

北京市法规规章汇编

Regulations and Rules of Beijing

(1949—2020)

文化建设

Cultural Construction

北京市司法局编

Compiled by Beijing Municipal Bureau of Justice

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(1949—2020)

REGULATIONS AND RULES OF BEIJING

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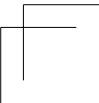
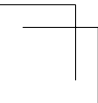
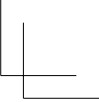
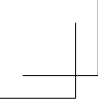
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《北京市法规规章汇编（1949—2020）》

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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文化建设全部现行有效地方性法规和政府规章共计 40 件。

为方便读者查阅，本汇编采取了以下编纂体例：

1. 本汇编收录的是与文化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 7 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 40 sets of currently effective local regulations and government rules of this Municipality on cultural 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: Cultural Construction;
2. Local regulations and government rules in the category are then divided into 7 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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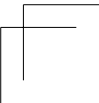
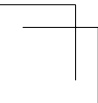
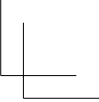
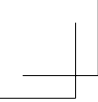
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三、文化 建设

III. Cultural Construction

（一）教 育

北京市实施《中华人民共和国义务教育法》办法

（1986年7月8日北京市第八届人民代表大会常务委员会第二十九次会议通过 根据1993年11月26日北京市第十届人民代表大会常务委员会第七次会议《关于修改〈北京市实施中华人民共和国义务教育法办法〉的决定》修正 2008年11月21日北京市第十三届人民代表大会常务委员会第七次会议修订）

目 录

第一章	总	则
第二章	学	生
第三章	学	校
第四章	教	师
第五章	教育	教学
第六章	经费	保障
第七章	督	导
第八章	法律	责任
第九章	附	则

第一章 总 则

第一条 为了实施《中华人民共和国义务教育法》，结合本市实际情况，制定本办法。

第二条 本市实行九年义务教育制度。

义务教育是国家必须予以保障的公益性事业。本市建立义务教育经费保障机制，保证义务教育制度的实施，对接受义务教育的学生不收学费、杂费，逐步实行免费提

i. Education

Measures of Beijing Municipality for Implementing the Compulsory Education Law of the People's Republic of China

(Adopted at the 29th Meeting of the Standing Committee of the 8th People's Congress of Beijing Municipality on July 8, 1986, amended in accordance with the Decisions on Revising the Measures of Beijing Municipality for Implementing the Compulsory Education Law of the People's Republic of China adopted at the 7th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on November 26, 1993, and amended at the 7th Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on November 21, 2008)

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Chapter II	Students
Chapter III	Schools
Chapter IV	Teachers
Chapter V	Instruction and Teaching
Chapter VI	Guarantee of Funds
Chapter VII	Supervision
Chapter VIII	Legal Liability
Chapter IX	Supplementary Provisions

Chapter I General Provisions

Article 1 These Measures are formulated for the purpose of implementing the Compulsory Education Law of the People's Republic of China in light of the actual circumstances of this Municipality.

Article 2 This Municipality implements a system of nine-year compulsory education.

Compulsory education is a public welfare undertaking which must be guaranteed by the State. This Municipality establishes a mechanism for guaranteeing funds for compulsory education to ensure implementation of the system of compulsory education, no tuition or miscellaneous fees being charged from the students receiving compulsory education, and

供教科书制度。

第三条 本市依法保障适龄儿童、少年享有平等接受义务教育的权利。

第四条 义务教育必须贯彻国家的教育方针，实施素质教育，提高教育质量，使适龄儿童、少年在品德、智力、体质等方面全面发展，为培养有理想、有道德、有文化、有纪律的社会主义建设者和接班人奠定基础。

第五条 市和区、县人民政府应当合理配置教育资源，重点加强农村学校、城镇地区薄弱学校建设，缩小学校之间的办学条件差距，促进义务教育均衡发展，全面提高义务教育的教育质量和办学水平。

第六条 本市义务教育实行市人民政府统筹规划实施，区、县人民政府为主管理的体制。

市人民政府统筹规划本市义务教育实施工作，应当将义务教育事业纳入国民经济和社会发展规划。

区、县人民政府负责义务教育实施管理工作，制定本行政区域义务教育事业发展规划，合理调整学校布局，加强教师队伍建设，保障教育经费。

教育行政部门具体负责义务教育实施工作。发展改革、财政、人事、国土资源、规划、建设、卫生、公安、工商、文化等行政部门在各自的职责范围内负责义务教育实施工作。

乡、镇人民政府和街道办事处应当按照职责配合教育行政部门做好义务教育实施工作。

第七条 社会组织和个人应当为适龄儿童、少年接受义务教育创造良好环境。

第二章 学 生

第八条 凡年满六周岁的儿童，其父母或者其他法定监护人应当送其入学接受并完成义务教育。

适龄儿童、少年因身体状况需要延缓入学或者休学的，其父母或者其他法定监护人应当依法办理相关手续。

gradual adoption of the system of gratuitously providing textbooks.

Article 3 This Municipality ensures, in accordance with law, the equal right of school-age children and adolescents to receive compulsory education.

Article 4 In compulsory education, the State policy on education shall be implemented by providing qualities-oriented education, to improve the quality of instruction, with a view to enabling school-age children and adolescents to achieve all-round development-morally, intellectually and physically, so as to lay the foundation for bringing up well-educated and self-disciplined builders and successors of socialism imbued with lofty ideals and moral integrity.

Article 5 The people's governments at the municipal and the district or county level shall rationally allocate educational resources, focus on strengthening the establishment of schools in rural areas and schools started on weak foundations in urban areas, narrow the differences in the conditions for school running among schools, promote balanced development of compulsory education and improve the quality of instruction and the level of school running in compulsory education in an all-round way.

Article 6 In compulsory education, this Municipality shall practice the system under which the Municipal People's Government shall make overall plans for its provision and the people's governments at the district or county level shall play the main role in administration.

The Municipal People's Government shall make overall plans for the implementation of compulsory education in this Municipality and incorporate the undertaking of compulsory education into the national economic and social development plan.

The people's governments at the district or county level shall be responsible for the administration of provision of compulsory education, making plans for development of the undertaking of compulsory education in their respective administrative areas, rationally adjusting the layout of schools, building a strong contingent of teachers and guaranteeing funds for education.

The administrative departments for education shall be specifically responsible for the provision of compulsory education. Administrative departments of development and reform, finance, personnel, State-land and resources, planning, construction, public health, public security, industry and commerce, culture, etc. shall be responsible for the provision of compulsory education within the scope of their respective functions and duties.

The people's governments at the town or township level and sub-district offices shall offer cooperation to the administrative departments for education in providing compulsory education in accordance with their functions and duties.

Article 7 Public organizations and individuals shall create a good environment for school-age children and adolescents to receive compulsory education.

Chapter II Students

Article 8 When children have reached the age of six, their parents or other statutory guardians shall send them to schools to receive and complete compulsory education.

If, on account of physical conditions, school-age children or adolescents need to postpone schooling or be suspended from school, their parents or other statutory guardians shall go through relevant procedures in accordance with law.

区、县教育行政部门和乡、镇人民政府、街道办事处应当采取措施防止适龄儿童、少年辍学。

第九条 市和区、县人民政府应当制定和完善对困难群体适龄儿童、少年的就学补助政策，保障农村、家庭经济困难和残疾适龄儿童、少年等接受义务教育。

第十条 适龄儿童、少年免试入学。学校不得采取或者变相采取考试、测试、面试等形式选拔学生，不得将各种竞赛成绩、奖励、证书作为入学的依据。

区、县人民政府应当保障适龄儿童、少年在户籍所在地就近入学。区、县教育行政部门应当根据适龄儿童、少年的数量和分布状况，合理确定本行政区域内每所公办学校的就近接收学生范围和人数，并向社会公布。学校应当按照教育行政部门的规定接收学生，并将接收学生结果向社会公布。

区、县教育行政部门应当对本行政区域内的军人子女接受义务教育予以保障。

第十一条 具有本市户籍的适龄儿童、少年，由父母或者其他法定监护人持本人及儿童、少年的身份证明，到户籍所在区、县的教育行政部门确定的学校办理入学手续。

具有本市户籍的适龄儿童、少年，随父母或者其他法定监护人在非户籍所在区、县长期居住需要接受义务教育的，由父母或者其他法定监护人持本人及儿童、少年的身份证明、居住证明等材料，到居住地所在区、县的教育行政部门确定的学校联系就读；学校接收有困难的，可申请居住地所在区、县的教育行政部门协调解决。

第十二条 非本市户籍的适龄儿童、少年，因父母或者其他法定监护人在本市工作或者居住需要在本市接受义务教育的，由父母或者其他法定监护人持本人及儿童、少年的身份证明、居住证明、工作证明等材料，经居住地所在街道办事处或者乡、镇人民政府审核确认后，到居住地所在区、县的教育行政部门确定的学校联系就读；学校接收有困难的，可申请居住地所在区、县的教育行政部门协调解决。

第十三条 市和区、县人民政府应当依法保障外地来京务工农民子女中的适龄儿童、少年接受义务教育，具体办法由市人民政府制定。

The administrative departments for education at the district or county level as well as the people's governments at the town or township level and sub-district offices shall adopt measures to prevent school-age children and adolescents from dropping out of school.

Article 9 The people's governments at the municipal and the district or county level shall formulate and improve the policies of schooling subsidies for school-age children and adolescents in disadvantaged groups to ensure that school-age children and adolescents in rural areas, from families with financial difficulties and with disability receive compulsory education.

Article 10 School-age children and adolescents shall be exempted from the entrance examinations. Schools shall not select students in any form or disguised form of examinations, tests or interviews and shall not take any score of contest, reward or certificate as the basis for enrollment.

The people's governments at the district or county level shall ensure that school-age children and adolescents enroll in schools near the places where their permanent residence is registered. The administrative departments for education at the district or county level shall, on the basis of such factors as the number of school-age children and adolescents and the places of their residence, reasonably fix the scope and number of students each government-run school in their respective administrative areas is to enroll near the schools and publish the information to the society. The schools shall enroll students in accordance with the provisions of the administrative departments for education and publish the results of enrollment to the society.

The administrative departments for education at the district or county level shall ensure that the children of servicemen within their respective administrative areas receive compulsory education.

Article 11 For a school-age child or adolescent with the permanent registered residence in this Municipality, his parents or other statutory guardians shall go to the school designated by the administrative department for education in the district or county of the permanent registered residence with the certificates of identity of their own and that of the child or adolescent to undertake the procedures for enrollment.

Where a school-age child or adolescent with the permanent registered residence in this Municipality resides with his parents or other statutory guardians in a district or county other than the permanent registered residence for a long term and needs to receive compulsory education, his parents or other statutory guardians shall go to the school designated by the administrative department for education in the district or county of the actual residence with the certificates of identity and residence of their own and that of the child or adolescent to contact for enrollment; where it is difficult for the school to receive the child or adolescent, they may file an application to the administrative department for education in the district or county of the actual residence for coordination and settlement.

Article 12 Where a school-age child or adolescent without a permanent registered residence in this Municipality needs to receive compulsory education in this Municipality for the reason that his parents or other statutory guardians work or reside in this Municipality, his parents or other statutory guardians shall go to the school designated by the administrative department for education in the district or county of the actual residence with the certificates of identity, residence or work of their own and that of the child or adolescent, examined and verified by the sub-district office or the people's government at the town or township level of the actual residence to contact for enrollment; where it is difficult for the school to receive the child or adolescent, they may file an application to the administrative department for education in the district or county of the actual residence for coordination and settlement.

Article 13 The people's governments at the municipal and the district or county level shall, in accordance with law, ensure that the school-age children and adolescents among

第十四条 禁止用人单位招用应当接受义务教育的适龄儿童、少年。

根据有关规定经批准招收适龄儿童、少年进行文艺、体育等专业训练的社会组织，应当保证所招收的适龄儿童、少年接受义务教育；自行实施义务教育的，应当按照规定将招生情况、办学条件、师资和经费保障、课程设置和教学计划等，报所在地区、县教育行政部门批准后，方可实施。

第十五条 学校不得组织学生参加商业性活动。

第三章 学 校

第十六条 市教育行政部门应当会同市人民政府有关部门及区、县人民政府根据城市总体规划、土地利用总体规划，组织编制教育设施专项规划，保障义务教育设施建设用地，并报市人民政府批准。

区、县人民政府应当根据教育设施专项规划，制定本行政区域内义务教育学校的设置和调整方案，并组织实施。根据需要为山区、边远地区适龄儿童、少年设置寄宿制学校，并为住宿生提供生活补助。

第十七条 市教育行政部门应当会同有关行政部门根据国家有关规定和教育教学的需要，制定学校的办学条件标准。

市和区、县人民政府应当保障学校达到办学条件标准。

第十八条 新建、改建、扩建学校应当符合国家有关学校建设标准的要求，保障学生和教职工的人身安全。

区、县人民政府应当定期组织对学校校舍的安全检查；对需要维修、改造的，及时予以维修、改造。

第十九条 新建、改建居民区需要设置学校的，应当纳入教育设施专项规划，学校建设应当符合办学条件标准，并与居民区的建设同步进行。市和区、县人民政府应当对所需建设用地依法划拨，对所需资金予以保障，学校建设由区、县人民政府负责组织实施。具体办法由市人民政府制定。

children of farmers moving from other parts of the country to Beijing for work may receive compulsory education. The specific measures shall be formulated by the Municipal People's Government.

Article 14 No Employing units shall employ school-age children or adolescents who are expected to receive compulsory education.

The public organizations which have obtained approval according to relevant provisions to recruit school-age children and adolescents for special training in literature and art or sports shall guarantee that the recruited school-age children and adolescents receive compulsory education; where a public organization intends to provide compulsory education itself, it may do it only after being approved by the administrative department for education at the district or county level in the place where it is located upon submitting the information on enrollment, conditions for school running, teaching force, fund guarantee, curriculums and teaching plans in accordance with relevant provisions.

Article 15 Schools shall not organize students to participate in any commercial activities.

Chapter III Schools

Article 16 The administrative department for education at the municipal level shall, together with relevant departments of the Municipal People's Government and the people's governments at the district or county level, organize compilation of the special plan of educational facilities according to the overall urban planning and overall land-use planning so as to guarantee the land for construction of facilities for compulsory education, and submit it to the Municipal People's Government for approval.

The people's governments at the district or county level shall work out the programs for establishment and adjustment of schools to provide compulsory education within their respective administrative areas in accordance with the special plan of educational facilities and organize implementation of the programs; set up boarding schools where necessary for the school-age children and adolescents in mountainous areas and remote areas and grant subsidies to the resident students.

Article 17 The administrative department for education at the municipal level shall, together with relevant administrative departments, formulate the standards for school running conditions in accordance with relevant provisions of the State and the requirements of instruction and teaching.

The people's governments at the municipal and the district or county level shall ensure that schools meet the standards for school running conditions.

Article 18 Construction, reconstruction or expansion of a school shall be in compliance with the requirements of the standards for school construction of the State in order to ensure safety of students and teaching and administrative staff.

The people's governments at the district or county level shall regularly organize inspections on schoolhouses with respect to their safety and have them maintained or renovated in time, where necessary.

Article 19 The schools which need to be set up in newly constructed or reconstructed residential areas shall be incorporated into the special plan for educational facilities. Establishment of schools shall be in compliance with the standards for school running conditions and in step with the construction of the residential areas. The people's governments at the municipal and the district or county level shall allocate the land

第二十条 区、县人民政府及其教育行政部门应当按照土地使用权划拨批准文件的规定使用土地，不得转让或者变相转让学校的土地，不得改变土地使用性质。确需改变土地使用性质的，应当经依法批准。学校不得违反规定出租校舍和场地。

因建设需要拆迁学校的，拆迁部门应当与区、县教育行政部门协商，按照学校布局调整方案予以重建或者给予补偿。

第二十一条 市和区、县人民政府根据需要，按照国家有关建设标准设置特殊教育学校（班），改善特殊教育学校（班）办学条件，提高办学水平，保障残疾的适龄儿童、少年接受义务教育。

学校应当接收具有接受普通教育能力的残疾适龄儿童、少年随班就读，并为其学习、康复提供帮助。

第二十二条 对未完成义务教育的未成年犯和被采取强制性教育措施的未成年人，执行机关应当保证其继续接受义务教育，义务教育的教学工作由教育行政部门负责组织实施，所需经费由市人民政府予以保障。

第二十三条 市和区、县人民政府及其教育行政部门不得将学校分为重点学校和非重点学校，不得利用财政性教育经费重点建设办学条件超标准学校。

学校不得以各种名义在校内分设重点班和非重点班。

第二十四条 市和区、县人民政府及其教育行政部门不得以任何名义改变或者变相改变公办学校的性质。公办学校不得违反法律、法规规定举办民办学校。

第二十五条 学校不得违反国家规定收取费用，不得向学生推销或者变相推销商品、服务等方式谋取利益。

第二十六条 学校应当建立健全校舍、消防、卫生等安全制度和应急机制，加强管理，及时消除隐患，预防发生事故。

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，采取多种形式对学生进行应急知识教育，培养学生的安全意识和自救能力。

第二十七条 区、县人民政府应当组织相关部门定期对学校的安管理工作进行监督和指导。

needed for construction according to law and also guarantee the funds needed. The people's governments at the district or county level shall be responsible for organizing the construction of schools. The specific measures shall be formulated by the Municipal People's Government.

Article 20 The people's governments at the district or county level and their administrative departments for education shall use land in accordance with the provisions in the documents for approval of the allocation of land-use rights and shall not transfer or transfer in a disguised form the land of schools or change the nature of the land use. Where it is truly necessary to change the nature of the land use, an approval shall be obtained in accordance with law. The schools shall not rent their schoolhouses and sites in violation of provisions.

Where it is necessary to demolish a school for the need of construction, the department for demolition shall negotiate with the administrative department for education at the district or county level and reconstruct the school or offer compensation in accordance with the programs for adjustment of the layout of schools.

Article 21 The people's governments at the municipal and the district or county level shall, in light of need, establish special education schools (classes) in accordance with relevant standards for construction of the State, improve the school running conditions and level of the special education schools (classes) so as to ensure that the disabled school-age children and adolescents receive compulsory education.

Schools shall admit to the classes corresponding to the levels of the disabled school-age children and adolescents who are capable of receiving regular education and provide them with aid in study and rehabilitation.

Article 22 For the juvenile delinquents and the minors against whom compulsory educational measures are taken, who have not completed compulsory education, the enforcement authority shall ensure that they continue to receive compulsory education. The administrative department for education shall be responsible for organizing the teaching work in such compulsory education, and the funds needed shall be guaranteed by the Municipal People's Government.

Article 23 The people's governments at the municipal and the district or county level and their administrative departments for education shall not divide the schools into key and non-key schools or focus the fiscal funds for education on the construction of schools with super-standard school running conditions.

The schools shall not separately divide the classes into key and non-key classes within schools in any name.

Article 24 The people's governments at the municipal and the district or county level and their administrative departments for education shall not change the nature of government-run schools in any name or in a disguised form. The government-run schools shall not run a private school in violation of the provisions of laws or regulations.

Article 25 Schools shall not collect any fees in violation of the State provisions, nor shall they seek profits by selling commodities, services, etc. to students or doing so in a disguised form.

Article 26 Schools shall set up and improve security systems concerning schoolhouses, fire protection and public health and emergency response mechanisms, intensify management and eliminate hidden hazards in time and prevent accidents.

Schools shall include the knowledge on emergency response into the contents of teaching and conduct education in the knowledge on emergency response in various forms according to the age and cognitive ability of students so as to cultivate students' safety awareness and ability of self-rescue.

Article 27 The people's governments at the district or county level shall organize relevant departments to conduct regular supervision and guidance on the security

第二十八条 本市各级人民政府及其有关部门依法维护学校周边秩序，为学校提供安全保障，保护学生、教师和学校的合法权益。

第二十九条 学校实行校长负责制。

教育行政部门按照国家规定完善校长任职资格标准体系和校长持证上岗制度，加强对校长的培训，建设培训信息资源库和培训质量监控与评估体系，提高校长依法办学、民主治校、科学管理和组织实施素质教育的能力。

第三十条 学校应当按照有关法律、法规、规章的规定，建立学生管理制度，制定学生行为规范。学生违反管理制度的，学校应当予以批评教育，但不得责令学生转学、退学或者开除学生。对有严重不良行为的学生，其父母或者其他法定监护人和学校应当相互配合，严加管教，也可以依法送专门学校进行矫治和接受教育。

第三十一条 教育行政部门应当推动城乡之间和区域内教育设施和设备、课程、人才等资源共享，提高资源使用效益。

第四章 教 师

第三十二条 教师应当取得国家规定的教师资格，并符合本市规定的教师岗位聘任条件。

本市执行国家统一的义务教育教师职务制度。

第三十三条 本市各级人民政府保障教师工资福利和社会保险待遇，为教师提供医疗保障，改善教师工作和生活条件。

本市完善教师工资制度，建立科学、规范的收入分配机制。

市和区、县人民政府应当缩小区县之间、学校之间教师收入差距，保障教师的平均工资水平不低于当地公务员平均工资水平。

特殊教育教师享有特殊岗位补助津贴。在山区和边远地区工作的教师享有山区和边远地区补助津贴。

第三十四条 教育、人事等行政部门应当统筹规划教师队伍建设，深化人事制度

management work of schools.

Article 28 The people's governments at various levels in this Municipality and their relevant departments shall, in accordance with law, maintain order in the areas surrounding schools, ensure security of schools and protect the legitimate rights and interests of students, teachers and schools.

Article 29 The system under which the principal assumes full responsibility shall be practiced in schools.

The administrative departments for education shall improve the system of qualification criteria for principals and the system of taking posts with certificates, intensify trainings for principals, establish databases for information on training and the monitoring and evaluation system for quality of trainings so as to improve the principals' capacity in running schools according to law, governing schools democratically, managing schools scientifically and organizing the provision of qualities-oriented education.

Article 30 Schools shall establish the administrative rules on students and formulate the code of conduct for students in accordance with the provisions of relevant laws, regulations or rules. Where a student violates the administrative rules, the school shall criticize him by way of education, but shall, not order him to transfer to another school or quit school, or expel him. For a student with serious misbehaviors, his parents or other statutory guardians and the school shall cooperate each other to impose strict disciplines or may send him to a special school for correction and education.

Article 31 The administrative departments for education shall promote the share of resources such as educational facilities and equipment, courses and talents between rural and urban areas and within the same region so as to improve the efficiency of resource using.

Chapter IV Teachers

Article 32 Teachers shall obtain the qualifications for teachers as prescribed by the State and meet the employment conditions for teachers provided by this Municipality.

This Municipality implements the State's unified system for the posts of teachers engaged in compulsory education.

Article 33 The people's governments at various levels in this Municipality shall guarantee the salaries, welfare benefits and social insurance premiums for teachers, provide them with guarantee for medical care and improve their working and living conditions.

This Municipality shall improve the salary system for teachers and establish a scientific and standardized mechanism of income distribution.

The people's governments at the municipal and the district or county level shall narrow the gaps in incomes of teachers in different districts and counties or different schools and ensure that the average salary of teachers not be less than that of the local public servants.

Teachers engaged in special education shall enjoy subsidies for special posts. Teachers working in mountainous areas and remote poverty-stricken areas shall enjoy subsidies for working in mountainous areas and remote poverty-stricken areas.

Article 34 The administrative departments for education and personnel shall make an overall plan on the building of a strong contingent of teachers, deepen the reform in the

改革，优化教师队伍结构，按照面向全体、整体提升的原则，采取措施加强对教师的管理和培养、培训，提高教师职业道德水平和教育教学能力，关心教师身心健康，在教师队伍中大力弘扬为人师表、教书育人、敬业爱岗的良好风尚。

第三十五条 教师应当按照规定履行教育教学职责。

公办学校教师在工作日期间不得到校外社会办学机构兼职兼课；不得组织学生接受有偿家教。

第三十六条 区、县教育行政部门应当均衡配置学校的师资力量，在教师培训、岗位设置、骨干教师配备、学科带头人培养等方面向农村学校和城镇地区薄弱学校倾斜，并组织学校校长、教师流动。

第三十七条 市和区、县人民政府组织城市地区教师到农村地区支援义务教育工作，鼓励和支持高等学校毕业生到农村学校和城镇地区薄弱学校从事义务教育工作。

第五章 教育教学

第三十八条 教育教学工作应当符合教育规律和学生身心发展特点，面向全体学生，因材施教，将德育、智育、体育、美育等有机统一在教育教学活动中，注重增强学生体质和精神健康，培养学生独立思考能力、创新能力和实践能力，促进学生全面发展。

第三十九条 教育行政部门和学校应当加强教学研究和教育科研工作，推进教育创新。

第四十条 教育行政部门应当按照国家要求推进教学内容与方式、考试、招生和质量评价制度等改革，建立健全义务教育质量监控体系和教学指导体系。

第四十一条 学校和教师应当按照国家确定的教育教学内容和课程设置、课时安排开展教育教学活动，保证达到国家规定的基本质量要求；不得违反规定增加学生课业负担，增加考试科目的课时或者减少非考试科目的课时；不得按照考试成绩对学生进行排名；不得利用假期、公休日、课余时间组织学生进行强制补课；不得动员、组

personnel system, optimize the structures of the contingent of teachers, adopt measures to intensify the administration, cultivation and trainings of the teachers and improve the professional ethics and teaching competence of the teachers under the principle of orienting to the whole group of teachers and improving them as a whole, care for the physical and psychological health of the teachers and strongly advocate among teachers the good tendency of being a model for others, imparting knowledge and educating people and cherishing the work devotionally.

Article 35 Teachers shall perform their teaching responsibilities in accordance with provisions.

The teachers of a government-run school shall not take part-time job or teach courses in any privately-run teaching institution in working days and shall not organize students to receive any compensable family education.

Article 36 The administrative departments for education at the district or county level shall distribute the teaching forces in a balanced manner, give preference to the schools in rural areas and schools started on weak foundations in urban areas in terms of training for teachers, post setting, allocation of key teachers and cultivation of academic leaders, and arrange for transfer of principals and teachers from school to school.

Article 37 The people's governments at the municipal and the district or county level shall organize teachers in urban areas to go to rural areas to support the work of compulsory education and encourage and support graduates from schools of higher education to engage in compulsory education in the schools in rural areas and schools started on weak foundations in urban areas.

Chapter V Instruction and Teaching

Article 38 Instruction and teaching shall be carried out in conformity with the pattern of education and the characteristics of students' physical and mental development, be oriented to the need of all students and suit instruction to students' levels by organically integrating moral, intellectual, physical and aesthetic education in instruction and teaching, with special attention paid to strengthening students, physique and mental health, developing their ability of independent thinking, creativity and practice in order to enable them to develop in an all-round way.

Article 39 The administrative departments for education and schools shall strengthen the study on teaching and scientific research on instruction, and promote innovation in instruction.

Article 40 The administrative departments for education shall, in accordance with requirements of the State, promote the reforms on the contents and methods of teaching, examination, enrollment and quality assessment system, set up and perfect the quality monitoring system and teaching guidance system for compulsory education.

