel relations, as well as other disputes in personnel matters which shall be arbitrated according to relevant provisions of the State and this Municipality.

Except as otherwise provided by laws and administrative regulations of the State.

Article 3 Arbitration of disputes in personnel matters shall be carried out independently according to law and shall be free from interference of administrative organs, social groups and individuals.

Article 4 The principle of impartiality and promptness shall be followed in arbitration of disputes in personnel matters.

Parties shall be equal in arbitration of disputes in personnel matters.

Chapter II Institutional organization

Article 5 The Municipality and districts or counties shall set up arbitration commissions of disputes in personnel matters (hereinafter referred to as the arbitration commissions) to deal with the cases involving disputes in personnel matters in their administrative regions respectively.

The arbitration commissions shall establish their working institutions responsible for the day-to-day work and other affairs entrusted by the arbitration commissions.

Article 6 The arbitration commissions shall perform the following functions and duties:

(1) be responsible for arbitration of disputes in personnel matters in their respective administrative regions;

(2) guide and supervise their working organs and arbitration tribunals in the development of work;

（三）研究处理重大、疑难的人事争议案件；

（四）制定仲裁规则；

（五）决定仲裁员的聘任和解聘；

（六）本办法规定由仲裁委员会承担的其他工作。

第七条 仲裁委员会由同级人民政府有关部门代表、同级工会代表和有关专家组成。仲裁委员会设主任一人、副主任二至四人和委员若干人。

仲裁委员会的组成人员应当是奇数。

第八条 仲裁委员会可以聘任政府有关部门人员、专家学者、律师等担任仲裁员。

第三章 管 辖

第九条 市仲裁委员会管辖下列人事争议：

（一）市政府各部门、直属机构、直属事业单位以及上述各部门、直属机构、直属事业单位所属的事业单位与其工作人员之间发生的人事争议；

（二）跨区、县的人事争议。

第十条 区、县仲裁委员会管辖除本办法第九条规定以外的其他人事争议。

第十一条 必要时，市仲裁委员会可以将其管辖的人事争议案件指定区、县仲裁委员会处理；区、县仲裁委员会可以将其管辖的人事争议案件提请市仲裁委员会处理。区、县仲裁委员会因案件管辖发生异议的，由市仲裁委员会指定管辖。

第四章 仲裁程序

第十二条 当事人应当在人事争议发生之日起 60 日内，以书面形式向仲裁委员会申请仲裁，并按照被申请人人数递交仲裁申请书副本。

第十三条 仲裁委员会收到仲裁申请书后，应当在 15 日内作出受理或者不予受理的决定。决定受理的，应当在 7 日内将仲裁申请书副本送达被申请人，并组成仲裁庭。决定不予受理的，应当书面通知当事人，并说明不予受理的理由。

(3) study and deal with the important and complicated cases involving disputes in personnel matters;

(4) formulate the rules of arbitration;

(5) decide the engagement and dismissal of arbitrators; and

(6) other work which shall be undertaken by the arbitration commissions as stipulated in these Measures.

Article 7 The arbitration commissions shall be composed of the representatives from relevant departments of the people's governments at the same level, the representatives from trade unions at the same level as well as relevant experts. An arbitration commission shall have one chairman, two to four vice chairmen and several members.

The number of members of an arbitration commission shall be odd.

Article 8 Arbitration commissions may engage the persons working in relevant departments of governments, experts, scholars, lawyers, etc. to act as arbitrators.

Chapter III Jurisdiction

Article 9 The municipal arbitration commission shall have jurisdiction over the following disputes in personnel matters:

(1) disputes in personnel matters arising between the various departments of the municipal government, directly affiliated organs, directly affiliated institutions and the institutions affiliating to the departments, organs and institutions mentioned above and their working staff; and

(2) disputes in personnel matters arising across different districts and counties.

Article 10 The district or county arbitration commissions shall have jurisdiction over other disputes in personnel matters than those stipulated in Article 9.