Article 41 Schools and teachers shall conduct instruction and teaching in accordance with the State-determined contents of instruction and teaching and curriculums as well as arrangement of teaching hours and shall ensure that the requirements specified by the State in respect of the essential qualities are met; shall not, in violation of provisions, increase the homework burden of students and increase the teaching hours of examination subjects or decrease the teaching hours of non-examination subjects; shall not rank students according to their examination results; shall not organize students to participate in mandatory trainings by using holidays, weekends or spare time after school; and shall not mobilize

织本校学生参加社会力量举办的文化课补习班。

教育行政部门应当执行国家教学制度、教育教学内容和课程设置，推进实施素质教育，并对学校教育教学活动进行指导和检查。

第四十二条 学校应当把德育放在首位，寓德育于教育教学之中，加强对学生的法制教育，促进学生养成良好的思想品德和行为习惯。

第四十三条 学校应当按照素质教育的要求，组织学生开展体育、文艺、科技和社会实践活动，有计划地组织学生参观博物馆、科技馆、纪念馆和爱国主义教育基地等场馆。

学校应当保证学生每天体育锻炼的时间不少于 1 小时；小学生和初中学生每学年参加社会实践活动的时间分别不少于 10 天和 20 天。

社会公共文化体育设施应当为学校开展教育教学活动提供条件和便利。

第四十四条 教育、卫生行政部门应当对教师进行精神卫生知识培训，提高其促进学生精神健康的能力。学校应当将心理健康教育纳入教学计划，针对学生特点，开展心理健康教育、咨询、辅导，创造有利于学生精神健康的学习环境，促进学生身心健康。有条件的中小学校应当配备专业人员，为学生提供心理咨询服务。

第四十五条 教育行政部门应当按照国家规定，加强对教科书选用的监督和管理。

任何单位和个人不得以任何形式强迫学校、学生订购教学辅导材料和报刊杂志。

本市鼓励学校开展教科书循环使用工作。

第六章 经费保障

第四十六条 市和区、县人民政府应当将义务教育全面纳入财政保障范围，在财政预算中将义务教育经费单列，保证用于实施义务教育财政拨款的增长比例高于财政经常性收入的增长比例，保证按照在校生人数平均的义务教育费用逐步增长，保证教职工工资和学生人均公用经费逐步增长，并将新增教育经费主要用于农村学校和城镇地区薄弱学校。教育费附加主要用于实施义务教育。

or organize their own students to participate in trainings on cultural subjects offered by privately-run institutions.

The administrative departments for education shall implement the teaching system, instruction and teaching contents and curriculums of the State, promote the implementation of qualities-oriented education, and offer guidance and inspection on schools' instruction and teaching activities.

Article 42 Schools shall put moral education in the first place, embody moral education in instruction and teaching, strengthen education in legal system among students, and help students cultivate good ideology and moral character and a good habit of conduct.

Article 43 Schools shall, in accordance with the requirements of qualities-oriented education, organize students to carry out sports, cultural, and scientific activities and social practices, and organize students to visit such venues as museums, science and technology museums, memorials and patriotism education bases in a planned way.

Schools shall ensure that the sports time for students everyday shall not be less than one hour; the time for students' social practices in primary schools and middle schools each academic year shall not be less than 10 days and 20 days respectively.

The public cultural and sports facilities of the society shall provide conditions and convenience for schools to carry out instruction and teaching activities.

Article 44 The administrative departments for education and public health shall provide trainings on the knowledge of mental health to teachers, so as to improve their capability in promoting the mental health of students. Schools shall include the education on mental health in the teaching plan, offer instruction, consultation and tutorship on mental health according to the characteristics of students, create the study environment good for the mental health of students, so as to improve the physical and mental health of students. The primary schools and middle schools with conditions shall be equipped with professional staff to provide psychological consultation services to students.

Article 45 The administrative departments for education shall, in accordance with provisions of the State, strengthen supervision and administration on the selection of textbooks.

No unit or individual shall force schools or students to subscribe teaching guidance materials, newspapers and magazines in any form.

This Municipality encourages schools to carry out cyclical use of textbooks.

Chapter VI Guarantee of Funds

Article 46 The people's governments at the municipal and the district or county level shall place compulsory education completely within the scope of financial guarantee, and separately list the funds for compulsory education in their financial budgets, ensure the percentage of increase in government funds allocated for compulsory education be higher than the percentage of increase in regular government revenues, in order to ensure the gradual increase in the average amount of funds for compulsory education per student in school, in the salaries of the teaching staff and in the average amount of funds per student for public use, and mainly use the newly increased funds for education for the schools in rural areas and schools started on weak foundations in urban areas. The extra charges of education funds shall be mainly used for provision of compulsory education.

市人民政府编制预算，应当对农村地区和财力薄弱区、县实施义务教育的经费予以倾斜，加大义务教育转移支付规模，支持和引导区、县人民政府增加对义务教育的投入。

第四十七条 市财政行政部门应当会同市教育行政部门制定高于国家标准的学生人均公用经费标准，并按照本市实现教育现代化的要求，根据经济社会发展状况适时调整。制定、调整学生人均公用经费标准，应当满足教育教学的正常需要。

特殊教育学校（班）、随班就读学生人均公用经费标准应当高于普通学校学生人均公用经费标准。

第四十八条 本市义务教育经费投入实行市人民政府统筹落实、本市各级人民政府根据职责共同负担的体制。

区、县人民政府应当按照职责依法保障义务教育经费投入，市人民政府应当按照规定分项目、按比例分担义务教育经费并对财力薄弱的区、县予以补助和支持。

义务教育经费保障的具体办法由市人民政府制定。

乡、镇人民政府根据实际情况，对本行政区域的义务教育事业给予支持。

第四十九条 义务教育经费应当按照预算规定用于义务教育，并及时足额拨付。

市和区、县人民政府应当建立健全义务教育经费的审计监督、统计和定期公告制度，加强管理，提高经费的使用效益。

第七章 督 导

第五十条 本市对义务教育实行督导制度。

市和区、县人民政府教育督导机构在本级人民政府领导下负责组织实施本行政区域内的义务教育督导工作，并接受上级教育督导机构的指导。

第五十一条 教育督导机构应当对本级人民政府的有关部门和下级人民政府履行义务教育工作职责情况进行督导，并对实施义务教育的学校和其他教育机构进行督导。

第五十二条 教育督导机构对义务教育实施工作的下列情况进行督导：

When drawing up the budgets, the Municipal People's Government shall give preferential treatment to the funds for the rural areas and the districts or counties with insufficient financial resources to implement compulsory education, increase the amount of transfer payment for compulsory education in order to support and guide the people's governments at the district or county level in increasing their input in compulsory education.

Article 47 The administrative department for finance at the municipal level shall, together with the administrative department for education at the municipal level, make the standards of the average amount of funds per student for public use higher than the State standard, and make timely adjustments in accordance with the requirements on realizing the education modernization of this Municipality and on the basis of the conditions of economic and social development. When the standard for the average amount of funds per student for public use is formulated or adjusted, attention shall be paid to meeting the normal need of instruction and teaching.

The standard for the average amount of funds per student for public use of schools (classes) providing special education and disabled students learning in regular classes shall be higher than that for students of regular schools.

Article 48 Input of the funds for compulsory education in this Municipality adopts the system under which the Municipal People's Government shall be responsible for establishing a system for overall planning for bringing the provision of funds into effect and the people's governments at various levels shall jointly provide the funds on the basis of their respective duties.

The people's governments at the district or county level shall, in accordance with their functions and duties, guarantee input of the funds for compulsory education according to law, and the Municipal People's Government shall, in accordance with provisions, share the funds for compulsory education on the basis of the items and proportions and offer subsidies and support to the districts or counties with insufficient financial resources.

The specific measures for guaranteeing funds for compulsory education shall be formulated by the Municipal People's Government.

The people's governments at the town or township level shall, according to the actual circumstances, offer support to the undertaking of compulsory education within their respective administrative areas.

Article 49 The funds for compulsory education shall be used for compulsory education in a way as specified in the budget, and be allocated timely and in full amount.

The people's governments at the municipal and the district or county level shall establish a sound system of supervision through auditing, statistics and regular announcement, strengthen the administration and improve the efficiency of fund using.

Chapter VII Supervision

Article 50 This Municipality applies a supervision system on compulsory education.

The authorities for educational supervision of the people's government at the municipal and the district or county level shall, under the leadership of the people's government at the same level, be responsible for organizing the implementation of supervision over compulsory education within their respective administrative areas, and accept the guidance of the authority for educational supervision at the superior level.

Article 51 The authorities for educational supervision shall carry out supervision of relevant departments of the people's government at the same level and the people's governments at the lower levels over their performance of duties for compulsory education, and carry out supervision of schools and other educational institutions providing compulsory education.

Article 52 The authorities for educational supervision shall oversee the implementation

（一）执行有关法律、法规和规章的情况；

（二）义务教育经费保障和使用情况；

（三）固定资产的管理和使用效益情况；

（四）义务教育均衡发展的状况；

（五）素质教育实施情况；

（六）教育教学质量和学校管理水平；

（七）其他依法需要督导的内容。

第五十三条 市和区、县人民政府应当加强对所属有关部门和下级人民政府实施义务教育工作的监督检查，建立以督导评价结果为主要依据的义务教育公报、通报、表彰制度，并将督导评价结果作为评价各级人民政府义务教育工作的重要指标和考核主要领导干部政绩的重要内容。

第五十四条 教育督导机构应当向被督导单位下达督导意见书，被督导单位应当按照要求报告整改情况。

第五十五条 市和区、县人民政府应当听取义务教育督导工作的报告。有关督导报告应当向社会公布。

第八章 法律责任

第五十六条 市人民政府有关部门、区县人民政府及其有关部门、乡镇人民政府、学校和教师在义务教育工作中违反《中华人民共和国义务教育法》及其他有关法律法规规定的，依照其规定进行处理。

第五十七条 市人民政府有关部门和区、县人民政府及其有关部门违反本办法第十六条、第十七条、第十九条规定的，由市人民政府或者所属区、县人民政府责令限期改正；情节严重的，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。

第五十八条 市人民政府有关部门和区、县人民政府违反本办法第六章规定，未履行义务教育经费保障职责的，由市人民政府责令限期改正；情节严重的，对直接负

of compulsory education in the following circumstances:

- (1) observation of relevant laws, regulations and rules;
- (2) guaranteeing and using funds for compulsory education;
- (3) efficiency of administration and utilization of fixed assets;
- (4) balanced development of compulsory education;
- (5) implementation of qualities-oriented education;
- (6) quality of instruction and teaching and management level of schools; and
- (7) other contents subject to supervision according to law.

Article 53 The people's governments at the municipal and the district or county level shall strengthen supervision and inspection of their subordinate relevant departments and the people's governments at the lower level over the provision of compulsory education, set up the system for publication, circulation and commendation of compulsory education work with the assessment results of the supervision and direction as the major bases, and take the results of supervision as the important indexes in assessing the work of compulsory education of the people's governments at various levels and the important contents in assessing the political performances of major cadres.

Article 54 The authorities for educational supervision shall send the supervision opinions to the units subject to supervision and the units subject to supervision shall report their rectification as required.

Article 55 The people's governments at the municipal and the district or county level shall listen to the reports on supervision of the work of compulsory education. Relevant reports on supervision shall be publicized to the society.

Chapter VIII Legal Liability

Article 56 Where relevant departments of the Municipal People's Government, the people's governments at the district or county level and their relevant departments, the people's governments at the town or township level, the schools or teachers violate the provisions of the Compulsory Education Law of the People's Republic of China and other relevant laws or regulations, they shall be dealt with in accordance with such provisions.

Article 57 Relevant departments of the Municipal People's Government, the people's governments at the district or county level and their relevant departments in violation of the provisions of Article 16, Article 17 and Article 19 of these Measures shall be ordered by the Municipal People's Government or the people's governments at district or county level to which relevant departments are subordinate to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law.

Article 58 Where relevant departments of the Municipal People's Government, the people's governments at the district or county level and their relevant departments, in violation of the provisions of Chapter VI of these Measures, fails to perform the duty of guaranteeing funds for compulsory education, they shall be ordered by the Municipal People's Government to make rectification within a time limit; and if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law.

责的主管人员和其他直接责任人员依法给予行政处分。

第五十九条 学校有下列情形之一的，由区、县教育行政部门责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分：

- （一）违反本办法免试入学的规定招收学生的；
- （二）未按照本办法规定公布接收学生结果的；
- （三）公办学校违反法律、法规规定举办民办学校的；
- （四）以各种名义分设重点班和非重点班的；
- （五）违反课程设置规定、课时安排和教育教学计划的；
- （六）动员、组织本校学生参加社会力量举办的文化课补习班的；
- （七）组织学生参加商业性活动的；
- （八）公办学校违反规定出租校舍和场地的；
- （九）违反国家规定收取费用，以向学生推销或者变相推销商品、服务等方式谋取利益的。

第九章 附 则

第六十条 本办法自 2009 年 3 月 1 日起施行。

Article 59 A school, under one of the following circumstances, shall be ordered to make rectification within a time limit by the administrative department for education at the district or county level; if the circumstances are serious, the person directly in charge and the other persons directly responsible shall be given administrative sanctions according to law:

(1) enrolling students in violation of the provisions of these Measures on exemption of the entrance examinations;

(2) failing to publicize the results of student enrollment in accordance with the provisions of these Measures;

(3) publicly-run schools sponsoring privately-run schools in violation of the provisions of laws or regulations;

(4) dividing classes into key and non-key classes in various names;

(5) disobeying the curriculums, arrangement of teaching hours and instruction and teaching plans;

(6) mobilizing or organizing their own students to participate in trainings on cultural subjects offered by privately-run institutions;

(7) organizing students to participate in commercial activities;

(8) publicly-run schools renting their schoolhouses and sites in violation of provisions;

(9) collecting fees in violation of the State provisions, or seeking profits by selling commodities, services, etc. to students or doing so in a disguised form.

Chapter IX Supplementary Provisions

Article 60 These Measures shall be effective as of March 1, 2009.

北京市实施《中华人民共和国教师法》办法

(1994年7月22日北京市第十届人民代表大会常务委员会第十一次会议通过 根据1997年4月16日北京市第十届人民代表大会常务委员会第三十六次会议《关于修改〈北京市实施中华人民共和国教师法办法〉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)

第一条 为实施《中华人民共和国教师法》(以下简称《教师法》),加强教师队伍建设,保障教师的合法权益,促进本市教育事业的发展,适应首都经济建设和社会发展的需要,结合本市实际,制定本办法。

第二条 适用本办法的教师是指本市行政区域内各级各类学校和其他教育机构中具有教师资格、专门从事教育教学工作的人员。法律、法规另有规定的除外。

第三条 教师承担教书育人、培养社会主义事业建设者和接班人、提高民族素质的使命,应当忠诚于人民的教育事业,履行《教师法》规定的义务,遵守教师的职业道德,为人师表。

第四条 市和区、县教育行政部门按照各自权限主管教师工作。

市和区、县劳动行政部门负责技工学校和劳动部门举办的职业技术学校教师的管理工作。

计划、财政、人事、科技干部等政府部门应当按照《教师法》的规定,负责有关的教师工作。

国家机关、社会团体、企业事业单位等举办的学校和教育机构,由其主管部门负

Measures of Beijing Municipality for Implementing the Teachers Law of the People's Republic of China

(Adopted at the 11th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on July 22, 1994, revised for the first time in accordance with the Decision on Revising the Measures of Beijing Municipality for Implementing the Teachers Law of the People's Republic of China adopted at the 36th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on April 16, 1997, and revised for the second time in accordance with the Decisions on Revising Some Local Regulations adopted at 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

Article 1 The Measures are formulated for the purposes of implementing the Teachers Law of the People's Republic of China (hereinafter referred to as the Teachers Law), strengthening the development of teachers, safeguarding the legitimate rights and interests of teachers, promoting the development of education in this Municipality and meeting the needs of the economic construction and social development of the capital in light of actual circumstances of this Municipality.

Article 2 For the purpose of the Measures, teachers refer to the persons who have obtained qualifications for teachers and are specially engaged in education and teaching at schools of various levels and categories and other educational institutions within the administrative area of this Municipality, unless otherwise provided by laws and regulations.

Article 3 Teachers are charged with the duty of imparting knowledge and educating people, training builders and successors for the socialist cause and enhancing the quality of the nation. Teachers shall devote themselves to the educational cause of the people, fulfill the obligations stipulated in the Teachers Law, abide by the professional ethics of teachers and be paragons of virtue and learning.

Article 4 The municipal, district and county administrative departments of education shall be in charge of the work concerning teachers within their respective jurisdictions.

The municipal, district and county administrative departments of labor shall be responsible for the management of teachers in technical schools and vocational-technical schools run by the labor departments.

The government departments of planning, finance, human resources, cadres of science and technology, etc. shall be responsible for the relevant work concerning teachers in accordance with the provisions of the Teachers Law.

For schools and educational institutions run by state organs, social organizations, enterprises and institutions, the competent departments thereof shall be responsible for the work concerning teachers.

责教师工作。

第五条 市和区、县人民政府应当制定教师队伍建设规划，对实施规划所需经费予以保障。

第六条 各级人民政府及其教育行政部门、各有关部门、学校和其他教育机构，应当保障教师依法享有的权利。

各级教育工会应当依法维护教师的合法权益。

全社会都应当尊重教师。

第七条 在本市取得教师资格应当具备的条件，按照《教师法》第十条、第十一条的规定执行。

取得中等职业学校实习指导教师资格应当具备中等职业学校毕业以上文化程度或者同等学力，还应具有中级技术人员或者中级技工以上水平。

取得成人教育教师资格应当具备的学历，由教育行政部门根据国家有关规定具体确定。

非师范毕业生取得中等及中等以下学校教师资格，应当接受教育学、心理学和教学法等教育基本理论的培训。本办法实施前已经取得教师职务的除外。

第八条 幼儿园、小学和初级中学教师资格由区、县教育行政部门认定；高级中学、中等职业学校教师资格和中等职业学校实习指导教师资格由市教育局认定；市属高等学校教师资格由市教育局或委托的高等学校认定。

经认定具备教师资格的人员，由认定部门授予教师资格证书。

取得教师资格的人员首次任教，应当有 1 年的试用期。

第九条 教师受到开除公职处分或者其教师资格是通过不正当方式取得的，由教师资格认定部门予以撤销。

丧失或者撤销教师资格的，由认定的部门或者学校收回教师资格证书。

第十条 学校和其他教育机构不得聘任未取得教师资格的人员任教。

Article 5 The municipal, district and county people's governments shall formulate plans for the development of teachers and guarantee the funds needed for the implementation of the plans.

Article 6 The people's governments at all levels and their administrative departments of education, all relevant departments, schools and other educational institutions shall guarantee the rights enjoyed by teachers according to law.

Educational trade unions at all levels shall safeguard the legitimate rights and interests of teachers according to law.

Teachers shall be respected in the whole society.

Article 7 The preconditions for obtaining qualifications for teachers in this Municipality shall be governed by the provisions of Articles 10 and 11 of the Teachers Law.

To obtain qualifications for an instructor who gives guidance to students' fieldwork in a secondary vocational school, one shall have qualifications at or above secondary vocational schooling or equivalent educational level, and shall also have a title of intermediate technician or intermediate craftsman or above.

The corresponding record of formal schooling for the qualifications of teachers for adult education shall be determined by the municipal administrative department of education in accordance with relevant provisions of the State.

Non-normal school graduates who have obtained qualifications for teachers at or below secondary schools shall receive training in pedagogy, psychology, education and other basic theories of education, except for those who have already obtained professional titles for teachers before the implementation of the Measures.

Article 8 The qualifications for teachers in kindergartens, primary schools and junior middle schools shall be evaluated and approved by the district or county administrative departments of education; the qualifications for teachers in senior middle schools and secondary vocational schools as well as for instructors who give guidance to students' fieldwork in secondary vocational schools shall be evaluated and approved by the municipal administrative department of education; the qualifications for teachers in municipal institutions of higher learning shall be evaluated and approved by the municipal administrative department of education or by institutions of higher learning authorized by such department.

Those whose qualifications for teachers have been duly evaluated and approved shall be granted a teaching certificate by the department responsible for evaluating and approving their qualifications.

Those with qualifications for teachers who are for the first time appointed as teachers shall undergo a probation period of one year.

Article 9 If a teacher is discharged from office or obtains qualifications for teachers in an improper way, he or she shall be disqualified from teaching by the department that evaluated and approved his or her qualifications.

If a teacher forfeits the qualifications for teachers or is disqualified from teaching, his or her teaching certificate shall be revoked by the department that evaluated and approved his or her qualifications.

Article 10 Persons who have not obtained qualifications for teachers shall not be appointed to teach at schools and other educational institutions.

第十一条 教育行政部门应当制定教师考核的原则、内容、标准、程序和方法，对考核工作进行指导、监督。

学校和其他教育机构应当建立健全教师年度考核制度。考核结果记入考绩档案，作为晋升工资和职务、续聘或者不予晋升工资、解聘、低聘教师职务以及实施奖惩的依据。

第十二条 市和区、县人民政府应当根据教育事业发展的需要和国家标准，规划、建设师范院校，提高师范教育质量。

师范院校和非师范院校中接受师范教育的学生免交学杂费，享受专业奖学金。专业奖学金应当保障学生基本生活需要，具体标准由市教育行政部门和财政部门制定，所需经费由财政部门、有关部门予以保障。

本市实行师范毕业生服务期制度，服务期为5年。鼓励师范毕业生终身从教。

非师范高等院校应届毕业生到中小学任教，应当履行聘任协议规定的义务，工作满5年的，由区、县人民政府参照师范生在校专业奖学金标准，发给一次性奖金。

第十三条 市和区、县人民政府及其教育行政部门、有关部门和学校应当采取措施，提高现有教师的学历水平，并有计划、有步骤地使新补充的高等院校教师具有研究生学历，高级中等学校教师具有本科或者研究生学历，初中教师具有本科学历，小学教师具有大专以上学历。

第十四条 市和区、县人民政府及其教育、劳动行政部门应当划拨专项经费，办好教师进修院校和培训基地。

教育行政部门、学校和其他教育机构应当有计划地安排教师参加进修、培训、接受继续教育，重点培养教育教学骨干和青年教师。教师应当按照规定完成学习任务。

第十五条 市人民政府应当采取措施，不断提高教师的工资，使本市教师的平均工资水平高于国家公务员的平均工资水平。

第十六条 本市各级各类学校和其他教育机构的教师享受教龄津贴，教龄津贴标

Article 11 The administrative departments of education shall formulate the principles, contents, standards, procedures and methods for the assessment of teachers, and shall provide guidance for and exercise supervision over the assessment.

Schools and other educational institutions shall establish and improve the annual assessment system for teachers. The assessment results shall be recorded in the performance appraisal files as the basis for pay rise, promotion, further appointment, rejection of pay rise, dismissal, demotion or rewards and punishments.

Article 12 The municipal, district and county people's governments shall, as called for by the development of education and based on the national standards, plan and construct normal colleges and universities to improve the quality of normal school education.

Students who receive normal school education in normal and non-normal colleges and universities shall be exempt from tuition and miscellaneous fees, and shall enjoy professional scholarships. Professional scholarships shall guarantee the basic life of students. The specific standards shall be formulated by the municipal administrative department of education and financial department, and the necessary funds shall be guaranteed by the financial department and relevant departments.

The service period system for normal school graduates shall be implemented in this Municipality, and the service period shall be 5 years. Normal school graduates shall be encouraged to teach for a whole life.

Fresh graduates of non-normal colleges and universities who teach at primary and secondary schools shall fulfill their obligations as stipulated in the employment agreements, and shall be given a one-off bonus by the district or county people's governments by reference to the standard of professional scholarships for normal school students while at school after working for 5 or more years.

Article 13 The municipal, district and county people's governments and their administrative departments of education, relevant departments and schools shall take measures to upgrade the educational background of existing teachers, and shall act in a planned and step-by-step way to ensure that only postgraduates can serve as new teachers in institutions of higher learning, only university graduates or postgraduates can serve as new teachers in senior secondary schools, only university graduates can serve as new teachers in junior middle schools, and graduates of colleges or universities of the two or three-year system or above can serve as new teachers in primary schools.

Article 14 The municipal, district and county people's governments and their administrative departments of education or labor shall allocate special funds to run institutions of advanced studies and training bases for teachers.

The administrative departments of education, schools and other educational institutions shall arrange teachers to take part in advanced studies and training and receive continued education in a planned way, and pay attention to cultivation of teachers skilled in education and teaching and young teachers. Teachers shall complete their learning tasks as stipulated.

Article 15 The Municipal People's Government shall take measures to continuously raise the salaries of teachers so that the average salary of teachers in this Municipality is higher than that of state public servants.

Article 16 Teachers of schools of various levels and categories and other educational

准按照国家和本市的规定执行。

第十七条 凡在本市山区工作的中小学教师，工资在原有等级工资基础上向上浮动一个档次，每满 5 年的予以固定，并再向上浮动一个档次。

市和区、县人民政府应当对从城镇地区到山区工作的中小学教师，给予奖励性补贴。

第十八条 市和区、县人民政府、有关部门应当增加教师公费医疗经费，建立教师医疗周转金，教师医疗费应当及时予以报销，不得超过 3 个月，并逐步建立和发展社会保险制度，为教师提供医疗保障。

各级各类学校和其他教育机构应当每两年至少组织教师进行一次健康检查，所需经费由各级人民政府或者办学部门予以保障。

市和区、县人民政府应当对中小学特级教师提供特殊医疗保健。

第十九条 教龄满 30 年（女满 25 年）的中小学退休教师享受 100% 的退休金待遇；有条件的其他学校也可以对退休教师在原有退休金的基础上给予补贴。

第二十条 本市行政区域内的图书馆、科技馆、体育馆、艺术馆、博物馆、纪念馆等各类公共文化设施，应当对教师实行减免费或者其他优待。

第二十一条 各级人民政府和有关部门应当对优秀教师给予表彰和奖励；在教育教学中做出重大贡献的教师，由市人民政府授予“人民教师”称号。

第二十二条 违反本办法规定，《教师法》和国家有关法律、法规已规定处理的，依照《教师法》和国家有关法律、法规的规定处理。

师范毕业生违反本办法第十二条第三款规定未完成服务年限的，由教育或者劳动行政部门责令改正；拒不改正的，追缴在校期间的专业奖学金和培养费，具体办法由市人民政府制定。

违反本办法第十九条第一款规定拖欠教师应予报销的医疗费用的，由各级人民政府责令限期改正；情节严重的，对直接责任者给予行政处分。

institutions in this Municipality shall enjoy allowances commensurate with their service years, which shall be implemented in accordance with the provisions of the State and this Municipality.

Article 17 Primary and secondary school teachers who work in the mountainous areas of this Municipality shall be entitled to salaries one level higher than the original ones, which shall be fixed 5 years later and then raised by one level again.

The municipal, district and county people's governments shall provide incentive subsidies for primary and secondary school teachers who leave urban areas to teach in mountainous areas.

Article 18 The municipal, district and county people's governments and relevant departments shall increase funds for teachers' free medical care, establish a revolving fund for teachers' medical care, reimburse teachers for their medical expenses in a timely manner (not exceeding 3 months at all events), and gradually establish and develop the social insurance system to provide medical security for teachers.

Schools of various levels and categories and other educational institutions shall organize teachers to receive health examinations at least once every two years, and the funds required shall be guaranteed by the people's governments at all levels or the school management departments.

The municipal, district and county people's governments shall provide special medical care for special-grade teachers in primary and secondary schools.

Article 19 Retired primary and secondary school teachers with 30-year or more (25-year or more for female teachers) teaching experience shall enjoy 100% pension benefits; where appropriate, other schools may also give subsidies to retired teachers on the basis of the original pension.

Article 20 Teachers are entitled to fee reduction or exemption or other preferential treatment at libraries, science and technology centers, gymnasiums, art centers, museums, memorial halls and other public cultural facilities within the administrative area of this Municipality.

Article 21 The people's governments at all levels and relevant departments shall commend and reward excellent teachers; teachers who have made significant contributions in education and teaching shall be awarded the title of "People's Teacher" by the Municipal People's Government.

Article 22 Where the Teachers Law and relevant laws and regulations of the State have provided for handling of violations of the Measures, such provisions shall prevail.

Where a normal school graduate, in violation of the provisions of Paragraph 3, Article 12 of the Measures, fails to complete the service period, he shall be ordered by the administrative department of education or labor to make corrections thereof; if he refuses to make corrections thereof, the professional scholarships granted to him and training expenses paid by the authorities for him at school shall be recovered from him or paid back by him, pursuant to the specific measures formulated by the Municipal People's Government.

Whoever, in violation of the provisions of Paragraph 1, Article 19 of the Measures, defaults on reimbursing teachers for their medical expenses shall be ordered by the people's governments at all levels to make corrections within a time limit; if the offenses are serious, the persons directly responsible shall be put under administrative penalties.

第二十三条 市和区、县人民政府及其教育、劳动行政部门、有关部门，应当指定相应的职能机构按照《教师法》第三十九条的规定，接受教师申诉。申诉的具体办法由市人民政府制定。

教师对申诉处理决定不服的，属于行政复议、行政诉讼受案范围的，可以依法申请行政复议或者提起行政诉讼。

第二十四条 教育、劳动行政部门工作人员滥用职权、徇私舞弊、玩忽职守，侵犯教师合法权益的，由其主管部门给予行政处分；构成犯罪的，依法追究刑事责任。

第二十五条 本办法具体应用中的问题，由市人民政府负责解释。

第二十六条 本办法自 1994 年 9 月 10 日起施行。

Article 23 The municipal, district and county people's governments and their administrative departments of education or labor and relevant departments shall designate corresponding functional organizations to accept teachers' appeals in accordance with the provisions of Article 39 of the Teachers Law. The specific measures for appeals shall be formulated by the Municipal People's Government.

If a teacher is not satisfied with the decision on the handling of an appeal, and the case falls within the scope of administrative reconsideration or administrative litigation, he or she may apply for administrative reconsideration or file an administrative lawsuit according to law.

Article 24 Any staff member of the administrative departments of education or labor who abuses his or her power, engages in malpractices for personal gains or neglects his or her duties thus infringing upon the legitimate rights and interests of teachers shall be put under administrative penalties by the competent departments; in case of any crime, the criminal responsibility shall be investigated for according to law.

Article 25 The Municipal People's Government shall be responsible for interpretation of matters pertaining to specific application of the Measures.

Article 26 The Measures shall come into force as of September 10, 1994.

北京市专业技术人员继续教育规定

(1995年6月8日北京市第十届人民代表大会常务委员会第十七次会议通过 根据2001年5月18日北京市第十一届人民代表大会常务委员会第二十六次会议通过的《北京市专业技术人员继续教育规定修正案》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)

第一条 为促进本市继续教育发展,提高专业技术人员素质,适应社会主义现代化建设的需要,根据《中华人民共和国教育法》、《中华人民共和国科学技术进步法》和国家有关规定,结合本市实际,制定本规定。

第二条 本规定适用于对本市专业技术人员进行知识增新、扩展、加深与能力提高的继续教育。

本规定所称专业技术人员是指企业、事业单位按照国家专业技术职务制度被聘任的在职人员。

第三条 继续教育应当坚持为社会主义现代化建设服务,面向国内外科学技术发展新水平,与专业技术工作需要相结合,促进科学技术进步与经济社会发展。

第四条 继续教育的主要任务是对专业技术人员进行新理论、新技术、新知识、新方法的教育;进行专业技术职务任职和晋职的培训;进行培养专业技术骨干和学科带头人的培训。

第五条 继续教育可以采取进修班、研修班、学术讲座、学术交流、考察和有计划、有考核的自学等多种形式进行。

Provisions of Beijing Municipality on Continuing Education of Professional and Technical Personnel

(Adopted at the 17th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on June 8, 1995, revised in accordance with the Amendment to the Provisions of Beijing Municipality on Continuing Education of Professional and Technical Personnel adopted at the 26th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on May 18, 2001, and revised 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 purposes of promoting the development of continuing education in this Municipality, improving the quality of professional and technical personnel, and meeting the needs of socialist modernization in accordance with the Education Law of the People's Republic of China, the Law of the People's Republic of China on Science and Technology Progress and other relevant provisions of the State in light of actual circumstances of this Municipality.

Article 2 The Provisions shall apply to the continuing education of professional and technical personnel in this Municipality for knowledge updating, expansion, deepening and ability improvement.

The professional and technical personnel as mentioned in the Provisions refer to the personnel employed by enterprises and institutions in accordance with the national professional and technical post system.

Article 3 Continuing education shall serve the socialist modernization, respond to the new development of science and technology at home and abroad, and meet the needs of professional and technical work, so as to promote scientific and technological progress and economic and social development.

Article 4 The main tasks of continuing education shall include: to educate professional and technical personnel with new theories, new technologies, new knowledge and new methods; to providing training for professional and technical post induction and promotion; and to provide training for developing into professional and technical key talents and leaders in their chose fields of learning.

Article 5 Continuing education may take various forms, including classes for advanced studies, workshops, academic lectures, academic exchanges, investigation and self-

第六条 专业技术人员有接受继续教育的权利和义务。

专业技术人员每年参加继续教育的学习时间不少于 90 学时，可以在专业技术职务聘任期内累计计算。

专业技术人员接受继续教育期间享受与在岗人员同等的工资福利待遇。

专业技术人员应当按照单位统一安排参加继续教育学习，在学习期间遵守有关规定和纪律，完成学习任务，接受有关部门的考核和检查。

第七条 在本市教育行政部门宏观指导和统筹下，市和区人社保行政主管部门负责继续教育的管理工作，制定规划并组织实施，对继续教育工作进行指导、协调和检查、监督。

本市各系统、各行业主管部门负责本系统、本行业继续教育的管理工作，应当制定继续教育规划，并组织实施。

第八条 对专业技术人员进行继续教育是企业、事业单位的重要职责。

企业、事业单位应当根据继续教育规划、本单位发展目标和工作需要以及不同层次专业技术人员素质提高的要求，制定年度计划和管理制度，组织专业技术人员参加继续教育，保证学习时间，提供必要的学习条件。

各系统、各行业主管部门应当把继续教育纳入企业、事业单位主要负责人的目标责任，予以考核和监督。

第九条 企业、事业单位应当把人才的培养与使用结合起来，建立专业技术人员接受继续教育登记、考核制度，将学习情况和考核结果作为专业技术人员任职与晋职的重要条件。

第十条 接受学历教育的专业技术人员经所在单位同意，在学历教育期间可以免于参加继续教育。

第十一条 本市继续教育的学术团体，应当在继续教育的组织、宣传和服务等方面发挥积极作用。

study with assessment in a planned way.

Article 6 Professional and technical personnel shall have the right and obligation to receive continuing education.

Professional and technical personnel shall take part in continuing education for no less than 90 class hours each year, which may be calculated accumulatively during the period when they hold professional and technical posts.

During the period of continuing education, professional and technical personnel shall enjoy the same wage and welfare benefits as the personnel on duty.

Professional and technical personnel shall participate in continuing education according to the unified arrangement of the organizations with which they are affiliated, abide by relevant provisions and discipline during the study period, complete the learning tasks, and accept the assessment and examination of relevant departments.

Article 7 The municipal and district administrative departments of human resources and social security shall, under the macro guidance and overall planning of the municipal administrative department of education, be responsible for the management of continuing education, make plans and organize their implementation, and guide, coordinate, inspect and supervise continuing education.

The competent departments of various systems and industries in this Municipality shall be responsible for the management of continuing education in their own systems and industries, and shall formulate and organize the implementation of plans for continuing education.

Article 8 It is an important duty of enterprises and public institutions to provide continuing education for professional and technical personnel.

Enterprises and public institutions shall, in accordance with plans for continuing education, their development goals and work needs, and requirements for the improvement of the quality of professional and technical personnel at different levels, formulate annual plans and management systems, organize professional and technical personnel to participate in continuing education, ensure learning time and provide necessary learning conditions.

The competent departments of various systems and industries shall incorporate the continuing education into the goal-setting duties of the main persons in charge of enterprises and institutions, and shall conduct assessment and supervision thereof.

Article 9 Enterprises and public institutions shall combine talent cultivation with talent utilization, establish a registration and assessment system for professional and technical personnel to receive continuing education, and take the learning situation and assessment results as important conditions for professional and technical personnel to hold their posts and get promoted.

Article 10 During the period when professional and technical personnel receive education with record of formal schooling, with the consent of the organizations with which they are affiliated, they may be exempt from continuing education.

Article 11 Academic organizations of continuing education in this Municipality shall play an active role in the organization, publicity and service of continuing education.

第十二条 高等院校以及科研院所、社会团体和大中型企业可以发挥各自优势，按照国家和本市有关规定，面向社会举办继续教育。

举办继续教育，应当保证教学质量，并接受管理部门的检查和监督。

第十三条 从事继续教育的教学人员应当由具有与教学内容相适应的理论水平、实践经验的高、中级专业技术人员担任。

第十四条 继续教育费用由国家、单位和个人多渠道解决。

企业、事业单位继续教育经费从职工教育经费中列支，并可以按照国家和本市其他有关规定办理。

市和区人民政府财政部门，应当对继续教育管理部门开展继续教育所需经费予以支持。

鼓励社会组织和个人资助继续教育事业。

第十五条 市和区人民政府及其所属部门，企业、事业单位，应当对在继续教育中取得成绩的单位和个人给予表彰和奖励。

第十六条 专业技术人员接受继续教育的权利受到侵害时，有权向本单位或者上一级行政主管部门提出申诉。接受申诉的部门应当在接到申诉书之日起 30 日内作出处理决定，并答复本人。

第十七条 企业、事业单位违反本规定，侵犯专业技术人员接受继续教育权利的，由继续教育管理机关给予批评教育，责令改正；情节严重的，提请其上一级主管部门对单位负责人和直接责任人给予行政处分。

第十八条 专业技术人员违反本规定，无正当理由不参加单位统一安排的继续教育，或者在学习期间违反学习纪律和制度，由其所在单位视情节轻重予以批评教育或者追偿学习经费。

第十九条 本规定自 1995 年 10 月 1 日起施行。

Article 12 Institutions of higher learning, scientific research institutes, social organizations and large and medium-sized enterprises may, depending on their respective advantages, offer continuing education to the public in accordance with relevant provisions of the State and this Municipality.

In offering continuing education, they shall guarantee the quality of teaching and accept the inspection and supervision of the administrative departments.

Article 13 Teaching personnel engaged in continuing education shall be senior or intermediate professional and technical personnel with theoretical levels and practical experience commensurate with teaching contents.

Article 14 The expenses of continuing education shall be properly shared by the State financial authorities, organizations with which the related personnel are affiliated and individuals through multiple channels.

The funds for continuing education of enterprises and institutions shall be disbursed from the funds for personnel education and may be handled in accordance with other relevant provisions of the State and this Municipality.

The financial departments of the municipal and district people's governments shall give support to the funds needed by the administrative departments of continuing education to proceed with continuing education.

Social organizations and individuals shall be encouraged to fund continuing education.

Article 15 The municipal and district people's governments and their subordinate departments, enterprises and public institutions shall commend and reward organizations and individuals that have achieved remarkable performance in continuing education.

Article 16 When the right of professional and technical personnel to receive continuing education is infringed on, they shall have the right to appeal to the organizations with which they are affiliated or the administrative department at the next higher level. The department accepting the appeal shall, within 30 days from the date of receiving it, make a decision on the handling and make a reply to the person that files the appeal.

Article 17 Where an enterprise or public institution, in violation of the Provisions, infringes upon the right of professional and technical personnel to receive continuing education, it shall be criticized and educated and ordered to make corrections by the administrative organ of continuing education; if the circumstances are serious, the competent department at the next higher level shall be requested to give administrative penalties to the person in charge and persons directly responsible of the organization.

Article 18 Where professional and technical personnel, in violation of the Provisions, refuse to participate in the continuing education arranged by the organizations with which they are affiliated without justifiable reasons, or violate the discipline and system of study during the study period, the organizations with which they are affiliated shall, depending on the seriousness of the case, give them criticism and education or recover the study expenses.

Article 19 The Provisions shall come into force as of October 1, 1995.

北京市实施《中华人民共和国职业教育法》办法

(1997年9月5日北京市第十届人民代表大会常务委员会第
三十九次会议通过)

第一条 为实施《中华人民共和国职业教育法》，结合本市实际，制定本办法。

第二条 本办法适用于本市行政区域内各级各类职业学校教育和各种形式的职业培训。法律、法规另有规定的除外。

第三条 实施职业教育必须贯彻国家教育方针，坚持为社会主义现代化建设服务。

本市根据经济、社会发展和劳动力市场需求，发展中、高等职业学校教育和各类职业培训，建立、健全职业学校教育与职业培训并举，并与其他教育相互沟通、协调发展的职业教育体系。

第四条 本市推进职业教育体制改革，建立适应社会主义市场经济体制和社会进步需要的、符合职业教育特点和规律的管理体制和运行机制，提高教育质量和办学效益。

第五条 市和区、县人民政府应当加强对本行政区域内职业教育工作的领导，把发展职业教育纳入国民经济和社会发展规划，并制定本地区改革和发展职业教育的规划、计划和措施。

第六条 市教育行政部门负责本市行政区域内职业教育工作的统筹规划、综合协调、宏观管理。

教育行政部门、劳动行政部门和其他有关部门在规定的职责范围内，分别负责有关的职业教育工作。

第七条 市和区、县人民政府应当建立、完善职业教育督导制度，加强教育督导

Measures of Beijing Municipality for Implementing the Vocational Education Law of the People's Republic of China

(Adopted at the 39th Meeting of the Standing Committee of the 10th People's Congress of Beijing Municipality on September 5, 1997)

Article 1 The Measures are formulated for the purpose of implementing the Vocational Education Law of the People's Republic of China in light of actual circumstances of this Municipality.

Article 2 The Measures shall apply to vocational schools of all types and levels and to all forms of vocational training within the administrative area of this Municipality, unless otherwise provided by laws and regulations.

Article 3 In the provision of vocational education, the State's educational principles shall be implemented, in order to serve the socialist modernization.

This Municipality shall, in accordance with the economic and social development and labor market demand, develop secondary and higher vocational schools and all kinds of vocational training, and establish and improve a vocational education system whereby vocational school education is conducted simultaneously with vocational training and is interconnected and developed in coordination with other types of education.

Article 4 This Municipality shall promote reform of the vocational education system, and establish a management system and operation mechanism that meets the needs of the socialist market economic system and social progress and conforms to the characteristics and laws of vocational education, so as to improve the quality of education and the efficiency of running schools.

Article 5 The municipal, district and county people's governments shall strengthen their leadership over the work of vocational education within their respective administrative areas, incorporate the development of vocational education into the plans for national economic and social development, and formulate plans, programs and measures for the reform and development of vocational education in their respective areas.

Article 6 The municipal administrative department of education shall be responsible for the overall planning, comprehensive coordination and macro management of vocational education within the administrative area of this Municipality.

The administrative departments of education, labor, etc. shall be respectively responsible for the relevant work of vocational education within the prescribed scopes of responsibility.

Article 7 The municipal, district and county people's governments shall establish

机构和督导队伍建设。

市和区、县人民政府教育督导机构应当按照有关规定，对职业教育工作进行督导评估。

第八条 政府各主管部门、行业组织应当履行下列职责：

- （一）制定本部门、本行业职业教育发展规划，并组织实施；
- （二）按照国家有关规定举办或者联合举办职业学校和职业培训机构；
- （三）对本部门、本行业的企业、事业组织的职业教育工作进行管理、组织、协调和指导；
- （四）参与编订本部门、本行业专业（工种）的教学计划、教学大纲和教材；
- （五）改善所属职业学校和职业培训机构的办学条件，对其教育质量和办学效益进行检查监督。

第九条 企业、事业组织应当履行下列职责：

- （一）提供条件，依法保障本单位职工和准备录用人员接受职业教育的权利；
- （二）建立、健全本单位职业教育规章制度；
- （三）按照本单位中、长期发展规划和年度计划，制订职业教育计划，并组织实施；
- （四）把职业培训工作纳入本单位负责人的工作目标责任制，并进行考核；
- （五）建立培训、考核、使用与待遇相结合的制度；
- （六）按照国家和本市的有关规定，承担对本单位职工和准备录用人员进行职业教育的费用。

第十条 在本市行政区域内设立职业学校和职业培训机构应当具备法律规定的基本条件，并经过审批。职业学校和职业培训机构设立、变更、终止的审批办法，由市人民政府规定。

第十一条 各级人民政府、办学主管部门应当在设置专业（工种）、制订教学计划、选编教材、组织实施教育教学活动、使用经费、聘用教师和招生等方面，逐步扩大职

and improve the supervision system for vocational education, and strengthen the development of educational supervision institutions and a contingent of supervisors.

The educational supervision institutions of the municipal, district and county people's governments shall, in accordance with relevant provisions, conduct supervision and assessment of the work of vocational education.

Article 8 All competent government departments and industrial organizations shall perform the following duties:

(1) to formulate plans for the development of vocational education in their respective departments and industries, and organize implementation thereof;

(2) to establish, by themselves or together with others, vocational schools and vocational training institutions in accordance with relevant provisions of the State;

(3) to manage, organize, coordinate and guide the vocational education in enterprises and institutions of their respective departments and industries;

(4) to participate in compilation of the teaching programs, syllabuses and teaching materials concerning specialties (types of work) of their respective departments and industries; and

(5) to improve the conditions for running their subordinate vocational schools and vocational training institutions, and conduct inspection and supervision of their quality of education and efficiency in school management.

Article 9 Enterprises and institutions shall perform the following duties:

(1) to provide conditions to guarantee the right of their staff and workers and persons to be employed to receive vocational education according to law;

(2) to establish and improve their rules and regulations for vocational education;

(3) to work out and organize implementation of vocational education plans in accordance with their medium and long-term development plans and annual plans;

(4) to incorporate vocational training into the target-oriented responsibility system for the persons in charge, and conduct assessment;

(5) to establish a system that combines training, assessment, use and treatment; and

(6) to bear the expenses of vocational education for their staff and workers and persons to be employed in accordance with relevant provisions of the State and this Municipality.

Article 10 The establishment of vocational schools and vocational training institutions within the administrative area of this Municipality shall meet the basic conditions prescribed by laws, and shall be subject to examination and approval. Measures for the examination and approval of the establishment, change and termination of vocational schools and vocational training institutions shall be formulated by the Municipal People's Government.

Article 11 The people's governments at all levels and the competent departments in charge of school running shall gradually expand the autonomy of vocational schools and vocational training institutions in terms of establishing specialties (types of work), working out teaching programs, selecting and compiling teaching materials, organizing and carrying out educational and teaching activities, using funds, employing teachers and enrolling

业学校和职业培训机构的自主权。

第十二条 职业学校和职业培训机构应当对受教育者加强思想政治教育、职业道德教育和职业知识、职业技能教育，保证教育质量，对学业成绩合格者颁发相应的学历证书或者培训证书。

第十三条 本市劳动者和外地来京务工经商人员，就业前或者上岗前应当接受相应的职业学校教育或者职业培训。

从事国家规定的技术工种、特种作业的人员，上岗前必须通过职业技能鉴定、考核，取得相应的职业资格证书；必须取得职业资格证书方能上岗的技术工种、特种作业工种，由市劳动行政部门定期向社会公布。

第十四条 本市有计划地发展高等职业学校教育和高级职业培训，培养高层次的实用型、技能型人才。

发展高等职业教育应当充分利用现有教育资源，并按照培养目标配备师资和教学设备。

高等职业学校可以从普通高中毕业生、中等职业学校毕业生和具有同等学历的在职人员中招生。

第十五条 本市发展农村职业教育应当坚持经济、科技、教育相结合，职业教育和其他教育相统筹以及面向农村、面向农业、面向农民的原则。

郊区（县）人民政府应当建立区（县）、乡（镇）、村三级职业教育网络，组织和举办多种形式的农业实用技术培训和非农产业的职业培训。

各级人民政府应当对农业职业学校和职业培训机构给予扶持，对农业专业的学生可以适当放宽入学条件，减免学费，并在从业等方面给予优先优惠。

第十六条 市和区、县人民政府应当扶持少数民族职业教育事业的发展，举办民族职业学校（班），开展适合少数民族特点的职业培训。

各级人民政府、有关部门应当扶持残疾人职业教育事业的发展。职业学校和职业

students.

Article 12 Vocational schools and vocational training institutions shall strengthen ideological and political education, professional ethics education, and vocational knowledge and skills education for the educated, ensure the quality of education, and issue corresponding certificates of schooling or certificates of training to those who have passed the examinations.

Article 13 Workers in this Municipality and those from other places who come to Beijing for work and business shall receive corresponding vocational school education or vocational training beforehand.

Any worker who is to do a technical type of job or a job that requires special skills as specified by the State must pass the evaluation and assessment of vocational skills and obtain the corresponding qualifications for such a job beforehand; such kind of jobs shall be announced to the public by the municipal administrative department of labor on a regular basis.

Article 14 This Municipality shall develop higher vocational schools and higher vocational training in a planned way, in order to cultivate high-level practical and skilled talents.

To develop higher vocational education, existing educational resources shall be used to the utmost, and teachers and teaching equipment shall be provided according to the training objectives.

Higher vocational schools may recruit students from regular high school graduates, secondary vocational school graduates and on-the-job personnel with equivalent educational background.

Article 15 In development of rural vocational education, this Municipality shall combine economy, science and technology with education, integrate vocational education with other types of education, and develop countryside, agriculture and farmer-oriented vocational education.

The suburban (county) people's governments shall establish a vocational education network at the district (county), township (town) and village levels, and organize and hold various forms of training in agricultural practical technology and vocational training in non-agricultural industries.

The people's governments at all levels shall give support to agricultural vocational schools and vocational training institutions. Students majoring in agriculture may be given preferential treatment in terms of admission, tuition reduction or exemption and employment.

Article 16 The municipal, district and county people's governments shall support the development of vocational education for national minorities, run vocational schools (classes) for national minorities, and carry out vocational training suitable for national minorities.

The people's governments at all levels and relevant departments shall support the development of vocational education for the disabled. Eligible disabled persons shall be

培训机构应当接受符合条件的残疾人入学。特殊教育学校应当加强对残疾人的职业技能培训。

第十七条 本市行业、企业组织应当负责安排下岗待工人员和企业富余人员的转岗、转业培训。

建立现代企业制度的企业和进行经济结构调整的行业、企业，应当把下岗待工人员和企业富余人员转岗、转业培训纳入现代企业制度方案和经济结构调整方案，把职业指导和实际技能操作作为转岗、转业培训的主要内容。

第十八条 市和区、县人民政府有关部门应当把职业教育教师的培养和培训工作，纳入教师队伍建设规划，并组织实施。

市人民政府和有关部门应当选定一批高等学校、具备条件的职业学校、职业培训机构和企业，作为培养和培训职业教育的专业教师和实习指导教师的基地。

第十九条 市和区、县人民政府、有关部门应当加强职业教育科学研究和教学研究以及教材建设，提供并发布职业需求信息，开展职业咨询、职业指导和职业介绍，建立、健全职业教育服务体系。

第二十条 市和区、县人民政府、有关部门用于职业教育的财政性经费应当逐步增长，并划拨专款用于发挥骨干、示范作用的职业学校和职业培训机构以及生产实习基地的建设。

任何组织和个人不得挪用、克扣职业教育的经费。

第二十一条 本市依法征收的教育费附加，应当安排一定比例用于发展职业教育。

市人民政府按照教育法的有关规定决定开征的用于教育的地方附加费，可以专项或者安排一定比例用于职业教育。

第二十二条 企业按照不低于职工工资总额 1.5%提取的职工教育经费，应当主要用于职工的职业培训。

进行经济结构调整的企业，应当从盘活资金中提取一定比例用于职工转岗、转业

admitted to vocational schools and vocational training institutions. Special education schools shall strengthen training in vocational skills for the disabled.

Article 17 Industrial and business organizations in this Municipality shall be responsible for the training of laid-off workers and redundant employees for job transfer or re-employment.

Enterprises that establish a modern enterprise system and industries and enterprises that conduct economic structural adjustment shall incorporate the job-transfer or re-employment training of laid-off workers and redundant employees into the programs for the modern enterprise system and the economic structural adjustment, and take vocational guidance and practical skills operation as the main contents of job-transfer or re-employment training.

Article 18 Relevant departments of the municipal, district and county people's governments shall incorporate the cultivation and training of teachers of vocational education into the plans for the construction of a contingent of teachers and organize their implementation.

The Municipal People's Government and relevant departments shall select a number of institutions of higher learning and eligible vocational schools, vocational training institutions and enterprises as the bases for cultivation and training of professional teachers and instructors who gives guidance to students' fieldwork of vocational education.

Article 19 The municipal, district and county people's governments and relevant departments shall strengthen scientific research and teaching research in vocational education as well as compilation of teaching materials, provide and publish information on occupational demands, carry out vocational consultation, vocational guidance and job placement, and establish and improve the service system for vocational education.

Article 20 The municipal, district and county people's governments and relevant departments shall gradually increase the financial funds for vocational education, and allocate special funds for the construction of vocational schools, vocational training institutions and production and practice bases to serve as a mainstay and play an exemplary role.

No organization or individual may misappropriate or withhold the funds for vocational education.

Article 21 A certain proportion of the surcharges levied according to law for educational purposes in this Municipality shall be allocated for the development of vocational education.

With regard to the local surcharges which the Municipal People's Government has decided, in accordance with relevant provisions of the Education Law, to levy for educational purposes, they may be earmarked for vocational education, or a certain proportion of them may be used for vocational education.

Article 22 The personnel education funds withheld by an enterprise equal to no less than 1.5% of the total wages of staff and workers shall be mainly used for the vocational training of staff and workers.

Enterprises that conduct economic structural adjustment shall withhold a certain proportion of the funds that may be handled in a flexible way for the job-transfer or re-

培训；兼并企业以及转让国有企业产权的企业，应当安排专项资金，用于职工的转岗、转业培训。

劳动行政部门应当从失业保险基金中提取一定比例的经费，用于补助失业人员和企业下岗待工人员的转岗、转业培训。

第二十三条 用人单位委托职业学校和职业培训机构培养、培训学生的费用，由双方协议商定。

教育行政部门举办的职业高中，可以向录用其毕业生的单位收取培训费。培训费标准，由市教育局、市物价管理部门、市财政部门制定。

第二十四条 职业学校和职业培训机构可以对接受职业教育的学生收取学费。收费标准由市教育局、市劳动行政部门、市物价管理部门、市财政部门制定。对于经济困难的学生和残疾学生以及艰苦行业的专业（工种）的学生，可以酌情减免学费。

第二十五条 市和区、县人民政府、有关部门应当采取优惠政策，鼓励、支持职业学校和职业培训机构举办校办产业，开展社会服务，所得收入主要用于发展职业教育。

第二十六条 企业违反本办法第九条规定，未对本单位职工和准备录用人员实施职业教育的，由政府主管部门或者行业组织责令改正；拒不改正的，经市或者区、县人民政府批准，收取企业应当承担的职业教育经费，用于组织实施职业教育。

第二十七条 违反本办法第十条规定，擅自设立职业学校和职业培训机构的，由教育行政部门或者劳动行政部门予以撤销；有违法所得的，没收违法所得；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；造成受教育者损失的，依法承担民事责任。

第二十八条 职业学校和职业培训机构违反本办法第十二条规定，给学业成绩不合格者颁发学历证书、培训证书的，由教育行政部门或者劳动行政部门宣布证书无效，责令收回或者予以没收；有违法所得的，没收违法所得；情节严重的，取消其颁发证

employment training of their employees; enterprises to be merged and enterprises to transfer the property rights of state-owned enterprises shall arrange special funds for the job-transfer or re-employment training of their employees.