Article 11 The district or county arbitration commissions shall have jurisdiction over other disputes in personnel matters than those stipulated in Article 9; while the district or county arbitration commissions may hand in the cases involving disputes in personnel matters within its jurisdiction to the municipal arbitration commission for settlements. Where disputes over jurisdiction of cases arise between the district or county arbitration commissions, the municipal arbitration commission shall designate the jurisdiction.

Chapter IV Arbitration proceedings

Article 12 The party shall apply for arbitration in writing to the arbitration commission within 60 days after the occurrence of disputes in personnel matters and offer the copies of the application for arbitration according to the number of the respondents.

Article 13 The arbitration commission shall determine whether or not to accept the case within 15 days after receiving the application for arbitration. For the accepted case upon decision, the copies of the application for arbitration shall be sent to the respondent within seven days and the arbitration tribunal shall be set up. For the non-accepted case upon decision, the party shall be informed in writing and the reasons for rejection shall be given.

区、县仲裁委员会提请市仲裁委员会处理的人事争议案件，市仲裁委员会应当自收到申请之日起 5 日内作出是否受理的决定。

第十四条 被申请人应当自收到仲裁申请书副本之日起 15 日内提交答辩书和有关证据。仲裁委员会收到答辩书后，应当在 5 日内将答辩书副本送达申请人。被申请人没有按时提交或者不提交答辩书的，不影响仲裁程序的进行。

第十五条 当事人参加仲裁活动可以委托一至二人代理。委托他人代理的，应当向仲裁委员会提交委托书。委托书应当明确委托事项和权限，并由委托人签名或者盖章。

第十六条 仲裁庭由三名仲裁员组成。首席仲裁员由仲裁委员会指定担任，当事人双方可以各自选定一名仲裁员或者委托仲裁委员会指定仲裁员；简单的人事争议案件，由仲裁委员会指定一名仲裁员独任审理。

第十七条 仲裁应当开庭进行。当事人协议不开庭的，可以书面仲裁。

决定开庭审理的，仲裁庭应当于开庭前 5 日内将开庭时间、地点等通知当事人。

仲裁申请人经书面通知无正当理由不到庭或者未经仲裁庭许可中途退庭的，视为撤回仲裁申请。

被申请人经书面通知无正当理由不到庭或者未经仲裁庭许可中途退庭的，可以缺席仲裁。

第十八条 与人事争议有利害关系的第三人，可以申请参加仲裁，或者由仲裁委员会通知其参加仲裁。第三人申请参加仲裁的，是否准许由仲裁委员会决定。

第十九条 当事人应当对自己的主张提供证据。仲裁庭应当对证据进行质证，只有经过质证认定的证据，才可以作为裁决的依据。

第二十条 当事人在仲裁过程中有权进行辩论。辩论终结时，首席仲裁员或者独任仲裁员应当征询当事人的最后意见。

第二十一条 仲裁庭处理人事争议可以先行调解。当事人自愿调解的，仲裁庭应当调解。

调解达成协议的，仲裁庭应当根据协议内容制作调解书。调解未达成协议或者调

With regard to the cases involving disputes in personnel matters handed in to the municipal arbitration commissions for settlement by the district or county arbitration commission, the municipal arbitration commission shall determine whether or not to accept them within five days after receiving the applications.

Article 14 The respondent shall submit the written defense and relevant evidence within 15 days after receiving the copy of the application for arbitration. After receiving the written defense, the arbitration commission shall send the copy of the defense to the applicant within 5 days. Failure on the part of the respondent to submit the defense or submit it on time does not affect the progress of the arbitration proceedings.

Article 15 Parties participating in arbitration may entrust one or two persons to act as their agents. Who entrusts other person to act as his agent shall submit a letter of attorney to the arbitration commission. The letter of attorney shall clearly state the affairs and scope of entrustment and be signed or sealed by the entrusting party.

Article 16 An arbitration tribunal shall be composed of three arbitrators. The chief arbitrator shall be appointed by the arbitration commission, both parties may respectively choose one arbitrator or entrust the arbitration commission to appoint the arbitrators; for those simple cases involving disputes in personnel matters, the arbitration commission shall appoint one arbitrator to deal with them solely.

Article 17 Arbitration shall be conducted by means of oral hearings. Where both parties agree to arbitration without oral hearings, arbitration may be conducted in writing.