The administrative departments of labor shall withhold a certain proportion of funds from the unemployment insurance fund to subsidize the job-transfer or re-employment training of the unemployed and the laid-off workers of enterprises.

Article 23 The expenses for the cultivation and training of students by vocational schools and vocational training institutions upon entrustment of employers shall be negotiated by both parties.

Vocational high schools run by the administrative departments of education may collect training fees from the organizations that employ their graduates. The standards for training fees shall be formulated by the municipal administrative departments of education, price control and finance.

Article 24 Vocational schools and vocational training institutions may collect tuitions from students receiving vocational education. The charging standards shall be formulated by the municipal administrative departments of education, labor, price control and finance. Students with financial difficulties, disabled students and students of specialties (types of work) in industries with poor conditions may enjoy tuition reduction or exemption as appropriate.

Article 25 The municipal, district and county people's governments and relevant departments shall adopt preferential policies to encourage and support vocational schools and vocational training institutions to establish school-based industries and carry out social services, and the income derived therefrom shall mainly be used for the development of vocational education.

Article 26 Enterprises, in violation of the provisions of Article 9 of the Measures, failing to offer vocational education to their employees and persons to be employed, shall be ordered to make corrections by competent government departments or industrial organizations; if they refuse to make corrections, with the approval of the municipal, district or county people's governments, the vocational education funds to be borne by the enterprises shall be collected to organize the implementation of vocational education.

Article 27 Where a vocational school or vocational training institution is established without authorization in violation of the provisions of Article 10 of the Measures, it shall be cancelled by the administrative department of education or labor; if there is any illegal income, the illegal income shall be confiscated; the person directly in charge thereof and other persons directly responsible therefor shall be put administrative penalties according to law; if the loss of the educated is caused, the civil liability shall be borne according to law.

Article 28 Where vocational schools and vocational training institutions, in violation of the provisions of Article 12 of the Measures, issue certificates of schooling or certificates of training to those who fail in their academic performance, the administrative departments of education or labor shall declare such certificates invalid and issue orders of having such certificates withdrawn or confiscated; if there is any illegal income, the illegal income shall be confiscated; if the circumstances are serious, they shall be disqualified from issuing

书的资格；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。

第二十九条 违反本办法第二十条规定，挪用、扣减职业教育经费的，由上级机关责令限期归还，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；构成犯罪的，依法追究刑事责任。

第三十条 职业学校和职业培训机构违反本办法第二十四条规定，超过标准向受教育者收取费用的，由教育行政部门、劳动行政部门或者物价管理部门依照《中华人民共和国教育法》和《北京市行政性事业性收费管理条例》处理。

第三十一条 本办法具体应用中的问题，由市人民政府负责解释。

第三十二条 本办法自 1997 年 10 月 1 日起施行。1990 年 1 月 19 日北京市第九届人民代表大会常务委员会第十七次会议通过的《北京市中等职业技术教育条例》同时废止。

certificates; the person directly in charge thereof and other persons directly responsible therefor shall be put administrative penalties according to law.

Article 29 Whoever, in violation of the provisions of Article 20 of the Measures, misappropriates or withholds vocational education funds shall be ordered by higher authorities to return such funds within a time limit, and the person directly in charge thereof and other persons directly responsible therefor shall be put administrative penalties according to law; in case of a crime, criminal responsibility shall be investigated for according to law.

Article 30 Vocational schools and vocational training institutions, in violation of the provisions of Article 24 of the Measures, charging the educated beyond the standard shall be dealt with by the administrative departments of education, labor or price control in accordance with the Education Law of the People's Republic of China and the Regulations of Beijing Municipality on the Administration of Administrative and Institutional Charges.

Article 31 The Municipal People's Government shall be responsible for interpretation of matters pertaining to specific application of the Measures.

Article 32 The Measures shall come into force as of October 1, 1997. The Regulations of Beijing Municipality on Secondary Vocational and Technical Education adopted at the 17th Meeting of the Standing Committee of the 9th People's Congress of Beijing Municipality on January 19, 1990 shall be repealed simultaneously.

北京市学前教育条例

(2001年6月22日北京市第十一届人民代表大会常务委员会第二十七次会议通过 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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第一章 总 则

第一条 为了促进和保障本市学前教育事业的发展,提高学前教育质量,根据《中华人民共和国教育法》《中华人民共和国未成年人保护法》以及有关法律、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各种形式的学前教育。

本条例所称学前教育是指对学龄前儿童实施的教育。

本条例所称学前教育机构是指幼儿园、托儿所以及其他对学龄前儿童实施教育的机构。

第三条 学前教育是国家教育事业的组成部分。

Regulations of Beijing Municipality on Pre-School Education

(Adopted at the 27th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on June 22, 2001, and revised 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 promoting and guaranteeing the development of pre-school education in this Municipality and improving the quality of pre-school education in accordance with the Education Law of the People's Republic of China, the Law of the People's Republic of China on the Protection of Minors and other relevant laws and regulations and in light of actual circumstances of this Municipality.

Article 2 The Regulations shall apply to all forms of pre-school education within the administrative area of this Municipality.

Pre-school education as mentioned in the Regulations refers to the education carried out for pre-school children.

Institutions of pre-school education as mentioned in the Regulations refer to kindergartens, nurseries and other institutions offering education for pre-school children.

Article 3 Pre-school education is an integral part of the State's educational undertaking.

开展学前教育应当贯彻国家的教育方针，对儿童实施体、智、德、美诸方面全面发展的教育，促进其身心健康与和谐发展。

学前教育应当遵循学龄前儿童的年龄特点和身心发展规律，实行保育与教育相结合，以游戏为基本活动形式，寓教育于生活及各项活动之中。

本市倡导和支持开展 3 周岁以下婴幼儿的早期教育。

第四条 发展学前教育事业是政府、社会、家庭、学前教育机构的共同责任。

本市积极发展以社区为依托，多种形式，面向全体学龄前儿童的学前教育。

本市举办学前教育机构以社会力量办学为主体，发挥政府举办的学前教育机构在提高教育质量方面的示范和引导作用。

第五条 本市扶持远郊经济不发达地区发展学前教育事业。

本市重视并扶持残疾儿童学前教育事业。残疾儿童的学前教育应当从婴幼儿开始，与康复、训练结合进行。

在少数民族聚居地区，扶持和发展适合少数民族特点和需要的学前教育事业。

第六条 本市采取措施鼓励社会组织和公民依法举办学前教育机构。

本市鼓励境内外组织和个人以捐资赠物等多种形式支持学前教育事业发展。

第七条 市、区人民政府对在学前教育事业中做出突出贡献的单位和个人，给予表彰和奖励。

第二章 学前教育责任

第八条 各级人民政府应当加强对学前教育的领导，综合协调学前教育事业的发展，将学前教育纳入本地区国民经济和社会发展规划。

区和乡、镇人民政府应当举办发挥示范作用的学前教育机构。

城镇街道办事处应当组织协调学前教育机构以及有关部门和社团，在社区内开展

In the development of pre-school education, the educational policies of the State shall be implemented to educate children in an all-round way covering the aspects of physics, intelligence, morality and aesthetics, so as to enhance their healthy and harmonious development in body and mind.

Pre-school education shall follow the pre-school children's characteristics of their age and the law of their development in body and mind, combine education with childcare, take game playing as the basic form of activities, and incorporate education into lives and all activities.

This Municipality shall advocate and support the development of early childhood education for infants under 3 years old.

Article 4 It is the shared responsibility of the government, society, families and institutions of pre-school education to develop pre-school education.

This Municipality shall actively rely on the residential neighborhoods to develop pre-school education for all pre-school children in various forms.

This Municipality shall rely on non-governmental sectors to run institutions of pre-school education, and give play to the role of demonstration and guidance of government-run institutions of pre-school education in improving the quality of education.

Article 5 This Municipality shall support the development of pre-school education in economically undeveloped areas in outer suburbs.

This Municipality shall attach importance to and support pre-school education for disabled children. The pre-school education for disabled children shall start in their infancy and be carried out in combination with their rehabilitation and training.

In areas inhabited by ethnical minorities, pre-school education in line with the characteristics and needs of national minorities shall be supported and developed.

Article 6 This Municipality shall take measures to encourage non-public organizations and citizens to establish institutions of pre-school education according to law.

This Municipality shall encourage organizations and individuals at home and abroad to support the development of pre-school education by contributing money and property or in other various forms.

Article 7 The municipal or district people's governments shall commend and reward organizations and individuals that have made outstanding contributions in pre-school education.

Chapter II Responsibilities for Pre-School Education

Article 8 The people's governments at all levels shall strengthen their leadership over pre-school education, comprehensively coordinate the development of pre-school education, and incorporate pre-school education into the plans for national economic and social development of their respective areas.

The district, township or town people's governments shall establish institutions of pre-school education to play an exemplary role.

Sub-district offices shall organize and coordinate institutions of pre-school education and relevant departments as well as mass organizations to carry out pre-school educational

学前教育活动。

农村地区乡、镇人民政府应当因地制宜发展学前教育事业，采取多种形式保证辖区内学龄前儿童接受学前教育。

第九条 市教育行政部门主管本市行政区域内的学前教育工作，对学前教育进行统筹规划和管理。区教育行政部门负责本辖区内学前教育的管理工作，并对各类学前教育机构进行监督指导。

市、区人民政府其他有关部门应当在各自的职责范围内，负责有关学前教育的工作。

第十条 全社会都要关心、支持学前教育事业，为学龄前儿童的健康成长提供帮助。

各级妇联组织和居民委员会、村民委员会以及社区内的其他社会组织，应当协助当地人民政府为社区内未进入学前教育机构的儿童及其父母或者其他监护人以及从事家庭看护学龄前儿童的从业人员提供学前教育的指导与服务。

第十一条 父母或者其他监护人对学龄前儿童的教育负有首要责任，应当为儿童身心健康成长创造良好的家庭教育环境，学习科学的教育方法，与学前教育及其相关的机构互相配合，促进儿童全面发展。

第三章 学前教育机构和从业人员

第十二条 学前教育机构应当注重促进学龄前儿童身体素质和心理素质健康发展，养成良好的生活、卫生习惯；促进儿童的智力发展，培养儿童热爱祖国的情感以及良好的品德。

鼓励学前教育机构配合社区宣传保育、教育知识，支持社区开展学前教育活动。

第十三条 举办学前教育机构必须符合下列条件：

activities in the residential neighborhoods.

The township or town people's governments in rural areas shall develop pre-school education in light of the local conditions and take various forms to ensure pre-school education for the pre-school children within their respective areas.

Article 9 The municipal administrative department of education shall be in charge of the work concerning pre-school education within the administrative area of this Municipality, and make overall plans for and conduct administration of pre-school education. The district administrative departments of education shall be responsible for the administration of pre-school education within their respective areas, and exercise supervision over and provide guidance to all kinds of institutions of pre-school education.

Other relevant departments of the municipal or district people's governments shall be responsible for the work concerning pre-school education within the scope of their respective functions and duties.

Article 10 All sectors of society shall care about and support pre-school education and provide assistances for the healthy growth of pre-school children.

The women's federations at all levels, residents' committees, villagers' committees and other social organizations in the community shall assist local people's governments in providing guidance and services in respect of pre-school education to the children in the residential neighborhoods who have not attended institutions of pre-school education and their parents or other guardians as well as those who are engaged in home care for pre-school children.

Article 11 Parents or other guardians shall bear the primary responsibility for the education of pre-school children, create a good family education environment for the healthy growth of children in body and mind, learn scientific educational methods, and cooperate with institutions of pre-school education and other relevant institutions to promote the all-round development of children.

Chapter III Institutions of Pre-School Education and Their Employees

Article 12 Institutions of pre-school education shall pay attention to the promotion of the healthy development of physical and psychological quality of pre-school children as well as their formation of good living and sanitary habits; and the promotion of the children's development of intelligence, love of the motherland and good moral characters.

Institutions of pre-school education shall be encouraged to cooperate with the residential neighborhoods to spread the knowledge on childcare and education, and support the residential neighborhoods to carry out pre-school educational activities.

Article 13 An institution of pre-school education to be established must meet the following conditions:

(一) 办学地点安全，环境适宜；

(二) 有与学前教育要求相适应并符合国家规定的安全、卫生标准的房舍、设施和设备；

(三) 具备相应的举办资金；

(四) 具有符合国家规定的任职资格和健康条件的工作人员。

第十四条 举办学前教育机构应当到所在区教育行政部门办理登记注册。农村边远地区举办学前教育机构可以到所在乡、镇人民政府办理登记注册，由乡、镇人民政府向区教育行政部门备案。

学前教育机构变更登记事项或者停办，应当提前 3 个月到原登记注册机关办理变更或者撤销手续。

第十五条 学前教育机构应当建立并严格执行安全防护、卫生保健制度，保障学龄前儿童的人身安全和健康。

学前教育机构的工作人员应当尊重、爱护学龄前儿童，严禁歧视、侮辱、虐待和体罚学龄前儿童。

第十六条 在学前教育机构中从事教育的人员，必须具有相关专业知识，并获得教育行政部门颁发的学前教育任职资格证书。

第十七条 从事家庭看护学龄前儿童的从业人员，应当在所在社区接受有关保育与教育的知识及方法的培训，每年定期到卫生计生行政部门指定的医疗保健机构进行健康检查。

第四章 学前教育保障

第十八条 各级人民政府应当安排学前教育专项经费，主要用于开展有关的教育改革、评价、表彰、培训和扶助远郊经济不发达地区发展学前教育，任何组织和个人不得挪用、克扣。

1. having a place that is safe and environmentally suitable for running the institution;
2. having premises, facilities and equipment that meet the needs of pre-school education and conform to the security and sanitary standards stipulated by the State;
3. having the corresponding funds for the establishment; and
4. having employees who have obtained the qualifications and meet the health requirements stipulated by the State.

Article 14 To establish an institution of pre-school education, one shall register with the local district administrative department of education. To establish an institution of pre-school education in a remote rural area, one may register with the local township or town people's government, and the township or town people's government shall report it to the district administrative department of education for recording.

An institution of pre-school education to change its registered items or cease its business shall go through the formalities for change or cancellation at the original registration authority 3 months in advance.

Article 15 Institutions of pre-school education shall establish and strictly implement safety protection and health care systems to guarantee the personal safety and health of pre-school children.

The staff in institutions of pre-school education shall respect and take good care of pre-school children and be strictly prohibited from discriminating against, insulting, maltreating or corporally punishing pre-school children.

Article 16 The personnel engaged in education in institutions of pre-school education shall have the corresponding professional knowledge and obtained the qualifications for pre-school education issued by the administrative departments of education.

Article 17 Those engaged in home care for pre-school children shall receive training in the knowledge and ways of childcare and education in their community, and regularly receive health checkups each year in the medical care institutions designated by the administrative departments of sanitation and family planning.

Chapter IV Guarantees for Pre-School Education

Article 18 The people's governments at all levels shall earmark special funds for pre-school education, which shall be mainly used for relevant educational reform, assessment, commendation, training and support to the development of pre-school education in economically undeveloped areas in outer suburbs. No organization or individual may misappropriate or withhold such funds.

第十九条 城市新建、改建居住区，应当按照市人民政府的有关规定和建设标准，规划建设配套的学前教育设施。

为居住区配套建设的学前教育设施必须用于发展学前教育事业。配套的学前教育设施竣工验收后，应当在 3 个月内交付区教育行政部门管理，由区教育行政部门商社区管理机构举办或者向社会公开招标举办学前教育机构，任何组织和个人不得擅自将学前教育设施挪作他用。

利用居住区的配套设施举办的学前教育机构应当为社区居民服务。任何组织和个人不得向使用配套设施的学前教育机构收取国家和本市规定以外的费用。

第二十条 学前教育机构用水、用电，执行中小学校用水、用电缴费标准。

新建、改建、扩建学前教育机构，应当按照中小学校建设减免费用的有关规定减免相关费用。

第二十一条 社会力量举办的学前教育机构在教研活动、人员培训、表彰奖励等方面，与政府举办的学前教育机构享受同等待遇。

社会力量举办的学前教育机构的工作人员在资格认定、职称评定、教育科研项目的申请、评优、科研成果鉴定等方面，与政府举办的学前教育机构的工作人员享有同等权利。

第二十二条 本市支持、鼓励和组织开展学前教育科学研究，促进教育质量提高。

推广新的学前教育的训练方案、教材等科研成果，应当经专家鉴定，并报市或者区教育行政部门备案。

第二十三条 本市积极发展面向学龄前儿童的广播、电影电视节目、图书报刊、音像制品、游戏软件以及教具和玩具，但其内容或者产品质量不得危害学龄前儿童的身心健康。

Article 19 In new or reconstructed urban residential areas, supporting facilities for pre-school education shall be planned and constructed in accordance with relevant provisions and construction standards of the Municipal People's Government.

Supporting facilities for pre-school education in residential areas must be used for the development of pre-school education. After supporting facilities for pre-school education have been completed and accepted upon inspection, they shall, within 3 months, be delivered under the administration of the district administrative departments of education. The district administrative departments of education shall consult with the community management agencies or call for bids from the public with regard to the establishment of institutions of pre-school education. No organization or individual shall divert the facilities for pre-school education to any other purposes without authorization.

Institutions of pre-school education established by using the supporting facilities in residential areas shall serve the residents in the residential neighborhoods. No organization or individual shall collect fees other than those stipulated by the State and this Municipality from the institutions of pre-school education using the supporting facilities.

Article 20 Institutions of pre-school education shall be charged for water and electricity in accordance with the standards applicable to primary and secondary schools.

For construction, reconstruction or expansion of institutions of pre-school education, relevant fees shall be reduced or exempted in accordance with relevant provisions on reduction and exemption of fees for construction of primary and secondary schools.

Article 21 The institutions of pre-school education run by non-governmental sectors shall enjoy the same treatment as the government-run institutions of pre-school education in terms of teaching and research activities, personnel training, commendation and rewards, etc.

The staff in institutions of pre-school education run by non-governmental sectors shall enjoy the same rights as those of the government-run institutions of pre-school education in terms of evaluation and approval of qualifications, assessment of professional titles, application for educational research projects, selection of excellent staff, evaluation of scientific research achievements, etc.

Article 22 This Municipality shall support, encourage and organize the scientific research in pre-school education so as to improve the quality of education.

Any new scientific research achievement in training programs, teaching materials, etc. for pre-school education to be promoted shall be subject to appraisal by experts and be submitted to the municipal or district administrative departments of education for recording.

Article 23 This Municipality shall actively develop broadcasting, film and television programs, books, newspapers, audio and video products, game software, teaching aids and toys for pre-school children, provided that the contents or quality thereof shall not endanger the pre-school children's physical or mental health.

第五章 法律责任

第二十四条 对违反本条例的行为，法律、法规已有规定的，依照法律、法规的规定予以处理。

第二十五条 违反本条例第十九条第一款规定，未按照规划和建设标准配套建设学前教育设施的，由规划国土行政主管部门依照本市有关规定予以处理。

第二十六条 违反本条例第十九条第二款规定，将配套学前教育设施擅自挪作他用的，由区教育行政部门收回被挪用的学前教育设施。

第二十七条 违反本条例第十九条第三款规定，向使用配套设施的学前教育机构收取国家和本市规定以外费用的，由教育行政部门或者有关主管部门责令退回所收费，并对直接负责的主管人员和责任人员给予行政处分。

第六章 附 则

第二十八条 本市行政区域内中外合作办学学前教育机构或者举办招收外籍人员子女的学前教育机构，按照国家及本市的有关规定办理。

第二十九条 本条例自 2001 年 9 月 1 日起施行。

Chapter V Legal Liability

Article 24 Where laws and regulations have provided for the handling of violations of the Regulations, such provisions shall prevail.

Article 25 Whoever, in violation of the provisions of Paragraph 1, Article 19 of the Regulations, fails to construct supporting facilities for pre-school education as planned and in accordance with the construction standards shall be handled by the administrative department of planning and land in accordance with relevant provisions of this Municipality.

Article 26 Where anyone, in violation of the provisions of Paragraph 2, Article 19 of the Regulations, diverts the supporting facilities for pre-school education to any other purposes without authorization, such facilities shall be taken back by the district administrative department of education.

Article 27 Whoever, in violation of the provisions of Paragraph 3, Article 19 of the Regulations, collects fees other than those stipulated by the State and this Municipality from the institutions of pre-school education using the supporting facilities shall be ordered by the administrative department of education or the relevant competent department to refund the fees collected, and the person directly in charge thereof and the person responsible therefor shall be put under administrative penalties.

Chapter VI Supplementary Provisions

Article 28 The establishment of Chinese-foreign cooperative institutions of pre-school education or of institutions of pre-school education which admit foreigners' children within the administrative area of this Municipality shall be handled in accordance with relevant provisions of the State and this Municipality.

Article 29 The Regulations shall come into force as of September 1, 2001.

北京市实施《中华人民共和国 国家通用语言文字法》若干规定

(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)

第一条 为了实施《中华人民共和国国家通用语言文字法》，结合本市实际情况，制定本规定。

第二条 普通话和规范汉字的使用应当依据国家颁布的国家通用语言文字的规范和标准。

第三条 本市各级人民政府应当采取措施推广普通话和推行规范汉字。

市和区、县人民政府应当对语言文字工作部门开展工作所需人员和经费予以保证。

第四条 市和区、县语言文字工作部门管理和监督本行政区域内的国家通用语言文字的使用。

本市语言文字工作规划的制定以及普通话水平测试和培训工作，由市语言文字工作部门负责。

第五条 本市对在通用语言文字使用和管理工作中做出显著成绩的组织和个人予以表彰或者奖励。

第六条 本市国家机关的会议用语、公共场合的讲话用语、公务活动中的交际用语、机关内部的工作语言等应当使用普通话。

国家机关的名称牌、公文、印章、标牌、标志牌、指示牌、电子屏幕、标语等应当使用规范汉字。

第七条 本市学校及其他教育机构在教育教学、会议、宣传和其他集体活动中应当以普通话为基本用语。

Several Provisions of Beijing Municipality on Implementation of the Law of the People's Republic of China on the Standard Spoken and Written Chinese Languages

(Adopted at the 4th Meeting of the Standing Committee of the Twelfth People's Congress of Beijing Municipality on May 30, 2003)

Article 1 These Provisions are formulated for the purpose of implementing the Law of the People's Republic of China on the Standard Spoken and Written Chinese Languages in light of the actual circumstances in this Municipality.

Article 2 The use of Putonghua and the standardized Chinese characters shall follow the norms and standards concerning the standard spoken and written Chinese languages promulgated by the State.

Article 3 The people's governments at various levels in this Municipality shall take measures to popularize Putonghua and the standardized Chinese characters.

The municipal and the district or county people's governments shall provide guarantee of staff and expenditures necessary for the departments in charge of the work related to spoken and written languages to carry out their work.

Article 4 The departments in charge of the work related to spoken and written languages at the municipal and the district or county level shall administer and supervise the use of the standard spoken and written Chinese languages in their respective administrative areas.

The department in charge of the work related to spoken and written languages at the municipal level shall be responsible for the formulation of work programs on spoken and written languages and the testing on levels of and personnel training of Putonghua.

Article 5 This Municipality shall commend or award those organizations and individuals that have made outstanding achievements in the use and administrative work of the standard spoken and written Chinese languages.

Article 6 Putonghua shall be used in conferences of State organs, in speeches on public occasions and in communications for official business and as a working language within all agencies in this Municipality.

The standardized Chinese characters shall be used for the State organs' name boards, official documents, seals, scutcheons, signboards, indicator boards, electronic screens and posters.

Article 7 Schools, colleges and other educational institutions in this Municipality shall use Putonghua as the basic language in teaching, meetings, publicity and other collective activities.

学校及其他教育机构的名称牌、标志牌、标语（牌）、指示牌、电子屏幕、公文、印章、校刊（报）、讲义、试卷、板报、板书等应当以规范汉字为基本用字。

本市教育行政部门、劳动和社会保障行政部门以及有关的主管部门，应当将用语用字规范化列入对学校及其他教育机构进行检查和评估的内容。

第八条 本市各级广播电台、电视台应当以普通话作为播音、主持、采访基本用语。

本市制作的影视作品的印刷体厂名、台名、制作单位名称、栏目名称、片名、字幕、演职员表、广告等应当以规范汉字为基本用字。

第九条 本市各有关部门新录（聘）用以普通话作为工作语言的播音员、节目主持人和影视话剧演员、教师、国家机关工作人员时，应当进行普通话水平测试，达到国家规定的等级标准。

第十条 本市以汉语文出版的各类报纸、期刊、图书、电子和网络出版物、音像制品等出版物的报头（名）、刊名、封皮、内文、广告等应当使用普通话和规范汉字。

经批准使用的报名、刊名中含有异体字、繁体字的报纸、期刊，在本报刊其他地方再现其名称时应当使用规范汉字。

本市新闻出版行政部门应当将国家通用语言文字的使用纳入出版物编校质量考评和年度检查的内容，作为评选优秀出版物的条件。

第十一条 在本市从事商业、邮政、电信、网络、文化、餐饮、娱乐、铁路、交通、民航、旅游、银行、保险、医疗以及其他直接面向公众服务的行业的人员，应当以普通话为基本服务用语。

公共服务行业的名称牌、指示牌、标志牌、招牌、公文、印章、票据、报表、说明书、电子屏幕、广告、宣传材料等，应当以规范汉字为基本服务用字。

第十二条 本市公共场所使用的题词和招牌中的手书字，提倡使用规范汉字。

本市山川、河流等地名标志，行政区划名称标志，居民地名称以及路名、街名、站名、桥名、建筑物名称标志，名胜古迹、纪念地、游览地标志等公共场所的设施用字应当

Schools, colleges and other educational institutions shall use the standardized Chinese characters as the basic characters in their name boards, signboards, posters (placards), indicator boards, electronic screens, official documents, seals, school and college journals (newspapers), lecture sheets, examination papers and blackboard bulletins, writings, etc..

The administrative departments of education, labor and social security and other relevant competent authorities in this Municipality shall incorporate the standardization of spoken and written languages and characters as a content for inspecting and evaluating schools and other educational institutions.

Article 8 Radio and TV stations at various levels in this Municipality shall use Putonghua as the basic language in broadcasting, hosting programs and interviewing.

Film and TV productions produced in this Municipality shall use the standardized Chinese characters as the basic characters in the names of studios or stations, appellations of production units, names of programs, titles of films, subtitles, lists of cast; and staff as well as advertisements written in block letters.

Article 9 The broadcasters, program hosts, film, TV and drama actors, teachers and working staff in State organs to be recruited (or hired) to use Putonghua as their working language shall be subject to the testing of levels of Putonghua to make sure that they meet the grade standards set by the State.

Article 10 The mastheads (names) of newspapers, names of journals, cover pages, contents and advertisements of various newspapers, journals, books, electronic and network productions, audio-video productions and other publications published in Chinese in this Municipality shall use Putonghua and the standardized Chinese characters.

The newspapers and journals whose mastheads or names, upon approval, include characters written in variant or original complex forms shall use the standardized Chinese characters when their names reappear elsewhere in those newspapers and journals.

The administrative departments of news and publication shall incorporate the use of the standard spoken and written Chinese language as a content for examining and evaluating the quality of editing and proof-reading of publications as well as annual inspection, making it a condition in appraising and selecting excellent publications.

Article 11 Those working in this Municipality in commerce, postal services, telecom, networks, cultural undertakings, catering, entertainment, railways, transportation, civil aviation, tourism, banks, insurance, medical services and other sectors rendering direct services to the public shall use Putonghua as their basic language when providing services.

The name boards, indicator boards, scutcheons, signboards, official documents, seals, bills, statement forms, instructions, electronic screens, advertisements, propaganda materials, etc. used in public service sectors shall use the standardized Chinese characters as the basic language for services.

Article 12 The use of the standardized Chinese characters shall be encouraged in inscriptions in public places and hand-written words in signboards in this Municipality.

The standardized Chinese characters shall be used in the signs for names of mountains, rivers and other places as well as the administrative districts and residential quarters, those of roads, streets, stations, bridges and buildings and signs for facilities of such public places

使用规范汉字。

违反第二款规定的，由有关行政部门责令改正；拒不改正的，予以警告，并督促其限期改正。

第十三条 企业名称、商品名称以及广告应当以国家通用语言文字为基本用语用字。违反规定的，由本市工商行政部门依据有关法律、法规进行处理。

第十四条 在本市销售的商品的包装、标志、说明等应当以规范汉字为基本用字；信息处理和信息技术产品中使用的国家通用语言文字应当符合国家的规范和标准。违反规定的，由本市质量技术监督行政部门依据有关法律、法规进行处理。

第十五条 以普通话作为工作语言的岗位，其工作人员应当在工作中坚持使用普通话。违反规定的，由所在单位对其进行批评教育，责令改正。

第十六条 违反本规定第六条、第七条第一款和第二款、第八条、第九条、第十条第一款和第二款、第十一条规定的，由市和区、县语言文字工作部门或者有关单位对直接责任人员进行批评教育，责令改正。

第十七条 语言文字工作部门和其他有关部门及其工作人员应当依法履行职责；滥用职权或者不履行法定职责的，由所在单位或者上级主管部门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。

第十八条 本规定自 2003 年 8 月 1 日起施行。

as places of historical interests, memorial significance and tourism in this Municipality.

Those in violation of the provision of the second paragraph shall be ordered by relevant administrative departments to make corrections; those who refuse to make corrections shall be given warnings and simultaneously urged to make corrections within the prescribed period of time.

Article 13 The names of enterprises, commodities and advertisements shall use the standard spoken and written Chinese language as the basic language. Violators of this provision shall be dealt with by the departments of industrial and commercial administration in this Municipality in accordance with relevant laws and regulations.

Article 14 The packages, signs and use instructions of commodities on sale in this Municipality shall use the standardized Chinese characters as the basic characters; the standard spoken and written Chinese language used in information processing and information technology products shall conform to the norms and standards of the State. Violators of these provisions shall be dealt with by the administrative departments of quality and technology supervision in this Municipality in accordance with relevant laws and regulations.

Article 15 In posts where Putonghua shall be used as the working language; all working staff shall persist in using Putonghua in their work. Violators of this provision shall be criticized and educated and ordered to make corrections by the units where they work.

Article 16 Where there are violations of the provisions of Article 6, the first and second paragraph of Article 7, Article 8, Article 9, the first and second paragraph of Article 10 and Article 11, those directly responsible shall be criticized and educated and ordered to make corrections by the departments in charge of the work related to spoken and written language at the municipal and the district or county level or relevant units.

Article 17 The departments in charge of the work related to spoken and written language and other relevant departments as well as their working staff shall perform their duties according to law; where there are cases of abusing powers or failing to perform legal duties, those in charge directly responsible and other directly responsible person shall be given administrative sanctions according to law by the units where they work or the competent authority at the higher level.

Article 18 These Provisions shall take effect as of August 1, 2003.

北京市实施《中华人民共和国民办教育促进法》办法

(2006年11月3日北京市第十二届人民代表大会常务委员会

第三十二次会议通过)

第一条 为了促进本市民办教育事业健康和可持续发展,根据《中华人民共和国民办教育促进法》以及有关法律、法规的规定,结合本市实际情况,制定本办法。

第二条 本市行政区域内国家机构以外的社会组织或者个人,利用非国家财政性经费,面向社会举办学校及其他教育机构(以下统称民办学校)的活动,适用本办法。

第三条 民办教育事业属于公益性事业,是首都社会主义教育事业的组成部分。市和区、县人民政府应当鼓励、支持、引导民办教育事业健康发展。

第四条 本市民办教育事业应当坚持适应需求、适度规模、优化结构、提高质量的原则,增强对本市经济社会发展的服务贡献能力。

本市推进办学体制改革,逐步形成以政府办学为主、公办教育与民办教育共同发展的格局。

第五条 市和区、县人民政府应当将民办教育事业纳入国民经济和社会发展规划,并列入教育发展专项规划。

第六条 本市鼓励社会组织和个人依法以多种形式举办符合本市经济社会发展需要和人民群众日益增长的教育需求的民办教育,提供多样化的服务。

本市对符合经济社会发展需要、办学质量高、信誉好、有发展潜力的民办学校,给予资助或者其他政策扶持。资助和扶持的具体办法,由市教育、劳动和社会保障行政部门会同有关部门共同制定。

第七条 市和区、县人民政府应当设立民办教育发展专项资金。资金的管理、使

Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on Promotion of Privately-run Schools

(Adopted at the 32nd Meeting of the Standing Committee of the 12th
People's Congress of Beijing Municipality on November 3, 2006)

Article 1 These Measures are formulated for the purpose of promoting the sound and sustainable development of the undertakings of privately-run schools in this Municipality in accordance with the provisions of the Law of the People's Republic of China on Promotion of Privately-run Schools and relevant laws or regulations and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall be applicable to the activities conducted by the public organizations or individuals, other than State organs, within the administrative area of this Municipality, to establish and run schools and other institutions of education (hereinafter referred to as privately-run schools) with non-governmental financial funds, which are geared to the need of society.

Article 3 The undertakings of privately-run schools belong to public welfare undertakings and constitute a component part of the cause of socialist education of the capital. The municipal and the district or county people's governments shall encourage, support and guide the sound development of the undertakings of privately-run schools.

Article 4 The undertakings of privately-run schools of this Municipality shall stick to the principles of adapting to demands, moderating the size of student body, optimizing structures and enhancing quality to improve their service and contribution capacities to the economic and social development of this Municipality.

This Municipality shall promote the reform in the school-running system to gradually form a pattern of joint development of government-run education and privately-run education that relies mainly on the government-run schools.

Article 5 The municipal and the district or county people's governments shall incorporate the undertakings of privately-run schools into their plans of national economic and social development as well as their special plans of education development.

Article 6 This Municipality shall encourage public organizations and individuals to set up privately-run schools meeting the needs of economic and social development of this Municipality and the people's increasingly growing demands in education in various forms and provide diversified services according to law.

This Municipality shall provide the privately-run schools of high-quality meeting the needs of economic and social development, with good credits or potential for development with financial aids or other policy supports. The specific measures for financial aids and supports shall be formulated by the municipal administrative departments for education or labor and social security together with relevant departments.

Article 7 The municipal and the district or county people's governments shall set up special funds for the development of privately-run education. The measures for management

用办法，由市财政部门会同市教育、劳动和社会保障等行政部门共同制定。

第八条 本市建立对民办学校的奖励制度，对捐资举办民办学校表现突出或者为发展本市民办教育事业做出其他突出贡献的组织或者个人，给予表彰和奖励。

第九条 民办学校应当贯彻国家的教育方针，实施素质教育，保证教育质量，培养符合本市经济社会发展需要的各类人才。

第十条 民办学校与公办学校以及民办学校的教师、受教育者与公办学校的教师、受教育者具有同等的法律地位。民办学校教职工在业务培训、职务聘任、教龄和工龄计算、表彰奖励、社会活动等方面依法享有与公办学校教职工同等权利。民办学校的受教育者在升学、就业、社会优待、参加先进评选、医疗保险等方面，享有与同级同类公办学校的受教育者同等权利。

市和区、县人民政府及其相关部门应当依法保障民办学校的办学自主权，保障民办学校举办者、校长、教职工和受教育者的合法权益。

第十一条 市教育行政部门负责全市民办教育工作的统筹规划、综合协调和宏观管理；市和区、县教育行政部门按照各自职责负责民办教育工作。

劳动和社会保障行政部门和其他有关部门在各自的职责范围内，分别负责有关的民办教育工作。

第十二条 设立民办学校应当符合市和区、县经济社会发展以及教育发展的需求。

民办学校的设置标准参照同级同类公办学校的设置标准执行，没有标准的，按照国家和本市的有关规定执行。

第十三条 设立民办学校按照以下权限审批：

（一）设立实施本科以上高等学历教育的民办学校，按照有关规定报国务院教育行政部门审批；

（二）设立实施专科教育的民办高等职业学校，由市人民政府审批，报国务院教育行政部门备案；

and use of the funds shall be formulated by the municipal department for finance together with the municipal administrative departments for education, labor and social security, etc..

Article 8 This Municipality shall establish a rewarding system for privately-run schools to commend and reward the organizations or individuals that are outstanding in donating funds to establish privately-run schools or make other outstanding contribution to the development of the undertakings of privately-run schools of this Municipality.

Article 9 Privately-run schools shall implement the educational principles of the State, carry out quality education, guarantee the educational quality and cultivate various types of people meeting the needs of economic and social development of this Municipality.

Article 10 Privately-run schools and government-run schools, and the teachers and educatees of privately-run schools and those of government-run schools shall share equal legal status. The teachers and staff members of privately-run schools shall share equal rights with those of government-run schools in respect of professional training, appointment of posts, calculation of the length of service as a teacher or staff member, commendation and reward, social activities, etc. according to law. The educatees of privately-run schools shall enjoy equal rights as those of government-run schools of the same grade and category in respect of admission into schools of a higher grade, employment, preferential treatment, being elected as advanced students, medical insurance, etc..

The municipal and the district or county people's governments and relevant departments thereof shall, according to law, safeguard the autonomy of privately-run schools and protect the lawful rights and interests of the sponsors, principals, teachers and staff members and educatees of privately-run schools.

Article 11 The municipal administrative department for education shall be responsible for the overall planning, comprehensive coordination and macro-administration of the work relating to privately-run schools of the whole Municipality. The municipal and the district or county administrative departments for education shall be responsible for the work relating to privately-run schools according to their respective functions and duties.

The administrative departments for labor and social security and other relevant departments shall respectively be responsible for the work relating to privately-run schools within their respective functions and duties.

Article 12 The establishment of a privately-run school shall meet the need for the municipal and the district or county economic and social development and educational development.

The standards for the establishment of privately-run schools shall, conform to those for the establishment of government-run schools of the same grade and category. Where there is no such standard, relevant provisions of the State and this Municipality shall be implemented.

Article 13 The establishment of a privately-run school shall be subject to examination and approval within the following limits of powers:

(1) the establishment of a privately-run school offering higher education for academic qualifications of regular course or a still higher level shall, in accordance with relevant provisions, be subject to examination and approval by the administrative department for education under the State Council;

(2) the establishment of a privately-run higher vocational school of special course shall be subject to examination and approval by the municipal people's government and submitted to the administrative department for education under the State Council for the record;

（三）设立实施中等及中等以下学历教育、学前教育以及其他文化教育的民办学校，由区、县教育行政部门审批，报市教育行政部门备案；

（四）设立实施以职业技能为主的职业资格培训、职业技能培训的民办学校，由市和区、县劳动和社会保障行政部门按照各自职责审批，抄送同级教育行政部门备案；设立民办技工学校，由市劳动和社会保障行政部门审批；

（五）法律、法规另有规定的，按照相关规定执行。

第十四条 民办学校的设立包括筹备设立和正式设立。民办学校在筹备设立期内不得招生。

第十五条 民办学校的举办者可以用资金、实物、土地使用权、知识产权以及其他财产作为办学出资。

举办民办学校应当具备与办学类别、规模、层次相适应的办学资金。

举办者的出资应当委托具有资质的验资机构进行验资，并出具验资报告。其中以货币资金以外的方式出资的，举办者还应当委托具有评估资质的机构进行评估。

第十六条 民办学校的名称应当符合有关法律、行政法规的规定，并依法进行核准、登记。在本市行政区域内不得与已登记的其他学校的名称相同或者相近，使用的外文名称应当与准登记的中文名称含义一致。

第十七条 民办学校发布招生简章和广告应当符合法律、法规的规定，并报审批机关备案。

招生简章和广告应当真实、准确。招生简章和广告的内容应当与向审批机关备案的材料一致。民办学校组织的教育教学活动，应当与招生简章和广告的承诺一致。民办学校发布虚假招生简章或者广告，骗取钱财的，由审批机关依照《中华人民共和国民办教育促进法》第六十二条予以处罚。

第十八条 民办学校应当设立学校理事会、董事会或者其他形式的决策机构，决策机构应当依法履行职责。民办学校应当建立健全内部管理、教职工民主参与、争议

(3) the establishment of a privately-run school offering education for academic qualifications of a middle school level or below, pre-school education or other cultural education shall be subject to examination and approval by the district or county administrative department for education and submitted to the municipal administrative department for education for the record;

(4) the establishment of a privately run school offering training for vocational qualifications or training in vocational skills while laying stress on vocational skills, shall be subject to examination and approval by the municipal and the district or county administrative department for labor and social security according to their respective functions and duties, which shall send a duplicate of the approval document to the administrative department for education at the same level for the record; the establishment of a privately-run technical school shall be subject to examination and approval by the municipal administrative department for labor and social security; or

(5) where it is otherwise provided for in laws or regulations, those relevant provisions shall be implemented.

Article 14 The establishment of a privately-run school shall include preparation for establishment and official establishment. A privately-run school shall not enroll students during the preparation stage.

Article 15 The sponsors of a privately-run school may make capital contribution with funds, in kind or with land use rights, intellectual property rights and other property to establish and run the school.

Any one intending to establish a privately-run school shall possess the funds needed for running the school that are commensurate with its category, size of student body and level.

The sponsors' contributions shall be verified by a qualified capital verification institution entrusted that shall issue a report capital verification. Where the contributions are made in forms other than monetary funds, the sponsors shall also entrust a qualified valuation institution to conduct the valuation.

Article 16 The name of a privately-run school shall conform to the provisions of relevant laws and administrative regulations and be approved and registered according to law. It shall not be identical with or similar to the names of other schools already registered within the administrative area of this Municipality, and the name used in a foreign language shall be consistent with the name in Chinese already approved and registered in meaning.

Article 17 The general regulations and advertisements for student enrollment published by a privately-run school shall conform to the provisions of laws and regulations and be submitted to the examination and approval authority for the record.

The general regulations and advertisements for student enrollment shall be truthful and accurate. The contents of the general regulations and advertisements for student enrollment shall be consistent with the materials submitted to the examination and approval authority for the record. The education and teaching activities organized by a privately-run school shall be consistent with the commitments made in the general regulations and advertisements for student enrollment. A privately-run school publishing a false general regulation or advertisement for student enrollment for the purpose of defrauding money shall be penalized by the examination and approval authority in accordance with the provisions of Article 62 of the Law of the People's Republic of China on Promotion of Privately-run Schools.

Article 18 A privately-run school shall set up an executive council, a board of directors or other forms of decision-making bodies of the school which shall perform its functions and duties according to law. A privately-run school shall establish and improve

调解等制度。

第十九条 民办学校应当建立教学培养方案、教学运行管理、教学质量监控等教学管理制度，保证教学质量。鼓励民办学校进行教育教学改革，开展课程和教材的实践探索。

第二十条 实施学历教育的民办学校应当建立学籍管理制度，并报审批机关备案；实施非学历教育的民办学校应当建立学生注册登记制度，建立学业成绩档案。

第二十一条 民办学校应当建立安全管理制度，履行相应的安全管理责任，做好校内安全管理工作。

第二十二条 民办学校应当依法建立财务、会计制度和资产管理制度，并按照国家有关规定设置会计账簿，依照《中华人民共和国会计法》和国家统一的会计制度进行会计核算，编制财务会计报告，委托社会审计机构依法进行审计，公布审计结果，并报审批机关备案。

第二十三条 具有民办非企业法人资格的民办学校应当与其聘任的教师、职员以及其他工作人员签订劳动合同；聘用兼职教师、职员以及其他工作人员的，签订聘用协议。

争议发生后，当事人可以在校内进行调解，也可以到学校所在地的劳动仲裁机构申请仲裁。对仲裁结果有异议的，可以到法院提起诉讼。

民办学校聘任外籍人员，按照国家有关规定执行。

第二十四条 民办学校的教师和其他工作人员，有权依照工会法，建立工会组织，维护其合法权益。

第二十五条 实施学历教育的民办学校应当建立学生申诉处理制度，受教育者对学校给予的处理有异议的，有权向学校提出申诉，学校应当予以复查。

民办学校侵犯受教育者的合法权益，受教育者及其亲属有权向教育、劳动和社会保障行政部门和其他有关部门申诉，有关部门应当及时予以处理。

systems of internal management, democratic participation of teachers and staff members dispute mediation, etc..

Article 19 A privately-run school shall establish teaching management systems on teaching and cultivation plan, teaching operation, teaching quality monitoring, etc. to ensure the teaching quality. A privately-run school is encouraged to conduct educational and teaching reforms and carry out practical explorations in courses and teaching materials.

Article 20 A privately-run school offering education for academic qualifications shall establish a system for administration of students' records which shall be submitted to the examination and approval authority for the record; a privately-run school offering education for non-academic qualifications shall establish a student registration system and records for students' performances.

Article 21 A privately-run school shall establish a safety management system, perform the corresponding safety management responsibilities and bring to success the work concerning the safety management within the school.

Article 22 A privately-run school shall, in accordance with law, establish financial and accounting systems and assets management system, keep account books in accordance with relevant provisions of the State, conduct accounting practice and prepare financial reports according to the Accounting Law of the People's Republic of China and the uniform accounting system of the State, and entrust a social auditing institution to conduct auditing according to law. The audit results shall be made known to the public and submitted to the examination and approval authority for the record.

Article 23 A privately-run school with the status of a private non-enterprise legal person shall sign labor contracts with the teachers, staff members and other working staff it engages. Where a part-time teacher, a staff member or other working staff employee is employed, an employment agreement shall be signed.

Where a dispute happens, the parties concerned may either seek mediation in the school or apply for labor arbitration with the labor arbitration institution in the place where the school is located. Anyone disagreeing with the arbitration result may bring a lawsuit to the court.

Where a privately-run school employs a foreign staff member, the matter shall be handled in accordance with relevant provisions of the State.

Article 24 Teachers and other working staff of a privately-run school shall have the right to form a trade union organization to protect their lawful rights and interests according to the Labor Union Law.

Article 25 A privately-run school offering education for academic qualifications shall establish a system for handling students' petition. The educatees disagreeing with the school's handling shall have the right to make petition to the school and the school shall carry out reconsideration.

Where a privately-run school infringes upon the lawful rights or interests of educatees, the educatees and their relatives shall have the right to make petition to the administrative departments for education, labor and social security and other relevant departments, and the said departments shall handle it without delay.

第二十六条 民办学校可以根据本校实际自主设置教师和其他专业技术人员职务岗位，自主聘任。

教育、劳动和社会保障、人事等行政部门应当将民办学校教师和其他专业技术人员的专业职务评审工作纳入其组织的专业职务评审范围。

第二十七条 教育、劳动和社会保障等行政部门应当将民办学校的教师培训纳入教师培训规划。

民办学校应当建立教师培训制度，对受聘教师进行思想政治培训和业务培训，鼓励和支持教师参加科学研究、技术创新、学术交流和社会实践。

第二十八条 民办学校变更学校地址或者在审批机关批准的区域外增设教学地点的，应当重新办理审批、登记手续。民办学校在审批机关批准的区域内增设教学地点的，应当报审批机关备案，未备案的，由审批机关责令限期改正。

第二十九条 民办学校对接受学历教育的受教育者收取费用的项目和标准，由民办学校提出书面申请，按学校类别和隶属关系报教育或者劳动和社会保障行政部门审核后，报价格主管部门批准并公示；对其他受教育者收取费用的项目和标准，由民办学校制定，报价格主管部门备案并公示。

民办学校应当根据市教育、劳动和社会保障行政部门的有关规定，制定具体的学费退费办法并公示，报审批机关备案；民办学校应当按照退费办法与受教育者签订有关协议，受教育者退、转学要求退费的，按照双方签订的协议处理。

民办学校违反本条第二款的规定，未公示学费退费办法或未向审批机关备案的，由审批机关责令限期改正。

第三十条 市和区、县人民政府教育督导机构应当依法对民办学校实行督导，促进提高办学质量。

教育、劳动和社会保障行政部门应当加强对民办学校的日常监督，定期组织或者委托社会中介组织对民办学校办学水平和教育质量进行评估，并将评估结果向社会公

Article 26 A privately-run school may independently set up posts of teachers and other professional technicians according to its actual circumstances and appoint those working staff on its own.

The administrative departments for education, labor and social security, personnel, etc. shall incorporate the professional and technical post evaluation of the teachers and other professional technicians of privately-run schools into the scope of the professional and technical post evaluation organized by themselves.

Article 27 The administrative departments for education, labor and social security, etc. shall incorporate the training of the teachers of privately-run schools into the teacher training plans.

A privately-run school shall establish a teacher training system to carry out ideological, political and professional trainings on the teachers appointed, encourage and support the teachers to participate in scientific research, technical innovations, academic exchanges and social practices.

Article 28 A privately-run school that intends to alter its address or adds teaching sites beyond the area approved by the examination and approval authority shall go through the examination and approval and registration procedures once again. A privately-run school that intends to add teaching sites within the area approved by the examination and approval authority shall submit the matter to the examination and approval authority for the record. Where a privately-run school fails to submit such matter for the record, the examination and approval authority shall order it to make corrections with a prescribed time limit.

Article 29 With respect to the items and rates of fees to be collected by a privately-run school from educatees who receive education for academic qualifications, a written application shall be submitted by a privately-run school to the administrative department for education or labor and social security according to the category and subordinate relationship of the school for examination and verification, and then submitted to the competent department for price for approval, and the items and rates of fees approved shall be made known to public; and the items and rates of fees to be collected from other educatees shall be worked out by the privately-run school and submitted to the competent department for price for the record and made known to the public.

A privately-run school shall, in accordance with relevant provisions of the municipal administrative departments for education or labor and social security, formulate a specific measure for returning tuition fees, make it known to the public and submit it to the examination and approval authority for the record; a privately-run school shall sign relevant agreements with the educatees according to the measure for returning tuition fees, and where an educatee leaving the school or transferring to another school requires the tuition fees to be returned, the matter shall be handled according to the agreement signed by the two parties.

Where a privately-run school, in violation of the provisions of the second paragraph of this Article, fails to make known to the public the measure for returning tuition fees or fails to submit it to the examination and approval authority for the record, the examination and approval authority shall order it to make corrections within a prescribed time limit.

Article 30 The education supervision institutions of the municipal and the district or county people's governments shall, according to law, exercise supervision over privately-run schools to promote enhancing the quality of such schools.

The administrative departments for education or labor and social security shall strengthen routine supervision over privately-run schools, and regularly conduct evaluation

布。

第三十一条 教育、劳动和社会保障行政部门对民办学校进行监督时，应当将监督的情况和处理结果予以记录，由监督人员签字后归档。公众有权查阅监督记录。

第三十二条 教育、劳动和社会保障等行政部门应当建立民办学校办学信息公告制度，并将民办学校的基本情况、教育教学质量评估情况、财务审计情况、学校受奖惩情况等定期向社会公布。

第三十三条 新建、扩建民办学校，政府有关部门应当按照公益事业用地及建设的有关规定给予优惠。具体办法由市教育、劳动和社会保障、国土资源管理、建设等行政部门共同制定。

第三十四条 政府有关部门应当保障民办学校在水、电、气等供给方面享有与公办学校同等的政策待遇。

第三十五条 捐资举办的民办学校和出资人不要求取得合理回报的民办学校，依法享受与公办学校同等的税收以及其他优惠政策。

出资人要求取得合理回报的民办学校，按照国家有关规定享受税收优惠政策。

第三十六条 区、县人民政府根据本行政区域实施义务教育的需要，可以与民办学校签订协议，委托其承担部分义务教育任务。区、县人民政府委托民办学校承担义务教育任务的，应当根据接受义务教育学生的数量和本地区实施义务教育的公办学校的学生人均教育经费标准，拨付相应的教育经费。

受委托的民办学校向协议就读的学生收取的费用，不得高于本地区同级同类公办学校的收费标准。

第三十七条 民办学校违反本办法第十四条的规定，在筹备设立期内招收学生的，由审批机关责令停止招生，退还向学生收取的费用。

第三十八条 民办学校违反本办法第十八条、第十九条、第二十条的规定，未建立、健全管理机构和管理制度，导致管理混乱、教育教学质量低下，造成恶劣影响的，由

of or entrust social intermediary bodies with evaluation of the level of school running and the quality of education of such schools, and make the evaluation results of known to the society.

Article 31 The administrative departments for education or labor and social security shall, in supervising over privately-run schools, put on the record the supervision exercised and the results of disposition, which shall be signed by supervisors before being placed on file. The public has the right to consult the records of supervision.

Article 32 The administrative departments for education, labor and social security, etc. shall establish an information disclosure system of privately-run schools to regularly make known to the society the basic circumstances, assessment on education and teaching quality and financial auditing of privately-run schools, the rewards and punishments received by schools, etc..

Article 33 Where a privately-run school is newly constructed or expanded, relevant government departments shall give it preferential treatment in accordance with the provisions on the use of land for, and the construction of, public welfare undertakings. The specific measures shall be jointly formulated by the municipal administrative departments for education, labor and social security, state land resource management, construction, etc..

Article 34 Relevant government departments shall ensure that privately-run schools may enjoy the same policy treatment as government-run schools in respect of supply of water, power, gas, etc..

Article 35 A privately-run school established with donated funds and a privately-run school the fund providers of which demand no rational requital shall enjoy the equal tax preferential treatment and other preferential policies with a government-run school according to law. A privately-run school the fund providers of which demand no rational requital shall enjoy the preferential tax policy in accordance with relevant provisions of the State.

Article 36 The district or county people's governments may, according to the needs for offering compulsory education within their respective administrative areas, conclude agreements with privately-run schools to entrust them with part of the tasks of compulsory education. Where the district or county people's governments entrust privately-run schools with the task of compulsory education, it shall appropriate the corresponding funds for education on the basis of the number of students who accept compulsory education and the average standards of funds for education for one student in local government-run schools offering compulsory education.

The fees collected by an entrusted privately-run school from the students who are enrolled on the basis of such agreements shall not be higher than the fee rates of the local government-run schools of the same grade and category.

Article 37 A privately-run school that, in violation of the provisions of Article 14 of these Measures, enrolls students during the preparation stage for establishment shall be ordered to stop enrolling students by the examination and approval authority and return the fees collected from the students.