Where oral hearings are needed upon decision, the arbitration tribunal shall inform both parties of the time and place of the hearings five days prior to the hearings.

If the claimant fails to appear before the arbitration tribunal without justified reasons after having been notified in writing or leaves the hearings prior to their conclusions without the permission of the arbitration tribunal, he may be deemed to have withdrawn his application for arbitration.

If the respondent fails to appear before the arbitration tribunal without justified reasons after having been notified in writing or leaves the hearings prior to their conclusions without the permission of the arbitration tribunal, a default award may be made.

Article 18 A third party having interest with the dispute in personnel matters may apply for the participation in the arbitration or may be informed by the arbitration commission to join in the arbitration. Where a third party applies for the participation in the arbitration, whether or not to permit shall be decided by the arbitration commission.

Article 19 The parties shall present the evidence in support of their own arguments. The arbitration tribunal shall cross-examine the evidence. Only the evidence recognized upon cross-examination may be the basis of a decision.

Article 20 The parties shall have the right to carry on debate in the course of arbitration. At the end of the debate, the chief arbitrator or the sole arbitrator shall solicit final opinions from the parties.

Article 21 The arbitration tribunal may carry out conciliation prior to giving an award. The arbitration tribunal may conduct conciliation if both parties voluntarily seek conciliation.

If conciliation leads to a settlement agreement, the arbitration tribunal shall make a written conciliation statement in accordance with the contents of the agreement. If

解书送达前当事人反悔的，仲裁庭应当及时作出裁决。

第二十二条 裁决应当按照多数仲裁员的意见作出，少数仲裁员的不同意见应当记入笔录。仲裁庭不能形成多数意见时，裁决应当按照首席仲裁员的意见作出。

第二十三条 仲裁庭对重大的或者疑难的人事争议案件，可以提交仲裁委员会讨论决定。仲裁委员会作出的决定，仲裁庭应当执行。

第二十四条 仲裁庭应当在裁决作出之日起 5 日内制作裁决书。对生效的裁决，当事人必须履行。当事人不履行的，仲裁委员会可以发出执行催告通知，并通知有关单位协助执行。

第二十五条 当事人有证据证明裁决有下列情形之一的，可以自收到裁决书之日起 10 日内向作出裁决的仲裁委员会申请复审：

- （一）仲裁庭的组成或者仲裁程序违反本办法规定的；
- （二）裁决所依据的证据是伪造的；
- （三）对方当事人隐瞒了足以影响公正裁决的证据的；
- （四）仲裁员在仲裁活动中有受贿索贿、徇私舞弊、枉法裁决行为的。

仲裁委员会经审查核实认为应当复审的，应当另行组成仲裁庭。复审期间不影响裁决的执行。

当事人对仲裁裁决不服，属于人民法院受案范围的，也可以依法向人民法院提起诉讼。

第二十六条 仲裁庭处理人事争议案件，应当在仲裁庭组成之日起 60 日内结案。案情复杂需要延期的，经仲裁委员会批准，可以延期，但最长不得超过 30 日。

第二十七条 仲裁员有下列情形之一的，应当自行申请回避，当事人及其代理人也可以向仲裁委员会提出回避申请：

- （一）是本案的当事人或者当事人、代理人近亲属的；
- （二）与本案有利害关系的；
- （三）与本案当事人、代理人有其他关系，可能影响公正裁决的。

conciliation does not lead to a settlement agreement or any party repudiates before the arrival of the written conciliation statement, the arbitration tribunal shall make an arbitration award promptly.

Article 22 The arbitration award shall be made in accordance with the opinions of the majority of the arbitrators, and the different opinions of the minority of the arbitrators shall be entered into the record. If the arbitration tribunal is unable to form a majority opinion, the arbitration award shall be made in accordance with the opinions of the chief arbitrator.

Article 23 The arbitration tribunal may hand in die important and complicated cases, evolving disputes in personnel matters to the arbitration commission for discussion and decision. The decision made by the arbitration commission shall be implemented by die arbitration tribunal.