Article 38 A privately-run school which , in violation of the provisions of Articles 18, Article 19 or Article 20 of these Measures, fails to establish and improve a management

审批机关责令限期改正，并予以警告；逾期不改正或者经改正仍达不到要求的，责令停止招生、吊销办学许可证。

第三十九条 违反本办法第二十八条的规定，未经批准，擅自变更学校地址或者擅自在审批机关批准的区域外增设教学地点的，由市和所在区、县的教育、劳动和社会保障行政部门按照各自权限责令限期改正，对于符合规定的民办学校条件的，可以补办审批手续；逾期仍达不到办学条件的，责令停止办学，造成经济损失的，依法承担赔偿责任。

第四十条 民办学校违反本办法其他规定的，由教育、劳动和社会保障、工商、民政等行政部门按照有关法律、法规的规定处理。

第四十一条 在工商行政管理部门登记注册的经营性的民办培训机构的管理，按照有关法律、法规的规定执行。

第四十二条 本办法自 2007 年 3 月 1 日起施行。2000 年 7 月 11 日市人民政府 59 号令公布的《北京市社会力量办学若干规定》同时废止。

institution and management system leading to haphazard management or low quality of education and teaching and causing baneful influences shall be ordered to make corrections within a prescribed time limit and given a warning by the examination and approval authority; the privately-run school failing to make corrections at the expiration of a prescribed time limit or failing to meet the requirement upon making corrections shall be ordered to stop enrolling students or revoked its license for running the school.

Article 39 A privately-run school which, in violation of the provisions of Article 28 of these Measures, without approval, alters its address without authorization or adds a teaching site beyond the area approved by the examination and approval authority shall be ordered to make corrections within a prescribed time limit by the municipal administrative departments for education or labor and social security and the administrative departments for education or labor and social security of the district or county where it is located according to their respective powers; if the school conforms to the conditions provided for regarding privately-run schools, it may go through the formalities of examination and approval separately; if it fails to meet the conditions at the expiration of a prescribed time limit, it shall be ordered to stop running the school, and if economic losses are caused, it shall bear the responsibility to pay compensation according to law.

Article 40 A privately-run school in violation of other provisions of these Measures shall be handled by the administrative departments for education, labor and social security, industry and commerce, civil affairs, etc. in accordance with provisions of relevant laws or regulations.

Article 41 The administration of profit-making privately-run training institutions registered with the administrative departments for industry and commerce shall be carried out in accordance with provisions of relevant laws or regulations.

Article 42 These Measures shall be effective as of March 1, 2007. The Several Provisions of Beijing Municipality on Schools Run by Social Forces promulgated by Decree No. 59 of the People's Government of Beijing Municipality on July 11, 2000 shall be repealed simultaneously.

北京市实施《中华人民共和国国防教育法》办法

(2007年7月27日北京市第十二届人民代表大会常务委员会
第三十七次会议通过)

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- 第一章 总 则
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第一章 总 则

第一条 为了实施《中华人民共和国国防教育法》，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国防教育活动及其保障。

第三条 本市通过开展国防教育，使公民增强国防观念，掌握基本的国防知识，学习必要的军事技能，激发爱国热情，自觉履行国防义务。

第四条 本市国防教育贯彻全民参与、长期坚持、讲求实效的方针，实行经常教育与集中教育相结合、普及教育与重点教育相结合、理论教育与行为教育相结合的原则，针对不同对象确定相应的教育内容、考核标准，分类组织实施。

第五条 接受国防教育是公民的权利和义务。

Measures of Beijing Municipality for Implementation of the Law of the People's Republic of China on National Defense Education

(Adopted at the 37th Meeting of the Standing Committee of the 12th
People's Congress of Beijing Municipality on July 27, 2007)

Contents

- Chapter I General Provisions
- Chapter II National Defense Education in Schools
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- Chapter IV Support for National Defense Education
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Chapter I General Provision

Article 1 These Measures are formulated for the purpose of implementing the Law of the People's Republic of China on National Defense Education in light of the actual circumstances of this Municipality.

Article 2 These Measures apply to the national defense education activities and support therefor within the administrative areas of this Municipality.

Article 3 This Municipality, through conducting national defense education, helps citizens to enhance their awareness of the importance of national defense, master the basic knowledge of national defense, learn the necessary military skills, develop patriotic enthusiasm and conscientiously perform their obligations to defend the country.

Article 4 In national defense education in this Municipality, the guideline of participation by all the people, long-term perseverance and emphasis on practical results shall be followed, the principle of combining regular education with concentrated education, general education with special education, and education in theories with education in conduct shall be applied, and different contents of education and standards of examination shall be determined and such education and examination conducted among people who are grouped into different categories.

Article 5 To receive national defense education is the right and duty of all citizens.

普及和加强国防教育是全社会的共同责任。

第六条 本市各级人民政府领导本行政区域内国防教育工作，并将国防教育纳入国民经济和社会发展规划，为单位开展国防教育和公民接受国防教育创造条件。

驻京军事机关应当协助和支持本市各级人民政府开展国防教育。

第七条 市和区、县国防教育办公室负责组织、指导、协调和检查本行政区域内的国防教育工作。

教育行政部门负责各级各类学校的国防教育工作，指导、监督学校开展国防教育。

人事行政部门负责本市国家机关的国防教育工作，将国防教育纳入培训计划，指导、协调各机关开展国防教育。

兵役机关负责所属民兵、预备役人员的国防教育工作和学校、本市国家机关以外的单位和人员的国防教育工作。

民防行政部门负责人民防空教育工作。

民政部门结合拥军优属工作，开展国防教育。

文化、新闻出版、广播电视等行政部门将国防教育纳入工作计划，根据各自职责开展面向社会公众的国防教育。

征兵、国防科研生产、国民经济动员、国防交通、军事设施保护等工作的主管部门，应当依照有关法律、法规和本办法的规定，负责国防教育工作。

工会、共产主义青年团、妇女联合会以及其他有关社会团体结合工作特点，协助人民政府开展国防教育。

第八条 每年九月的第三个星期六是全国国防教育日。

负有国防教育职责的部门在全民国防教育日，应当采取多种形式组织开展国防教育活动。

To popularize and strengthen the national defense education is the common responsibility of the whole society.

Article 6 The people's governments at various levels of this Municipality shall exercise leadership over the work of national defense education within their respective administrative areas, bring the national defense education into the plan for national economic and social development and create conditions for units to organize national defense education and citizens to receive national defense education.

The military organs stationed in Beijing shall assist and support the people's governments at various levels of this Municipality in conducting national defense education.

Article 7 The offices in charge of the work of national defense education at the municipal and the district or county level shall organize, direct, coordinate and inspect the work of national defense education within their respective administrative areas.

The administrative departments for education shall be responsible for the work of national defense education in schools of various types and at various levels, and direct and supervise the schools in conducting national defense education.

The administrative departments for personnel shall be responsible for the work of national defense education in the State organs of this Municipality, bring national defense education into their training schemes and direct and coordinate the organs in conducting national defense education.

The military service organs shall be responsible for the work of national defense education among the militia and reservists and that among the units and personnel other than schools and State organs of this Municipality.

The administrative departments for civil air defense shall be responsible for the work of civil air defense education.

The administrative departments for civil affairs shall conduct national defense education by combining it with activities of supporting the army and extending preferential treatments to the families of servicemen and martyrs.

The administrative departments for culture, press and publication, radio and television, etc. shall bring national defense education into their respective work plans and conduct national defense education oriented to the social public according to their respective functions and duties.

The competent departments for the work of conscription, national defense scientific research and production, national economic mobilization, national defense communications, protection of military installations, etc. shall take charge of the work of national defense education in accordance with the provisions of relevant laws, regulations and these Measures.

The Trade Union, the Communist Youth League, the Women's Federations and other public groups shall assist the people's governments in conducting national defense education in light of the characteristics of their respective work.

Article 8 The third Saturday in September each year is the National Defense Education Day.

The departments responsible for national defense education shall organize to conduct various national defense education activities by various means on the National Defense Education Day.

第二章 学校国防教育

第九条 教育行政部门应当将国防教育列入工作计划，并对学校的国防教育工作定期进行考核。

第十条 各级各类学校应当将国防教育纳入工作和教学计划，根据全民国防教育大纲和本市有关规定，开展国防教育。

第十一条 小学和初级中学应当将国防教育的内容纳入有关课程，采取课堂教学与课外活动相结合的方式，对学生进行国防教育。

小学和初级中学可以通过少年军校、组织军事夏令营和聘请校外辅导员等形式开展国防教育。

第十二条 高等学校、高级中学和相当于高级中学的学校对学生进行国防教育，应当将课堂教学与军事训练相结合，并将学生的国防教育课程成绩记入学生档案。

第十三条 学校开展国防教育应当建立安全制度，制定安全预案。

第三章 社会国防教育

第十四条 国家机关应当根据工作性质和特点，采取国防知识讲座、军事日活动等形式，有计划地对工作人员进行国防教育。

从事征兵、国防科研生产、国民经济动员、民防、国防交通、国防教育、军事设施保护等国防建设事业的国家工作人员，应当学习和掌握履行职责所必需的国防知识和技能。

本市根据需要选送有关单位的负责人或者其他人员到军事院校接受培训，学习和掌握履行职责所必需的国防知识和技能。

Chapter II National Defense Education in Schools

Article 9 The administrative departments for education shall incorporate national defense education into their work plans and make regular assessment of the work of the said education of schools.

Article 10 The schools of various types and at various levels shall bring national defense education into their plans for work and teaching and conduct national defense education in accordance with the Outline of National Defense Education and the relevant provisions of this Municipality.

Article 11 In primary schools and junior secondary schools, national defense education shall be incorporated into related curricular and such education shall be conducted among students by combining classroom instruction with extracurricular activities.

The primary schools and junior secondary schools may conduct national defense education through juvenile cadet schools, organizing military summer camps and inviting afterschool activities counselors.

Article 12 The institutions of higher education, senior secondary schools and schools equivalent to senior secondary schools shall, in conducting national defense education among students, combine classroom instruction with military training, and record the students' scores in national defense education courses in their files.

Article 13 For conducting national defense education, schools shall establish a safety system and formulate a safety plan.

Chapter III National Defense Education in Society

Article 14 State organs shall, in light of the nature and characteristics of their respective work, conduct national defense education among their functionaries through lectures on national defense knowledge, activities on military days and other forms in a planned way.

Functionaries of the State organs engaged in the building of national defense, such as the work of conscription, national defense research and production, national economic mobilization, civil air defense, national defense communications, protection of military installations, shall learn and master national defense knowledge and skills which are essential for the performance of their duties.

This Municipality shall, in light of needs, select the heads or other personnel of relevant units to relevant military academies to receive training in order that they will learn and master national defense knowledge and skills which are essential for the performance of their duties.

第十五条 民兵、预备役人员的国防教育按照国家和军队的有关规定执行。

第十六条 企业事业组织应当将国防教育列入职工教育计划，根据负有国防教育职责部门的安排和要求，组织本单位人员开展国防教育。

承担国防科研生产、国防设施建设、国防交通保障等任务的企业事业组织，应当根据所担负的任务，制定相应的国防教育制度和计划，有针对性地对职工进行国防教育。

第十七条 北京日报、北京人民广播电台、北京电视台、首都之窗网站等媒体，应当开设栏目或者制作节目，普及国防教育知识。

第十八条 在国庆节、中国人民解放军建军节和全民国防教育日，经批准的军营向社会开放。

第十九条 居民委员会、村民委员会应当配合有关部门对本地区的居民、村民开展国防教育。

第四章 国防教育保障

第二十条 市和区、县人民政府应当根据开展国防教育的需要，在财政预算中保障国防教育所需的经费。

负有国防教育职责的部门应当在本部门预算经费内列支国防教育所需经费。

第二十一条 各级各类学校应当按照有关规定，在本单位的经费中列支学生国防教育经费，落实师资、教材和课时，保障对学生进行国防教育的需要。

第二十二条 鼓励单位和个人以捐赠、资助，开展国防教育宣传、研究等形式，参与、支持国防教育。

第二十三条 国防教育经费和捐赠、资助国防教育的财产，应当用于国防教育事业，任何单位或者个人不得挪用、克扣。

Article 15 The national defense education among the militia and reservists shall be conducted in accordance with relevant provisions of the State and the Army.

Article 16 Enterprises and institutions shall incorporate national defense education into education plans for their workers and staff members and conduct such education among them according to the arrangements and requirements of the departments responsible for national defense education.

Enterprises and institutions that shoulder the tasks of national defense research and production, construction of national defense installations and support of national defense communications shall, on the basis of their tasks, formulate corresponding systems and plans for national defense education and conduct such education among their workers and staff members according to their specific conditions.

Article 17 Beijing Daily, Beijing People's Radio, Beijing Television Station, Window of Capital website and other media shall establish columns or make programs to disseminate national defense education knowledge.

Article 18 On National Day, the Chinese People's Liberation Army Day and the National Defense Education Day, barracks may, upon approval, open to the public.

Article 19 The residents' committees and villagers, committees shall cooperate with the relevant departments in conducting national defense education among the local residents and villagers.

Chapter IV Support for National Defense Education

Article 20 The people's governments at the municipal and the district or county level shall, according to the need for conducting national defense education, include the funds required for the education in their fiscal budgets by way of guarantee.

Funds needed by the departments responsible for national defense education for national defense education shall be drawn from their respective budgetary funds.

Article 21 Schools of various types and at various levels shall draw the funds for national defense education among students from their budgetary funds in accordance with relevant provisions, and arrange teachers, teaching materials and school hours to guarantee the requirements for national defense education among students.

Article 22 Units and individuals are encouraged to participate in or support national defense education through making donations, providing financial aids or conducting national defense education publicity and research.

Article 23 Funds for national defense education and the property donated or provided to support the national defense education shall be used for such education. No unit or individual may misappropriate or withhold them.

第二十四条 具有国防教育功能的博物馆、纪念馆、科技馆、文化馆、青少年宫等场所，应当采取多种形式为公民接受国防教育提供服务，对有组织的国防教育活动实行优惠或者免费。

第二十五条 市和区、县人民政府应当统筹国防教育基地的规划、建设和管理。

国防教育基地应当对有组织的中小学生免费开放，在全民国防教育日向社会免费开放。

第二十六条 市和区、县人民政府统筹规划国防教育培训机构的建设和管理，为国家机关、企业事业组织、社会团体等开展国防教育提供保障。

国防教育培训机构应当依法成立并开展国防教育活动。

第二十七条 国防教育办公室组织、协调有关单位从热爱国防教育事业、具备国防知识和必要军事技能的人员中选拔国防教育教员，并加强对国防教育教员的培训和管理，协助国家机关、企业事业组织、社会团体等开展国防教育。

第二十八条 国防教育办公室应当会同教育、人事、兵役、民防、保密等部门，根据不同国防教育对象的情况和国防教育需要，依据全民国防教育大纲，组织编写国防教育基础知识教材和应用教材。

第二十九条 国防教育办公室应当制定国防教育工作考核办法，对负有国防教育职责的部门进行考核。

负有国防教育职责的部门应当建立国防教育责任制，落实国防教育工作。

第三十条 本市对在国防教育中做出突出贡献的单位和个人，予以表彰和奖励。

第五章 法律责任

第三十一条 负责国防教育的国家工作人员玩忽职守、滥用职权、徇私舞弊的，依法给予行政处分；构成犯罪的，依法追究刑事责任。

Article 24 Museums, memorials halls, science and technology halls, culture centers, youth and children's palaces that serve the function of national defense education shall provide services in various forms for citizens to receive such education and give preferential treatment or free service to organized national defense education activities.

Article 25 The people's governments at the municipal and the district or county level shall arrange the planning, building and administration of national defense education bases in an overall way.

The national defense education bases shall open gratis to organized students of primary and secondary schools, and to the public on the National Education Day.

Article 26 The people's governments at the municipal and the district or county level shall plan the building and administration of national defense education training institutions in an overall way so as to provide guarantee for the State organs, enterprises, institutions and social groups to conduct national defense education.

National defense education training institutions shall be established and conduct national defense education activities according to law.

Article 27 The offices in charge of national defense education shall organize and coordinate with relevant units to select instructors for national defense education from those who are devoted to national defense education, possess national defense knowledge and necessary military skills, strengthen the training and management of instructors for national defense education and assist the State organs, enterprises, institutions and social groups in conducting national defense education.

Article 28 The offices in charge of national defense education shall, together with the departments for education, personnel, military service, civil air defense, secret-guarding, etc., organize the compilation of teaching materials of basic national defense education knowledge and that of application of such knowledge in accordance with the Outline of National Defense Education and in light of the conditions of different categories of people receiving national defense education and the requirements of national defense education.

Article 29 The offices in charge of national defense education shall formulate the measures for assessing the work of national defense education and conduct assessment on the departments responsible for national defense education.

The departments responsible for national defense education shall establish a responsibility system for national defense education to carry out the work of national defense education.

Article 30 This Municipality shall commend and reward the units and individuals who have made outstanding contributions to the work of national defense education.

Chapter V Legal Liability

Article 31 Any State functionary responsible for national defense education who neglects his duties, abuses his powers or engages in illegalities for personal gains or by fraudulent means shall be given an administrative sanction; where a crime is constituted, criminal liability shall be investigated for according to law.

第三十二条 违反本办法第二十三条规定，挪用、克扣国防教育经费的，由有关主管部门责令限期归还；对负有直接责任的主管人员和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。

第六章 附 则

第三十三条 本办法自 2007 年 9 月 15 日起施行。1993 年 7 月 30 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《北京市国防教育条例》同时废止。

Article 32 Anyone who, in violation of the provisions of Article 23 of these Measures, misappropriates or withholds the funds for national defense education shall be ordered by the competent authority to return the misappropriated or withheld funds within a time limit, the persons who are directly in charge and other persons who are directly responsible shall be given administrative sanctions; where a crime is constituted, criminal liability shall be investigated for according to law.

Chapter VI Supplementary Provisions

Article 33 These Measures shall be effective as of September 15, 2007. The Regulations of Beijing Municipality on National Defense Education adopted at the 4th Meeting of the Standing Committee of the Tenth People's Congress of Beijing Municipality on July 30, 1993 shall be repealed simultaneously.

北京市教师申诉办法

(1996年3月19日北京市人民政府第2号令发布 根据1998年7月8日发布的北京市人民政府令第8号《北京市人民政府关于修改〈北京市教师申诉办法〉的决定》进行修正)

第一条 根据《北京市实施〈中华人民共和国教师法〉办法》(以下简称《办法》)第二十四条规定,制定本办法。

第二条 本办法适用于本市所属的各级各类730学校和其他教育机构中的教师对下列情况提出的申诉:

- (一)学校或者其他教育机构侵犯《中华人民共和国教师法》(以下简称《教师法》)规定的教师合法权益的;
- (二)不服学校或者其他教育机构作出的处理决定的;
- (三)当地人民政府的有关行政部门侵犯《教师法》规定的教师合法权益的。

第三条 教师对本办法第二条第(一)、(二)项情形提出的申诉,由市或者区、县教育行政部门、劳动行政部门按照《办法》第四条的职责划分受理。教师对本办法第二条第(三)项情形提出的申诉,由有关行政部门的同级人民政府或者其上一级行政部门受理。

教师对行政部门侵犯《教师法》规定的合法权益,符合行政复议或者行政诉讼受理条件的,也可以依法申请行政复议或者提起行政诉讼。

第四条 教师提出申诉,应当以书面形式向受理申诉机关交送申诉书。申诉书应当载明以下事项:

- (一)申诉人的基本情况;
- (二)被申诉人的基本情况;

Measures of Beijing Municipality for Appeals from Teachers

(Promulgated by Decree No. 2 of the People's Government of Beijing Municipality on March 19, 1996, and revised in accordance with the Decision of the People's Government of Beijing Municipality on Revising the Measures of Beijing Municipality for Appeals from Teachers promulgated by Decree No. 8 of the People's Government of Beijing Municipality on July 8, 1998)

Article 1 The Measures are formulated in accordance with the provisions of Article 24 of the Measures of Beijing Municipality for Implementing the Teachers Law of the People's Republic of China (hereinafter referred to as the Measures).

Article 2 The Measures shall apply to the appeals filed by teachers of schools of all types and levels and other educational institutions in this Municipality against any of the following situations:

(1) Schools or other educational institutions have infringed upon the legitimate rights and interests of teachers as stipulated in the Teachers Law of the People's Republic of China (hereinafter referred to as the Teachers Law);

(2) Teachers refuse to accept decisions made by schools or other educational institutions; or

(3) The relevant administrative departments of the local people's governments have infringed upon the legitimate rights and interests of teachers as stipulated in the Teachers Law.

Article 3 Appeals filed by teachers against the situation in Item (1) or (2) of Article 2 of the Measures shall be accepted by the municipal, district or county administrative departments of education or labor according to the division of responsibilities in Article 4 of the Measures. Appeals filed by teachers against the situation in Item (3) of Article 2 of the Measures shall be accepted by the people's governments at the same level as the relevant administrative departments or by the administrative departments at the next higher level.

Where the relevant administrative departments infringe upon the legitimate rights and interests as stipulated in the Teachers Law, which meets the conditions for administrative reconsideration or administrative litigation, teachers may also apply for administrative reconsideration or file an administrative lawsuit according to law.

Article 4 To file an appeal, a teacher shall submit a written form of appeal to the organ accepting the appeal. The written form of appeal shall state the following items:

- (1) basic information of the claimant;
- (2) basic information of the respondent;

(三) 申诉请求;

(四) 申诉理由;

(五) 其他有关情况。

第五条 受理申诉的机关应当确定相应机构和专职或者兼职人员负责受理教师申诉工作。

受理申诉机关对不属于其管辖范围的申诉案件,应当移送有管辖权的机关,并及时通知申诉人。

第六条 教育行政部门应当自收到申诉书的次日起 30 日内对申诉作出处理,受理申诉的人民政府或者有关行政机关也应当在规定的时间内作出处理。

第七条 受理申诉的机关的主办人员对教师提出的申诉不得拖延推诿。对故意拖延推诿情节严重或者造成严重后果的,由其所在单位或者上级主管部门追究责任人的行政责任。

第八条 教师应当在知道(或者应当知道)自己合法权益受到侵犯,或者在知道(或者应当知道)学校或者其他教育机构作出的处理决定之日起一年内,向有关行政机关提出申诉申请,逾期不提出视为自动放弃申诉权利。教师在自动撤回申诉或者接到受理申诉机关的正式处理后,不得就同一事实和理由再次提出申诉申请。

第九条 本办法执行中的具体问题,由市教育委员会负责解释。

第十条 本办法自 1996 年 4 月 1 日起施行。

- (3) claims;
- (4) reasons for appeal; and
- (5) other relevant information.

Article 5 The organ accepting the appeal shall determine the corresponding office and full-time or part-time personnel to be responsible for accepting the appeal.

The organ accepting the appeal shall transfer the case to the competent organ and promptly notify the claimant thereof if the case does not fall within its jurisdiction.

Article 6 The administrative departments of education shall deal with an appeal within 30 days from the date following receipt of a written form of appeal, and the people's governments or the relevant administrative organs that accept an appeal shall also deal with it within the prescribed time.

Article 7 The staff of the organ accepting an appeal filed by a teacher shall not delay or pass the buck when dealing with the appeal. In case of intentional delay or buck-passing, if the circumstances are serious or serious consequences are caused, the person responsible thereof shall be held administratively liable by the organization with which he is affiliated or the competent department at the next higher level.

Article 8 A teacher shall, within one year from the date when he knows (or shall have known) that his legitimate rights and interests have been infringed on, or from the date when he knows (or shall have known) the decision made by the school or other educational institution, file an appeal to the relevant administrative organ, and failure to file an appeal within the specified time limit shall be deemed a waiver of the right of appeal. A teacher may not file an appeal again for the same facts and reasons after he takes the initiative to withdraw his appeal or receives the formal handling from the organ accepting the appeal.

Article 9 The Municipal Education Commission shall be responsible for interpretation of specific matters pertaining to implementation of the Measures.

Article 10 The Measures shall come into force as of April 1, 1996.

北京市教育督导规定

(1999 年 1 月 14 日北京市人民政府第 21 号令发布)

第一章 总 则

第一条 为加强对教育的行政监督，促进和保障教育法律、法规、方针、政策的贯彻执行和教育目标的实现，根据《中华人民共和国教育法》第二十四条的规定，结合本市实际情况，制定本规定。

第二条 教育督导是政府依法对本辖区内的教育工作进行监督、检查、评估、指导。教育督导的范围是本市行政区域内的中等及中等以下各级各类教育及其有关工作。

教育督导的对象包括：下级人民政府及其教育行政部门；本级人民政府的有关部门；中等及中等以下各级各类学校。

第三条 教育督导必须以有关教育的法律、法规、规章和方针、政策为依据，坚持实事求是、客观公正，实行督导、评估与指导工作相结合。

第二章 教育督导机构、督学及职责

第四条 教育督导室是政府行使教育督导职能的专门机构。市和区、县人民政府应当设立教育督导室，代表本级人民政府主管本行政区域内的教育督导工作，并接受上级教育督导机构的指导。

教育督导室主任、副主任由本级人民政府任免。

Provisions of Beijing Municipality on Educational Supervision

(Promulgated by Decree No. 21 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 the administrative supervision over education, and promoting and guaranteeing the implementation of laws, regulations, guidelines and policies on education and the realization of educational objectives in accordance with the provisions of Article 24 of the Education Law of the People's Republic of China and in light of actual circumstances of this Municipality.

Article 2 Educational supervision refers to the government's supervision, inspection, evaluation and guidance of the educational work within its jurisdiction according to law.

Educational supervision shall cover the education of all types at or below the secondary level and its relevant work within the administrative area of this Municipality.

Educational supervision shall be exercised over the people's governments at lower levels and their administrative departments of education, the relevant departments of the people's governments at the corresponding levels, as well as schools of all types at or below the secondary level.

Article 3 Educational supervision must, based on the laws, regulations, rules, guidelines and policies on education, be exercised in combination with evaluation and guidance in a practical, realistic, objective and fair way.

Chapter II Educational Supervision Institutions, Educational Supervisors and Their Responsibilities

Article 4 An educational supervision office is a special organ of the government that exercises the function of educational supervision. The municipal, district and county people's governments shall set up educational supervision offices to take charge of the work of educational supervision within their respective administrative areas on behalf of the people's governments at the corresponding levels, and accept the guidance of superior educational supervision institutions.

The director and deputy director of an educational supervision office shall be appointed or removed by the people's government at the corresponding level.

第五条 市人民政府教育督导室履行下列职责：

- （一）统筹规划，组织实施全市的教育督导工作，指导区、县开展教育督导工作；
- （二）对本市贯彻执行有关教育的法律、法规、规章和方针、政策的情况实施督导；
- （三）对有关的市级行政部门和区、县人民政府及其教育行政部门领导、管理教育工作的情况实施督导；
- （四）依据分工对中等及中等以下各级各类学校的办学方向、教育质量实施督导；
- （五）对区、县教育督导室的工作进行指导；
- （六）会同教育行政部门组织协调全市教育评估工作；
- （七）对教育工作中的重大问题进行调查研究，向市人民政府及其教育行政部门报告和反映情况，提出建议；
- （八）培训市和区、县督学；
- （九）组织信息交流，开展教育督导的科学研究；
- （十）履行市人民政府授予的其他职责。

第六条 区、县人民政府教育督导室履行下列职责：

- （一）组织实施本区、县的教育督导工作；
- （二）对本区、县贯彻执行有关教育的法律、法规、规章和方针、政策的情况实施督导；
- （三）对本区、县有关行政部门、乡镇人民政府领导、管理教育工作的情况实施督导；
- （四）依据分工对中等及中等以下各级各类学校的办学方向、教育质量实施督导；
- （五）会同教育行政部门组织协调本区、县教育评估工作；
- （六）对本区、县教育工作中的重大问题进行调查研究，向区、县人民政府及其教育行政部门报告和反映情况，提出建议；
- （七）组织督学进修，开展教育督导的科学研究；

Article 5 The educational supervision office of the Municipal People's Government shall perform the following duties:

(1) to make overall plans, organize and implement the work of educational supervision throughout this Municipality, and provide guidance to the work of educational supervision in districts or counties;

(2) to exercise supervision over the implementation of laws, regulations, rules, guidelines and policies on education in this Municipality;

(3) to exercise supervision over the leadership and management of the educational work by the relevant municipal administrative departments, the district or county people's governments and their administrative departments of education;

(4) to exercise supervision over the orientation in running schools and the quality of education in schools of all types at or below the secondary level according to the division of responsibilities;

(5) to provide guidance to the work of the district or county educational supervision offices;

(6) to organize and coordinate, together with the administrative department of education, the educational evaluation throughout this Municipality;

(7) to investigate and study major issues in the educational work, report the situation to the Municipal People's Government and its administrative department of education, and put forward suggestions;

(8) to offer training to the municipal, district and county educational supervisors;

(9) to organize information exchange and conduct scientific research on educational supervision; and

(10) to perform other duties authorized by the Municipal People's Government.

Article 6 The educational supervision offices of the district or county people's governments shall perform the following duties:

(1) to organize and implement the educational supervision work in their respective districts or counties;

(2) to exercise supervision over the implementation of laws, regulations, rules, guidelines and policies on education in their respective districts or counties;

(3) to exercise supervision over the leadership and management of the educational work by the relevant administrative departments of the respective districts or counties and the township or town people's governments;

(4) to exercise supervision over the orientation in running schools and the quality of education in schools of all types at or below the secondary level according to the division of responsibilities;

(5) to organize and coordinate, together with the administrative departments of education, the educational evaluation in their respective districts or counties;

(6) to investigate and study major issues in the educational work in their respective districts or counties, report the situation to the district or county people's governments and their administrative departments of education, and put forward suggestions;

(7) to organize advanced studies for educational supervisors, and carry out scientific research on educational supervision; and

（八）履行区、县人民政府授予的其他职责。

第七条 督学是执行教育督导公务的人员，必须具备下列基本条件：

（一）坚持党的基本路线，热爱社会主义教育事业；

（二）熟悉国家有关教育的法律、法规、方针、政策，有较高的政策水平；

（三）具有大学本科学历或者同等学历，有七年以上从事中等或者中等以下教育工作的经历，有教育、教学和管理经验，有相应的工作能力；

（四）遵纪守法，品行端正，实事求是，坚持原则，作风正派，办事公道；

（五）身体健康。

第八条 教育督导室设专职督学，并可根据工作需要，聘任兼职督学。

市和区、县人民政府聘任的特约教育督导员，参加市和区、县的教育督导工作。

兼职督学和特约教育督导员具有与专职督学同等的职权。

第九条 专职督学的任免按照有关行政机关人事管理权限和程序办理。

督学由本级人民政府颁发督学证书。

第十条 督学应当认真履行职责。本级人民政府及其教育行政部门应当为督学开展工作提供条件。

第十一条 督学应当接受政治理论、教育法律、法规和教育管理、教育督导、教育评估等方面的培训。

第三章 教育督导和实施

第十二条 教育督导的基本形式为综合督导、专项督导和经常性检查。

第十三条 综合督导和专项督导应当按照下列程序实施：

（一）向被督导单位下达督导方案或者督导提纲，并发出《督导通知书》；

（二）指导被督导单位进行自查自评；

(8) to perform other duties authorized by the district or county people's governments.

Article 7 An educational supervisor is a person who exercises educational supervision and must meet the following basic conditions:

(1) adhering to the Party's basic line and having deep love for socialist education;

(2) being familiar with the laws, regulations, guidelines and policies of the State on education and having a good understanding of policies;

(3) being a graduate of a college or university with four years' schooling or equivalent, having 7-year or more experience in education at or below the secondary level, having experience in education, teaching and management, and having corresponding working ability;

(4) observing disciplines and laws, having good moral characters, seeking truth from facts, adhering to principles, being upright in daily behavior and being fair and just in handling affairs; and

(5) being in good health.

Article 8 Educational supervision offices shall have full-time educational supervisors, and may appoint part-time educational supervisors according to work needs.

Special educational supervisors appointed by the municipal, district or county people's governments shall participate in the work of educational supervision at the municipal, district or county level.

Part-time educational supervisors and special educational supervisors shall have the same functions and powers as full-time educational supervisors.

Article 9 The appointment and removal of full-time educational supervisors shall be handled in accordance with the personnel management authority and procedures of the relevant administrative organs.

The people's governments at the corresponding levels shall issue certificates to educational supervisors.

Article 10 Educational supervisors shall conscientiously perform their duties. The people's governments at the corresponding levels and their administrative departments of education shall provide conditions for the work of educational supervisors.

Article 11 Educational supervisors shall receive training in political theories, educational laws and regulations, educational management, educational supervision, educational evaluation, etc.

Chapter III Educational Supervision and Its Implementation

Article 12 The basic forms of educational supervision shall include comprehensive supervision, special supervision and regular inspection.

Article 13 Comprehensive supervision and special supervision shall be exercised in accordance with the following procedures:

(1) to issue supervision programs or outlines to supervised organizations and issue the Notice of Supervision;

(2) to provide guidance to self-inspection and self-assessment by supervised organizations;

(三) 对被督导单位进行督导检查或者督导评估;

(四) 向被督导单位通报督导结果, 提出督导意见, 并下达《督导结果通知书》。

第十四条 教育督导室和督学, 有权采取下列方式对被督导单位进行督导:

(一) 听取情况汇报;

(二) 查阅有关文件、档案、资料;

(三) 参加有关会议和教育、教学活动;

(四) 召开有关人员座谈会, 进行个别访问、调查问卷、测试;

(五) 现场调查。

第十五条 教育督导室和督学在督导活动中依法行使下列职权:

(一) 对被督导单位及其主要领导干部的工作提出奖惩建议;

(二) 对被督导单位违反国家有关教育法律、法规、方针、政策的行为提出处理建议;

(三) 发现危及师生人身安全, 侵犯师生合法权益, 扰乱正常教学秩序等紧急情况, 责成主管单位予以制止, 并提出处理建议;

(四) 直接向本级人民政府和上级人民政府及其教育行政部门、教育督导机构反映情况。

第十六条 被督导单位应当按督导要求, 进行自查自评, 应当配合教育督导室和督学开展督导工作, 对督导意见应当采取相应的改进措施, 并按照规定将改进工作的情况书面报告教育督导室。

被督导单位对督导意见有异议的, 可以在收到《督导结果通知书》15 日内向发出《督导结果通知书》的教育督导室申请复查。教育督导室应当在 30 日内作出复查结论, 并下达《督导复查结果通知书》。

第十七条 教育督导室应当定期向本级人民政府及其教育行政部门和上级教育督导机构报告督导情况, 提出改进教育工作的意见和建议。

(3) to conduct inspection or evaluation of supervised organizations through supervision; and

(4) to inform supervised organizations of the results of supervision, put forward supervision opinions, and issue the Notice of Supervision Results.

Article 14 Educational supervision offices and educational supervisors shall have the right to exercise supervision over supervised organizations in the following ways:

(1) to hear reports;

(2) to consult relevant documents, files and data;

(3) to participate in relevant meetings and educational and teaching activities;

(4) to hold symposiums with the personnel concerned, and conduct individual interviews, questionnaires and tests; and

(5) to conduct field investigation.

Article 15 Educational supervision offices and educational supervisors shall exercise the following functions and powers in the supervisory activities according to law:

(1) to put forward suggestions on rewards or punishments for the work of supervised organizations and their main leading cadres;

(2) to put forward suggestions on handling violations of national laws, regulations, guidelines and policies on education by supervised organizations;

(3) in case of any emergency situation where the personal safety of teachers and students are endangered, the legitimate rights and interests of teachers and students are infringed on, or the normal teaching order is disturbed, to order the competent department to stop it and put forward suggestions on handling; and

(4) to directly report to the people's government at the corresponding level, the people's government at the next higher level, its administrative department of education and educational supervision institutions.

Article 16 Supervised organizations shall conduct self-inspection and self-assessment according to supervisory requirements, cooperate with educational supervision offices and educational supervisors to carry out the supervision work, take corresponding improvement measures according to supervision opinions, and report the improvement to educational supervision offices in writing as stipulated.

If a supervised organization has any objection to supervision opinions, it may, within 15 days after receiving the Notice of Supervision Results, apply for reexamination to the educational supervision office that issued the notice. The educational supervision office shall make a reexamination conclusion within 30 days and issue the Notice of Reexamination Results.

Article 17 Educational supervision offices shall regularly report the situation of supervision to the people's governments at the corresponding levels, their administrative departments of education and superior educational supervision institutions, and put forward comments and suggestions for improving the educational work.

第十八条 教育督导室应当建立督导结果的通报制度。经本级人民政府同意，督导结果可以向社会公布。

第十九条 督学与被督导单位有利害关系或者其他关系，可能影响教育督导工作正常进行的，应当回避。

第四章 法律责任

第二十条 被督导单位及有关人员有下列情形之一的，由其主管部门对该单位给予通报批评，并可对直接责任人和单位负责人给予相应的行政处分；构成犯罪的，依法追究刑事责任：

- （一）拒绝向教育督导室和督学提供有关情况和文件、资料的；
- （二）阻挠有关人员向教育督导室和督学反映情况的；
- （三）对教育督导室提出的督导意见，拒不采取改进措施的；
- （四）弄虚作假、蒙骗教育督导室和督学的；
- （五）打击、报复督学或者向教育督导室和督学反映情况的人员的；
- （六）其他影响督导工作的。

第二十一条 督学有下列情形之一的，由其所在单位给予批评教育或者行政处分；情节严重的，由本级人民政府撤销其督学职务：

- （一）因渎职贻误工作的；
- （二）利用职权谋取私利的；
- （三）利用职权包庇或者打击报复他人，侵害他人合法权益的；
- （四）其他滥用职权的。

第五章 附 则

第二十二条 本规定所称中等及中等以下各级各类学校，是指幼儿园、普通中小学、职业高级中学、中等专业学校、技工学校、中等及中等以下成人学校和社会力量

Article 18 Educational supervision offices shall establish a notification system for the results of supervision. With the consent of the people's governments at the corresponding levels, the results of supervision may be made known to the public.

Article 19 If an educational supervisor is a stakeholder in or has other relations with an organization under its supervision that may affect the normal progress of educational supervision, he shall withdraw from the supervision.

Chapter IV Legal Liability

Article 20 Under any of the following circumstances, a supervised organization and the personnel concerned shall be criticized in a circulated notice by its competent department, and the person directly responsible for and the person in charge of the organization shall be put under corresponding administrative penalties; if a crime is constituted, criminal responsibility shall be investigated for according to law:

- (1) refusing to provide relevant information, documents and materials to the educational supervision office and educational supervisor;
- (2) deterring the personnel concerned from reporting the situation to the educational supervision office and educational supervisor;
- (3) refusing to take improvement measures according to the supervision opinions put forward by the educational supervision office;
- (4) committing fraud to deceive the educational supervision office and educational supervisor;
- (5) retaliating against the educational supervisor or any person that reports the situation to the educational supervision office and educational supervisor; or
- (6) other acts affecting the work of supervision.

Article 21 Under any of the following circumstances, an educational supervisor shall be given criticism and education or administrative penalties by the organization with which he is affiliated; if the circumstances are serious, he shall be dismissed from his post by the people's government at the corresponding level:

- (1) causing work delay due to breach of duty;
- (2) abusing his power for personal gains;
- (3) abusing his power to harbor or retaliate against others and infringe upon the legitimate rights and interests of others; or
- (4) other abuses of power.

Chapter V Supplementary Provisions

Article 22 For the purpose of the Provisions, schools of all types at or below the secondary level refer to kindergartens, regular primary and secondary schools, vocational high schools, secondary vocational schools, technical schools, adult schools at or below the secondary level, as well as schools and other educational institutions run by non-

举办的学校及其他教育机构。

第二十三条 本规定执行中的具体问题，由市教育行政部门负责解释。

第二十四条 本规定自 1999 年 3 月 1 日起施行。

governmental sectors.

Article 23 The municipal administrative department of education shall be responsible for interpretation of specific matters pertaining to implementation of the Provisions.

Article 24 The Provisions shall come into force as of March 1, 1999.

北京市人民政府关于对违反师范毕业生 服务期制度者追缴专业奖学金和培养费的规定

(1998 年 7 月 8 日北京市人民政府第 9 号令发布)

第一条 根据《北京市实施〈中华人民共和国教师法〉办法》(以下简称《办法》)第二十三条第二款的规定,制定本规定。

第二条 师范毕业生违反师范毕业生服务期制度的,由市和区、县的教育行政部门或者劳动行政部门按《办法》第四条的职责划分责令其改正;拒不改正的,追缴在校期间的专业奖学金和培养费。

第三条 追缴专业奖学金和培养费的标准,由市教育行政部门和市财政部门、市物价部门根据师范毕业生在校学习期间生均教育培养费用制定。

追缴数额按已服务年限,以每年递减 20%的比例计算。

本规定中的服务年限自报到之日起开始计算。

师范毕业生不按国家规定从事教育教学工作的,全额追缴专业奖学金和培养费。

第四条 追缴专业奖学金和培养费应使用北京市行政事业单位统一银钱收据,并作为其他收入纳入财政预算管理,专项用于补充教育经费。

第五条 区、县自行举办的师资班毕业生,参照本规定办理。

第六条 本规定执行中的具体问题由市教育行政部门、市劳动行政部门按照各自职责划分负责解释。

第七条 本规定自 1998 年 9 月 1 日起施行。

Provisions of the Beijing Municipal People's Government on the Recovery of Professional Scholarships and Training Costs from Persons Violating the Service Period System for Normal School Graduates

(Promulgated by Decree No. 9 of the People's Government of Beijing
Municipality on July 8, 1998)

Article 1 The Provisions are formulated in accordance with the provisions of Paragraph 2, Article 23 of the Measures of Beijing Municipality for Implementing the Teachers Law of the People's Republic of China (hereinafter referred to as the Measures).

Article 2 Where a normal school graduate violates the service period system for normal school graduates, he or she shall be ordered to make corrections by the municipal, district or county administrative department of education or labor according to the division of duties in Article 4 of the Measures; if he or she refuses to make corrections, his or her professional scholarships and training costs while at school shall be recovered.

Article 3 The standards for the recovery of professional scholarships and training costs shall be formulated by the municipal administrative department of education and the municipal department of finance or price control on the basis of the average educational and training costs of normal school graduates while at school.

The amount of recovery shall be calculated on the basis of the length of service, which shall be reduced by 20% each year.

The length of service in the Provisions shall be calculated from the date of registration.

Where a normal school graduate does not engage in education and teaching in accordance with State provisions, his or her professional scholarships and training costs shall be recovered in full.

Article 4 The unified receipt of Beijing municipal administrative and institutional organizations shall be used for the recovery of professional scholarships and training costs, which shall be included in the financial budget management as other income and earmarked for a supplement to educational funds.

Article 5 The Provisions shall apply, mutatis mutandis, to graduates of normal training classes run at the district or county level.

Article 6 The municipal administrative departments of education and labor shall, within the scope of their respective functions and duties, be responsible for interpretation of specific matters pertaining to implementation of the Provisions.

Article 7 The Provisions shall come into force as of September 1, 1998.

（二）科 技

北京市实验动物管理条例

（1996年10月17日北京市第十届人民代表大会常务委员会第三十一次会议通过 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修订）

第一章 总 则

第一条 为了加强实验动物的管理工作，保证实验动物和动物实验的质量，适应科学研究、经济建设与社会发展和对外开放的需要，根据国家有关法律、法规，结合本市实际情况，制定本条例。

第二条 本条例所称实验动物，是指经人工饲养、繁育，对其携带的微生物及寄生虫实行控制，遗传背景明确或者来源清楚的，应用于科学研究、教学、生产和检定以及其他科学实验的动物。

根据对微生物和寄生虫的控制，实验动物分为普通级、清洁级、无特定病原体级和无菌级。

第三条 本条例适用于在本市行政区域内从事实验动物的科学研究、生产和应用的单位和个人。国家法律、法规另有规定的，按照有关规定办理。

第四条 实验动物的管理工作，应当协调统一，加强规划，合理分工，资源共享，有利于市场规范，促进实验动物的科学研究、生产和应用。

第五条 市科学技术行政部门主管本市实验动物工作，负责制定实验动物发展规划，以科技项目经费支持实验动物科学研究。

ii. Technology

Regulations of Beijing Municipality on Administration of Experimental Animals

(Adopted at the 31st Meeting of the Standing Committee of the 10th Municipal People's Congress of Beijing on October 17, 1996 and revised at the 17th Meeting of the Standing Committee of the 12th Municipal People's Congress of Beijing on December 2, 2004)

Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of intensifying the management of experimental animals, ensuring the quality of experimental animals and animal experiments, meeting the needs of scientific research, economic construction, social development and opening up to the outside world, and in accordance with the relevant state laws and regulations and in line with the actual situation of this Municipality.

Article 2 The term of “experimental animals” in these Regulations refers to animals that are of artificial raising and breeding and used for scientific research, teaching, production and quarantine inspection and other scientific experiments and the microbe and parasite on which are controlled, and the hereditary background or source background of which are clear.

In accordance with the control of microbe and parasite, the experimental animals can be classified as ordinary, clean, particular-pathogen-free and bacteria-free animals.

Article 3 These Regulations are applicable to units and individuals that are engaged in scientific research, production and application of experimental animals within the administrative region of this Municipality. Existing provisions of state laws and regulations shall prevail.

Article 4 The management of experimental animals shall be conducted on the basis of coordination and uniformity, good planning, rational task division, resources sharing, and conduciveness to regulating the market and shall promote the scientific research, production and application of experimental animals.

Article 5 The municipal administrative department for science and technology shall be in charge of the management of experimental animals and shall be responsible for formulating development plans of experimental animals, and shall support scientific research on experimental animals with the fund for scientific and technological projects.

北京市实验动物管理办公室在市科学技术行政部门的领导下，负责实验动物的日常管理与监督工作。

市人民政府有关部门应当按照各自的职责，做好实验动物有关管理工作。

第六条 本市实行实验动物的质量监督和许可证制度。

实验动物的质量监控，执行国家标准；国家尚未制定标准的，执行行业标准；国家、行业均未制定标准的，执行地方标准。

从事实验动物工作的单位和个人，应当取得市科学技术行政部门颁发的实验动物生产许可证、实验动物使用许可证。

实验动物生产许可证、实验动物使用许可证不得转让。

第七条 从事实验动物工作的单位和个人，应当维护动物福利，保障生物安全，防止环境污染。

第八条 管理实验动物工作的部门，应当对在实验动物工作中做出突出贡献的单位和个人，给予表彰和奖励。

第二章 从事实验动物工作的单位及人员

第九条 从事实验动物工作的单位，应当配备科技人员，有实验动物管理机构负责实验动物工作中涉及实验动物项目的管理，并对动物实验进行伦理审查。

第十条 从事实验动物工作的单位，应当组织从业人员进行专业培训。未经培训的，不得上岗。

从事实验动物工作的单位，应当组织实验动物专业技术人员参加实验动物学及相关专业的继续教育。

第十一条 从事实验动物工作的单位，应当组织技术工人参加技术等级考核；对从事实验动物工作的专业技术人员，根据其岗位特点和专业水平评定、晋升专业技术

The Beijing municipal office for experimental animals management shall be responsible for daily management and supervision of experimental animals.

The relevant departments of the municipal people's government shall make efforts in experimental animals management within their own jurisdiction.

Article 6 This Municipality exercises quality supervision system and permit system on experimental animals.

The quality supervision and control over experimental animals shall be conducted in accordance with national standards; in absence of national standards, industrial standards shall be exercised; in absence of national and industrial standards, local standards shall be exercised.

Units and individuals engaged in experimental animals production and application shall acquire the permit for experimental animals production and the permit for experimental animals application issued by the municipal administrative department for science and technology.

The permit for experimental animals production and the permit for experimental animals application shall not be transferred.

Article 7 Units and individuals engaged in experimental animals production and application shall ensure the welfare of animals, and the safety of animals and shall prevent environmental pollution.

Article 8 Departments in charge of experimental animals management shall praise and reward units and individuals that have made outstanding contribution to experimental animals management.

Chapter II Units and Individuals Engaged in the Production and Application of Experimental Animals

Article 9 Units engaged in experimental animals production and application shall have scientific and technological personnel, and experimental animals management agency in charge of the management of experimental animals projects, and shall conduct moral examination over animal experiments.

Article 10 Units engaged in experimental animals production and application shall organize professional training for employees. Those who haven't received training shall not start working.

Units engaged in experimental animals production and application shall organize the further education on experimental animals science and relevant courses for professional technical personnel of experimental animals.

Article 11 Units engaged in experimental animals production and application shall organize evaluation of technical levels for skilled workers; for professional technical

职务。

第十二条 从事实验动物工作的单位，应当采取防护措施，保证从业人员的健康与安全，组织从业人员每年进行身体检查，及时调整健康状况不宜从事实验动物工作的人员。

第十三条 从事实验动物工作的人员，应当遵守实验动物的各项管理规定。

第十四条 取得实验动物许可证的单位和个人，生产或者应用实验用犬的，免交管理服务费。

第三章 实验动物的生产

第十五条 从事实验动物及相关产品保种、繁育、生产、供应、运输及有关商业性经营的单位和个人，应当按照实验动物生产许可证许可范围，生产供应或者出售合格的实验动物及相关产品。

第十六条 实验动物生产环境设施应当符合不同等级实验动物标准要求。

不同等级、不同品种的实验动物，应当按照相应的标准，在不同的环境设施中分别管理，使用合格的饲料、笼具、垫料等用品。

第十七条 从事实验动物保种、繁育的单位和个人，应当采用国内、国际公认的品种、品系和标准的繁育方法。

为补充种源、开发实验动物新品种或者科学研究需要捕捉野生动物的，应当按照国家有关法律、法规办理。

第十八条 从事实验动物及其相关产品生产的单位和个人，应当根据遗传学、寄生虫学、微生物学、营养学和生产环境设施方面的标准，定期进行质量检测。各项操作过程和检测数据应当有完整、准确的记录。

第十九条 从事实验动物及其相关产品生产的单位和个人，供应或者出售实验动物及相关产品时，应当提供质量合格证明。合格证明应当标明实验动物或者相关产品的确切名称、等级、数量、质量检测情况、购买单位名称、出售日期、许可证编号等内容，

personnel, accreditation and promotion of professional technical position shall be conducted in accordance with the characteristics of their posts and their professional levels.

Article 12 Units engaged in experimental animals production and application shall take preventive measures to ensure the health and safety of employees, organize annual physical examination for employees, and make adjustment to those who are not physically suitable for experimental animals management.

Article 13 Individuals engaged in experimental animals production and application shall observe all the regulations on the management of experimental animals.

Article 14 Units and individuals with the permit on experimental animals are free from the payment of service fee when producing and applying dogs for experiment.

Chapter III Production of Experimental Animals

Article 15 Units and individuals engaged in the breed preservation, propagation, production, supply, transportation and other relevant commercial operation of experimental animals and other relevant products shall produce, supply or sell qualified experimental animals and relevant products in accordance with the permission range of the permit for experimental animals production.

Article 16 The facilities for experimental animal production shall conform to different levels of standards for different grades of experimental animals.

Experimental animals of various grades and breeds shall be managed separately with different environmental facilities and qualified materials such as feed, cases, plastic pads and so on shall be used.

Article 17 Units and individuals engaged in breed preservation and propagation of experimental animals shall use breeds and strains that are acknowledged both at home and abroad and standard methods of propagation.

The necessary capturing of wild animals for the purposes of supplementing breeds, developing new strains of experimental animals or for scientific research shall be conducted in accordance with relevant state laws and regulations.

Article 18 Units and individuals engaged in the production of experimental animals and relevant production shall conduct quality examination regularly in accordance with the standards of hereditism, parasitism, microbiology, nutriology and production environment and facilities. Complete and exact records shall be kept for all the operation processes and the examination data.

Article 19 Units and individuals engaged in production of experimental animals and relevant products shall exhibit qualification certificate for quality when supplying or selling experimental animals and relevant products. Qualification certificate shall show the exact name, grade, quantity and the quality examination result of the experimental animals, and

由出售单位负责人签字并加盖公章。

第二十条 运输实验动物使用的转运工具和笼器具，应当符合所运实验动物的微生物和环境质量控制标准。不同品种、品系、性别和等级的实验动物，不得在同一笼盒内混合装运。

第二十一条 实验动物的进口与出口管理，按照国家有关规定办理。

第四章 实验动物的应用

第二十二条 利用实验动物从事科研、生产、检定、检验和其他活动的单位和个人，应当按照使用许可证许可范围，使用合格的实验动物。

第二十三条 动物实验环境设施应当符合相应实验动物等级标准的要求，使用合格的饲料、笼具、垫料等用品。涉及放射性和感染性等有特殊要求的实验室，应当按照有关规定执行。

第二十四条 进行动物实验应当根据实验目的，使用相应等级标准的实验动物。

不同品种、不同等级和互有干扰的动物实验，不得在同一试验间进行。

第二十五条 申报科研课题、鉴定科研成果、进行检定检验和以实验动物为生产材料生产制品，应当把应用合格实验动物和使用相应等级的动物实验环境设施作为基本条件。

应用不合格的实验动物或者在不合格的实验环境设施内取得的动物实验结果无效，生产的制品不得出售。

第二十六条 从事动物实验的人员应当遵循替代、减少和优化的原则进行实验设计，使用正确的方法处理实验动物。

第五章 实验动物的防疫

第二十七条 实验动物的预防免疫，应当结合实验动物的特殊要求办理。

name of purchasing unit, selling date, permit number or relevant products, and official stamp and the signatory of the person in charge from the selling unit are required.

Article 20 The transferring tools and chests for the transportation of experimental animals shall conform to the standards of microbe and environmental quality control for the experimental animals transported. Experimental animals of different breeds, strains, genders and grades shall not be mixed together of transportation.

Article 21 Management of the import and export of experimental animals shall be carried out in accordance with relevant state regulations.

Chapter IV Application of Experimental Animals

Article 22 Units and individuals that use experimental animals for the purposes of scientific research, production, examination, inspection and other activities shall use qualified experimental animals in accordance with the permission range of the permit for experimental animals application.

Article 23 The environment and facilities for animal experiments shall conform to the standards for corresponding grade of experimental animals. Qualified feed, chest and pads shall be used. For laboratories with special requirements of radioactivity and infectiousness, relevant regulations shall be implemented.

Article 24 Experimental animals of corresponding grades shall be used for animal experiments according to the aims of the experiments.

Animals experiments of different breeds and different grades, and experiments that are of mutual disturbance shall not be carried out in the same laboratory.

Article 25 The report of the subject for scientific research, the appraisal of the result of scientific research, examination and inspection, and production with experimental animals as the material shall be based on the application of qualified experimental animals and corresponding environment and facilities for animal experiments.

The result of animal experiments which are carried out with the application of unqualified experimental animals or in unqualified experimental environment and facilities shall be ineffective and the products produced in this way shall not be sold.

Article 26 Personnel engaged in animal experiment shall carry out experiment design in accordance with the principle of substitution, reduction and optimization, disposing experimental animals in the proper way.

Chapter V Epidemic Prevention of Experimental Animals

Article 27 The epidemic prevention of experimental animals shall be handled according to the special requirements for experimental animals.