Article 24 The arbitration tribunal shall work out the written arbitration award within 5 days after the award is made. The parties must perform the effective award. Where the parties fail to perform the award, the arbitration commission may issue an exigent notice of enforcement and notify relevant units to offer assistance in the enforcement.

Article 25 A party may apply to the arbitration commission which made the award for review in 10 days after receiving the written arbitration award if he can produce evidence which proves that the arbitration award involves one of the following circumstances:

- (1) the formation of the arbitration tribunal or the arbitration proceeding goes against the provisions of these Measures;
- (2) the evidence on which the award is based is forged;
- (3) the other party has withheld the evidence which is sufficient to affect the impartiality of the arbitration; or
- (4) the arbitrators have accepted or asked for bribes, committed illegalities for private gains or by fraudulent means, or perverted the law in the arbitration activities.

After examination and verification, when the arbitration commission considers that the review shall be carried out, a new arbitration tribunal shall be set up. The period of review does not affect the implementation of the previous award.

If a party is not satisfied with the arbitration award and the dispute is in the scope of the cases to be accepted by the people's court, they may bring a suit to the people's court.

Article 26 Handling the cases involving disputes in personnel matters, the arbitration tribunal shall conclude them within 60 days after the formation of the arbitration tribunal. Where the cases are complex and it is necessary to prolong the arbitration, the cases may be prolonged upon approval of the arbitration commission, but no more than 30 days.

Article 27 In one of the following circumstances, the arbitrators shall apply for withdrawal on their own, and the parties and their agents may also apply for a withdrawal to the arbitration commission:

- (1) any arbitrator is a party in the case or a dose relative of a party or of an agent in the case;
- (2) any arbitrator has a personal interest in the case; or
- (3) any arbitrator has other relationship with a party or his agent in the case which may affect the impartiality of arbitration.

仲裁委员会对回避申请应当及时作出决定。

第二十八条 仲裁委员会在处理人事争议案件过程中，有权查阅与案件有关的档案、资料和其他证明材料，有权向知情者调查取证，有关单位和个人应当予以支持、配合。

仲裁委员会及其工作人员对人事争议案件涉及的国家秘密、商业秘密和个人隐私应当保密。

第五章 法律责任

第二十九条 仲裁员及其他仲裁工作人员在仲裁活动中徇私舞弊、收受贿赂、敲诈勒索、滥用职权、侵犯当事人合法权益的，由仲裁委员会取消其仲裁员资格或者予以解聘，并由其所在单位或者上级主管部门给予行政处分；构成犯罪的，依法追究刑事责任。

第六章 附 则

第三十条 当事人申请仲裁，应当按照有关规定交纳仲裁费。仲裁费的收取标准，由市财政、价格主管部门共同核定。

第三十一条 市仲裁委员会可以依据本办法制定仲裁规则。

第三十二条 本办法自 2003 年 5 月 1 日起施行。

The arbitration commission shall make a prompt decision on the application for withdrawal.

Article 28 During the process of dealing with the cases involving disputes in personnel matters, the arbitration commissions shall have the right to read and check the files, materials and other evidencing materials related to the cases, and investigate and get evidence from the insiders, the relevant units and individuals shall offer cooperation and assistance.

The arbitration commissions and their working staff shall keep secret of the State secrets, commercial secrets and individual privacy concerned in the cases involving disputes in personnel matters.

Chapter V Legal liability

Article 29 For those arbitrators and other arbitration working staff who commit illegalities for private gains or by fraudulent means, accept bribes, abuse their powers, infringe upon any party's legitimate rights and interests, the arbitration commissions shall cancel their qualification of arbitration of arbitrators or dismiss them, and their working units or the competent department at the higher level shall impose on them disciplinary sanctions. Where a crime is constituted, criminal liability shall be investigated for according to law.

Chapter VI Supplementary provisions

Article 30 Applying for arbitration, the parties shall pay arbitration fees according to relevant provisions. The municipal competent departments of finance and pricing shall fix the charging criteria of arbitration fees together.

Article 31 The municipal arbitration commission may formulate the rules of arbitration in accordance with these Measures.

Article 32 These Measures shall be implemented as of May 1, 2003.