第二十八条 实验动物发生疫情时，应当按照国家和本市有关规定办理。

第二十九条 从事实验动物相关工作的单位和个人，应当对实验动物尸体和废弃物进行无害化处理。

第六章 监督检查

第三十条 市科学技术行政部门对本市从事实验动物生产与应用的单位和个人进行监督检查，监督检查结果应当公示。

第三十一条 市科学技术行政部门聘请实验动物质量监督员，协助其对本市实验动物生产和应用活动进行监督检查。

第三十二条 本市对从事实验动物生产和应用的单位和个人建立信用管理制度。市科学技术行政部门应当公布实验动物许可单位和个人的信用信息。

鼓励公民向市科学技术行政部门举报违法从事实验动物生产和应用的行为。

第七章 法律责任

第三十三条 违反本条例的行为，法律、法规已有规定的，依照其规定追究责任。法律、法规没有规定的，依照本章以下各条相应规定追究责任。

第三十四条 取得实验动物许可证的单位和个人，违反本条例第十条、第十二条、第十六条、第十八条、第十九条、第二十条、第二十三条、第二十四条和第二十九条规定的，由市科学技术行政部门责令限期改正，并根据情节轻重，分别予以警告、暂扣实验动物许可证。

第三十五条 取得实验动物许可证的单位和个人，违反本条例第六条第四款、第十五条、第二十二条规定的，由市科学技术行政部门根据情节轻重，责令停止违法活动、吊销实验动物许可证。

Article 28 Epidemics of experimental animals shall be handled in accordance with the provisions of the state and this Municipality.

Article 29 Units and individuals engaged in relevant activities about experimental animals shall disinfect the remains and waste of experimental animals.

Chapter VI Supervision and Examination

Article 30 The municipal administrative department for science and technology shall exercise supervision and conduct examination over units and individuals engaged in the production and application of experimental animals in this Municipality and shall publicize the results of supervision and examination.

Article 31 The municipal administrative department for science and technology hire quality supervisor of experimental animals to assist its supervision and examination over the production and application of experimental animals.

Article 32 This Municipality has established credit management system of units and individuals engaged in the production and application of experimental animals. The municipal administrative department for science and technology shall publicize the credit information of units and individuals with permit for experimental animals production and application.

Citizens are encouraged to report illegal activities of experimental animals production and application to the municipal administrative departments for science and technology,

Chapter VII Legal Liabilities

Article 33 Violators of these Regulations shall be investigated for responsibilities in accordance with the provisions of existing laws and regulations; in absence of relevant provisions, the violators shall be investigated for responsibilities in accordance with the following provisions correspondingly.

Article 34 Units and individuals with permit for the production and application of experimental animals, that violate the provisions of Article 10, Article 12, Article 16, Article 18, Article 19, Article 20, Article 23, Article 24 and Article 29, shall be ordered to make corrections within a certain time limit by the municipal administrative department for science and technology and in light of the seriousness of the situation, a warning or temporary suspension of experimental animals permit shall be given correspondingly.

Article 35 Units and individuals with experimental animals permit, that violate the provisions of item 4 of Article 6, Article 15 and Article 22 shall be ordered to stop illegal activities or have experimental animals permit withdrawn by the municipal administrative department for science and technology according to the seriousness of the situation.

第三十六条 违反本条例第六条第三款规定，未取得实验动物许可证从事实验动物生产和应用的，由市科学技术行政部门责令其停止违法活动，予以通报；由工商行政管理部门依法处理；对责任人员由其所在单位或者上级主管部门给予行政处分。

第三十七条 实验动物管理工作人员玩忽职守，滥用职权，徇私舞弊的，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

第三十八条 本条例自 2005 年 1 月 1 日起施行。

Article 36 Violators of item 3 of Article 6, who engage in production and application of experimental animals without the experimental animals permit shall be ordered to stop the illegal activities by the municipal administrative department for science and technology and the violation shall be publicized; the administrative department for industry and commerce shall handle the case in accordance with law; the persons responsible shall be given administrative punishment by the units where they are working or by the administrative department of higher level.

Article 37 Working staff for the management of experimental animals who neglect their duty, abuse power for private interests or conduct malpractices shall be given administrative punishment by the units where they are working or the administrative department of higher level shall be investigated for criminal responsibilities if a crime is constituted.

Chapter VIII Supplementary Provisions

Article 38 These Regulations shall take effect as of January 1, 2005.

北京市科学技术普及条例

(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)

第一章 总 则

第一条 为实施科教兴国和可持续发展战略,加强科学技术普及工作,提高公众的科学文化素质,根据本市实际情况,制定本条例。

第二条 本条例所称的科学技术普及(以下简称科普),是指采用公众易于理解和接受的方式向其传播科学技术知识、科学方法和科学思想。

第三条 本条例适用于本市行政区域内的国家机关、社会团体、企业、事业单位、其他组织以及公民的科普活动。

第四条 科普活动应当坚持经常性和群众性的原则,结合首都经济、社会发展的需要以及群众工作、生活的实际,充分利用各种现代化手段,通过多种渠道、多种形式、多个层次开展。

第五条 科普工作应当坚持科学态度。在科普活动中不得将违背科学原则和科学精神或者尚无科学定论的主张或者意见,作为科学知识传播和推广。

禁止以科学为名从事封建迷信、反科学、伪科学的活动。

禁止以科学为名传播不健康、不文明的生活方式和有损社会公共利益的内容。

第六条 市和区、县人民政府应当制定政策,鼓励和支持社会力量兴办科普事业,促进科普工作国内、国际间的合作与交流。

第七条 各单位应当组织或者支持本单位人员接受科普教育。

第八条 本市公民有依法接受科普教育,参加科普活动的权利。

Regulations of Beijing Municipality on the Popularization of Science and Technology

(Adopted at the 6th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on November 5, 1998)

Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of implementing the strategy of invigorating the country through science and education and the strategy of sustainable development, strengthening the popularization of science and technology, and improving the scientific and cultural quality of the public in light of actual circumstances of this Municipality.

Article 2 The term “popularization of science and technology” (hereinafter referred to as “PST”) as mentioned in the Regulations refers to the dissemination of scientific and technological knowledge, scientific methods and scientific ideas to the public in a way that is easy to understand and accept.

Article 3 The Regulations shall apply to the PST activities of state organs, social organizations, enterprises, institutions, other organizations and citizens within the administrative area of this Municipality.

Article 4 PST activities shall be carried out for the public on a regular basis by making full use of various modern means and through various channels, forms and levels, taking into account the needs of the economic and social development of the capital and the actual work and life of the public.

Article 5 One shall have a scientific attitude in the PST work. In PST activities, assertions or opinions that violate scientific principles and spirits or are without scientific conclusions shall not be used as scientific knowledge for dissemination and popularization.

Feudal, superstitious, anti-science and pseudo-science activities in the name of science shall be prohibited.

The spread of unhealthy and uncivilized ways of life and contents detrimental to the public interest in the name of science shall be prohibited.

Article 6 The municipal, district and county people's governments shall formulate policies to encourage and support the establishment of PST undertakings by non-governmental sectors and promote domestic and international cooperation and exchange in the PST work.

Article 7 All organizations shall organize or support their personnel to receive PST education.

Article 8 Citizens of this Municipality shall have the right to receive PST education and participate in PST activities according to law.

未成年人的监护人有责任使未成年人接受科普教育。

第二章 管理与组织

第九条 市和区、县人民政府应当加强对科普工作的领导，将科普工作纳入国民经济和社会发展规划。

市和区、县人民政府建立科普工作联席会议制度，加强对科普工作的指导和协调。

第十条 乡、镇人民政府应当组织开展辖区内的科普活动。

街道办事处应当支持和协调辖区内的社区科普活动。

第十一条 市科学技术行政部门负责全市科普工作，其职责是制定科普工作总体规划 and 年度计划，并进行政策引导、组织管理和监督检查。

第十二条 市人民政府有关部门应当根据各自职责，做好本市科普工作规划和计划的实施工作。

第十三条 科学技术协会是科普工作的主要社会力量。市科学技术协会应当组织所属学会、协会、研究会开展日常性、群众性科普活动，协助制定科普工作的规划、计划，对各部门、各单位的科普工作进行业务指导。

第十四条 工会、共青团、妇联等群众团体应当结合职工、青少年、妇女的特点，开展多种形式的科普活动。

第三章 社会责任

第十五条 各单位应当建立领导干部学习现代科学知识、接受科普教育的制度，并把学习情况纳入对其考核的范围。

第十六条 中小学校应当开展多种形式的科普活动，把提高青少年的科学技术素质作为全面实施素质教育的重要内容。

The guardian of a minor shall be responsible for enabling the minor to receive PST education.

Chapter II Management and Organization

Article 9 The municipal, district and county people's governments shall strengthen their leadership in the PST work and incorporate the PST work into the plans for national economic and social development.

The municipal, district and county people's governments shall establish a joint meeting system for the PST work, in order to strengthen the guidance and coordination of the PST work.

Article 10 The township or town people's governments shall organize and carry out PST activities within their respective administrative areas.

Sub-district offices shall support and coordinate the neighborhood PST activities within their jurisdictions.

Article 11 The municipal administrative department of science and technology shall be responsible for the PST work throughout this Municipality, which shall formulate the overall planning and annual plan for the PST work, and conduct policy guidance, organization, management, supervision and inspection.

Article 12 The relevant departments of the Municipal People's Government shall, within the scope of their respective functions and duties, do a good job in the implementation of the planning and plans for the PST work in this Municipality.

Article 13 Associations for science and technology are the main non-governmental force in the PST work. The Municipal Association for Science and Technology shall organize its subordinate societies, associations and institutes to carry out public PST activities on a regular basis, assist in formulating the planning and plans for the PST work, and provide professional guidance for the PST work of all departments and organizations.

Article 14 Trade unions, Communist youth league organizations, women's federations and other mass organizations shall, in light of the characteristics of workers, youths and women, carry out various forms of PST activities.

Chapter III Social Responsibility

Article 15 All organizations shall establish a system for leading cadres to learn modern scientific knowledge and receive PST education, and incorporate their learning situation into the scope of assessment.

Article 16 Primary and secondary schools shall carry out various forms of PST activities, and take improvement of the scientific and technological quality of the youth as an important part of the overall implementation of quality-oriented education.

市和区、县青少年科技馆、少年宫等校外教育机构，应当组织开展青少年专题科普活动和日常校外科普教育，并做好中小学科技辅导教师的培训工作。

第十七条 农村地区应当根据当地经济与社会发展的需要，围绕科学生产、文明生活，面向农民开展科普工作。

各类农业技术推广（培训）机构、农业技术学校和农村专业技术协会，应当结合技术推广、技术培训向农民普及科学知识。

乡、镇和村文化站、广播站等应当向农民宣传科学、文明的生产和生活方式。

第十八条 综合类和自然科学类报纸、刊物应当开设专栏，刊登科普文章；电影制作、发行、放映单位应当制作、发行、放映科普电影；广播电台、电视台应当开办固定科普宣传栏目，增加科普节目的播出时间。

第十九条 博物馆、图书馆、文化馆等社会公益场所应当结合自身业务，增加科普宣传的内容。

动物园、植物园、自然保护区等场所应当结合各自特点，开展有关环境、生态和生物多样性保护等方面的科普活动。

第二十条 本市大型医院、公园、旅游景点、影剧院、体育场馆、商场、车站、机场等公共场所的经营管理单位，应当根据各自特点，开展面向公众的科普宣传。

第二十一条 适宜向公众开展科普宣传的科研机构、高等院校和企业的实验室或者生产车间等应当有组织地向社会开放。

第二十二条 本市于每年五月举办“北京科技周”活动，社会各界应当根据“北京科技周”确定的主题开展科普活动。

第四章 科普场所

第二十三条 天文馆、自然科学类博物馆、科技馆、青少年科技馆（活动中心）等专业科普场所，应当充分发挥科普教育功能，面向公众开展科普活动，对中小學生给予优先和优惠。

Extra-school educational institutions at the municipal, district or county level such as youth science and technology museums and children's palaces shall organize and carry out special PST activities and daily extra-school PST education for the youth, and do a good job in the training of mentors of science and technology in primary and secondary schools.

Article 17 In rural areas, the farmer-oriented PST work shall be carried out around scientific production and civilized life in accordance with the needs of local economic and social development.

All kinds of agricultural technology popularization (training) institutions, agricultural training schools and rural associations of professional technology shall, in combination with technology popularization and technical training, popularize scientific knowledge to farmers.

Cultural centers and broadcasting stations in townships, towns and villages shall publicize scientific and civilized ways of production and life to farmers.

Article 18 Comprehensive and natural science newspapers and periodicals shall have special columns to publish PST articles; film production, distribution and screening organizations shall produce, distribute and screen PST films; radio and television stations shall have regular PST programs and increase the broadcast durations of PST programs.

Article 19 In museums, libraries, cultural centers and other places of public welfare, PST contents shall be increased in combination with their respective businesses.

In zoos, botanical gardens, nature reserves, etc., PST activities related to the protection of the environment, ecology and biodiversity shall be carried out in combination with their respective characteristics.

Article 20 The management organizations of large hospitals, parks, tourist attractions, cinemas, stadiums, shopping malls, stations, airports and other public places in this Municipality shall, in light of their respective characteristics, carry out PST activities for the public.

Article 21 Scientific research institutions, institutions of higher learning and enterprises' laboratories or production workshops that are suitable for carrying out PST activities for the public shall be open to the public in an organized way.

Article 22 This Municipality shall hold the Beijing Science and Technology Week in May every year, and all sectors of society shall carry out PST activities according to the theme determined thereby.

Chapter IV PST Places

Article 23 Professional PST places such as planetariums, natural science museums, science and technology museums, and youth science and technology museums (activity centers) shall give full play to the function of PST education, carry out PST activities for the public, and give priority and preference to primary and secondary school students.

第二十四条 国家投资兴建的科普场所、设施，禁止出租、出借或者以其他形式改作他用。如有特殊情况需要临时改作他用的，须经上级主管部门批准，但不得改变其科普场所的基本性质，妨碍开展科普活动。

第五章 科普工作者

第二十五条 本条例所称的科普工作者，包括专业和非专业科普工作者。

在科普场所中从事科普工作的人员和中小学科技辅导教师为专业科普工作者，其他从事科普工作的人员为非专业科普工作者。

第二十六条 科普工作者享有下列权利：

- （一）依法创办或者参加科普组织，自主开展科普活动；
- （二）从事科普研究、创作，参加科普学术交流；
- （三）申请科普项目经费，获得科普创作、出版资金资助；
- （四）评定专业技术职称并享受相应待遇；
- （五）接受专业技术培训；
- （六）对科普工作提出意见和建议。

第二十七条 科普工作者应当履行下列义务：

- （一）坚持科学精神，遵守职业道德；
- （二）按照本条例的规定，面向公众开展科普工作，传播科学技术知识、科学方法和科学思想；
- （三）抵制反科学、伪科学，同封建迷信、愚昧落后现象作斗争；
- （四）加强现代科学知识的学习，提高自身业务水平。

第二十八条 科普工作者依法抵制反科学、伪科学，同封建迷信、愚昧落后现象作斗争受法律保护。

第二十九条 申请进行市级科技成果鉴定或者申报科技进步奖的科技人员在提交科技成果的同时，应当提供介绍该成果或者与该成果相关的科普文章，在鉴定通过或者获奖以后，以多种形式向公众进行宣传。

Article 24 PST places and facilities funded and built by the State shall not be rented, lent or otherwise used for other purposes. Temporary use for other purposes under special circumstances shall be subject to approval by superior competent departments, but their basic properties as PST places shall not be changed, and their PST activities shall not be hindered.

Chapter V PST Workers

Article 25 The term “PST workers” as mentioned in the Regulations includes professional and non-professional PST workers.

The personnel engaged in the PST work in PST places and the mentors of science and technology in primary and secondary schools are professional PST workers, and the other personnel engaged in the PST work are non-professional PST workers.

Article 26 PST workers shall enjoy the following rights:

- (1) to establish or join PST organizations according to law and independently carry out PST activities;
- (2) to engage in PST research and creation and participate in PST academic exchanges;
- (3) to apply for funds for PST projects and obtain funds for PST creation and publication;
- (4) to be entitled to appraisal of professional and technical titles and enjoy corresponding benefits;
- (5) to receive professional and technical training; and
- (6) to put forward opinions and suggestions on the PST work.

Article 27 PST workers shall fulfill the following obligations:

- (1) to adhere to the scientific spirit and abide by professional ethics;
- (2) to carry out the PST work to the public and disseminate scientific knowledge, scientific methods and scientific ideas in accordance with the provisions of the Regulations;
- (3) to resist anti-science and pseudoscience and fight against feudal superstition, ignorance and backwardness; and
- (4) to strengthen the study of modern scientific knowledge and improve their own professional level.

Article 28 PST workers shall be protected by law when resisting anti-science and pseudoscience and fighting against feudal superstition, ignorance and backwardness according to law.

Article 29 The scientific and technical personnel applying for appraisal of scientific and technological achievements at the municipal level or applying for awards for scientific and technological advancement shall, while submitting scientific and technological achievements, provide PST articles introducing such achievements or related to such achievements, and shall launch publicities thereof in various forms after passing the appraisal or winning the awards.

第三十条 科普工作者在参加相应系列的专业技术职称评审时，其所完成的科普方面的作品和直接参与指导的科普竞赛成绩以及获得的科普奖励，应当作为晋升专业技术职称的依据之一。

第六章 保障措施

第三十一条 市和区、县人民政府应当保证科普经费的投入，科普经费应当列入同级财政预算，专款专用。

市科普活动经费应当在科学事业费中列项，逐年增长，其增长幅度应当不低于科学事业费的增长幅度。

区、县科普活动经费应当按照本辖区常住人口每人每年 0.5 元的标准由区、县财政予以保证，并逐年增长。

第三十二条 本市以发展科学、教育为宗旨的基金会可以设立科普发展专项资金，用于资助科普读物的创作、出版、科普影视制作、科普理论研究以及贫困地区的科普活动。

第三十三条 出版科技类图书、期刊，依照国家有关规定，可以享受税收优惠政策。

第三十四条 本市各级人民政府应当将科普基础设施建设纳入城市规划和基本建设计划，加快对科技馆、青少年科技馆、科普画廊等科普场所、设施的建设、改造、充实和利用。

第三十五条 本市各级人民政府应当采取措施，鼓励境内外组织和个人捐助或者投资建设科普设施，开展科普活动。

第三十六条 本市各级人民政府和有关部门应当采取措施，逐步提高科普工作者的待遇，改善科普工作者的工作和生活条件。

第七章 奖励与处罚

第三十七条 本市有关行政部门和社会团体对在科普工作中做出突出贡献的集体和个人，给予表彰和奖励。

Article 30 When PST workers participate in appraisal of professional and technical titles of the corresponding series, their finished PST works, results of PST competitions to which they have provided direct guidance, and PST rewards they have received shall be taken as one of the bases for the promotion of professional and technical titles.

Chapter VI Guarantee Measures

Article 31 The municipal, district and county people's governments shall guarantee the input in PST funds, which shall be included in the financial budgets at the corresponding levels and shall be earmarked for the specified purpose.

The funds for PST activities at the municipal level shall be listed in the funds for scientific undertakings, which shall be increased year by year, and the increase range shall not be smaller than that of the funds for scientific undertakings.

The funds for PST activities at the district or county level shall be guaranteed by the district or county finance according to the standard of RMB 0.5 yuan per person per year for the permanent residents in their respective areas, and shall be increased year by year.

Article 32 The foundations aimed at developing science and education in this Municipality may set up a special fund for PST development to subsidize the creation and publication of PST books, production of PST film and television works, research on PST theories and PST activities in poverty-stricken areas.

Article 33 The publication of scientific and technological books and periodicals may enjoy preferential tax policies in accordance with relevant provisions of the State.

Article 34 The people's governments at all levels of this Municipality shall incorporate the construction of PST infrastructure into urban planning and capital construction plans, and accelerate the construction, reconstruction, improvement and utilization of PST places and facilities such as science and technology museums, youth science and technology museums, and PST galleries.

Article 35 The people's governments at all levels of this Municipality shall take measures to encourage organizations and individuals at home and abroad to contribute to or invest in the construction of PST facilities and carry out PST activities.

Article 36 The people's governments at all levels of this Municipality and relevant departments shall take measures to gradually improve the benefits and working and living conditions of PST workers.

Chapter VII Rewards and Punishments

Article 37 The relevant administrative departments and social organizations of this Municipality shall commend and reward the collective and individuals that have made outstanding contributions in the PST work.

第三十八条 违反本条例第五条第二款规定，以科学为名从事封建迷信活动，扰乱社会秩序，危害公共利益或者骗取财物尚不够刑事处罚的，由公安机关依照《中华人民共和国治安管理处罚条例》予以处罚；构成犯罪的，依法追究刑事责任。

第三十九条 违反本条例第二十四条规定，出租、出借科普场所、设施的，改变科普场所、设施性质，妨碍开展科普活动的，由上级主管部门责令改正；情节严重的，对直接责任人员给予行政处分。

第四十条 违反本条例第三十一条规定，挪用、克扣、截留科普经费的，由上级机关责令限期改正，并对直接责任人员给予行政处分；构成犯罪的，依法追究刑事责任。

第四十一条 违反本条例规定，侵害科普工作者和公民的合法权益并造成损失的，依法承担民事责任。

第八章 附 则

第四十二条 本条例具体应用中的问题，由市科学技术行政部门负责解释。

第四十三条 本条例自 1999 年 1 月 1 日起施行。

Article 38 Where anyone, in violation of the provisions of Paragraph 2, Article 5 of the Regulations, engages in feudal and superstitious activities in the name of science, disturbs social order, endangers public interests or swindles money or property, which is not serious enough for a criminal punishment, he or she shall be punished by the public security organ in accordance with the Regulations of the People's Republic of China on Penalties for Administration of Public Security; in case of a crime, criminal responsibility shall be investigated therefor according to law.

Article 39 Where any organization, in violation of the provisions of Article 24 of the Regulations, rents or lends PST places or facilities, or changes the nature of such places or facilities thus hindering the development of PST activities, it shall be ordered by the competent department at the next higher level to make corrections; if the circumstances are serious, the person directly responsible therefor shall be put under administrative penalties.

Article 40 Whoever, in violation of the provisions of Article 31 of the Regulations, misappropriates, embezzles or withholds PST funds shall be ordered by the authority at the next higher level to make corrections within a time limit, and the person directly responsible therefor shall be put under administrative penalties; in case of a crime, criminal responsibility shall be investigated therefor according to law.

Article 41 Whoever, in violation of the provisions of the Regulations, infringes upon the lawful rights and interests of PST workers and citizens and causes losses shall bear civil liability according to law.

Chapter VIII Supplementary Provisions

Article 42 The municipal administrative department of science and technology shall be responsible for interpretation of matters pertaining to specific application of the Regulations.

Article 43 The Regulations shall come into force as of January 1, 1999.

北京市技术市场条例

(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 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)

第一章 总 则

第一条 为促进技术交易，维护技术市场秩序，保障技术交易当事人的合法权益，推动技术进步和经济发展，根据国家有关法律、法规，结合本市实际情况，制定本条例。

第二条 自然人、法人和其他组织在本市行政区域内从事技术开发、技术转让、技术咨询、技术服务等技术交易活动以及其他与技术市场相关的活动，适用本条例。

第三条 一切有益于经济建设、社会发展和科技进步的技术、技术信息，均可以进行交易，但国家另有规定的除外。

技术交易活动不受地区、行业、隶属关系、经济性质和专业范围的限制。

技术交易涉及国家安全、国家秘密的，应当按照国家有关规定办理。

第四条 技术交易当事人在技术交易活动中应当遵守相关法律、法规，尊重社会公德，不得侵犯他人的知识产权，扰乱社会经济秩序，损害社会公共利益。

技术交易当事人的合法权益受法律保护。

第五条 市、区人民政府应当建设公平竞争、规范有序的技术市场环境。

第六条 市科学技术部门是本市技术市场的主管部门，北京技术市场管理办公室在市科学技术部门的领导下，具体负责技术市场的管理、监督工作。

Regulations of Beijing Municipality on Technology Market

(Adopted at the 35th Session of the Standing Committee of the 11th People's Congress of Beijing Municipality on July 18, 2002, revised for the first time based on the Decision of the Beijing Municipal People's Congress Standing Committee on Revising Some Local Regulations made at the 31st session of the 14th Beijing Municipal People's Congress Standing Committee on November 25, 2016, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

Chapter I General Provisions

Article 1 In order to promote technology transactions, maintain the order in the technology markets, safeguard the legitimate rights and interests of the parties involved in technology transactions and promote the technological advances and economic development, these Regulations are formulated in accordance with the State's relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 These Regulations are applicable to such technology transactions as technology development, technology transfer, technical consultancy, technical services and other activities related to technology markets in which the natural persons, legal persons and other organizations that are engaged in the administrative area of this Municipality.

Article 3 All technology and technological information conducive to economic construction, social development and progress of science and technology may be traded unless otherwise stipulated by the State.

Technology transaction activities shall not be subject to the restriction of regions, trades, subordinate relationship, economic nature or scopes of specialties.

Technology transactions involving the State security and State secrets shall be handled in accordance with the State's relevant provisions.

Article 4 Parties involved in technology transactions shall comply with the relevant laws and regulations, respect the social ethics, and shall not infringe on other's intellectual property rights, disrupt socio-economic order and harm the public interests of the society.

The legitimate rights and interests of the parties involved in technology transactions shall be protected by law.

Article 5 The people's governments at the municipality, district and county level shall build a fair competitive, standardized and orderly market environment of technology.

Article 6 The municipal science and technology administrative department shall be in charge of technology markets of tills Municipality. The Beijing Administration Office for Technology Markets shall be specifically responsible for the management and supervision

区科学技术部门按照管理权限负责本行政区域内的技术市场管理工作。

第七条 市市场监督管理、商务、财政、发展改革、统计、审计、知识产权等部门，应当依据国家有关法律、法规和本条例的规定，按照各自的职责协同做好技术市场管理工作，在财政、税收等方面扶持技术市场的发展。

第二章 技术市场秩序

第八条 技术交易当事人应当依照《中华人民共和国合同法》的规定订立技术合同。技术合同的内容由当事人约定。

第九条 在技术交易活动中，卖方应当是所提供技术的合法拥有者，并保证其所提供技术的真实性；中介方应当保证自己所提供技术信息的真实性及其来源的合法性；买方应当按照合同约定使用技术，支付费用。

第十条 在技术交易活动中，禁止下列行为：

- （一）非法垄断技术和妨碍技术进步的；
- （二）侵犯他人专利权、技术秘密以及其他科技成果权的；
- （三）作虚假广告、宣传的；
- （四）串通投标的；
- （五）以欺诈、胁迫等手段签订技术合同的；
- （六）法律、法规禁止的其他行为。

第十一条 技术交易买卖双方可以直接交易，也可以通过中介方交易。

技术交易可以采取招标、投标、拍卖等方式进行。政府财政投入为主的科技计划项目适宜招标的，应当招标。

技术交易可以通过互联网进行。

第十二条 技术交易会的举办者不得作虚假宣传，非法牟利。

work of technology markets under the leadership of the municipal science and technology administrative department.

The science and technology administrative departments at the district and county level shall be responsible for the management work of technology markets in their respective administrative areas in accordance with their administrative jurisdictions.

Article 7 The departments in charge of market supervision and administration, finance, pricing, statistics, audit, intellectual property rights, etc. shall, in accordance with the provisions of the State's relevant laws, regulations and these Regulations and within their respective duties and responsibilities, coordinate and work together to do a good job in the management of technology markets and support the development of technology markets in such aspects as finance and taxation.

Chapter II Order in technology markers

Article 8 Parties involved in technology transactions shall conclude technology contracts in accordance with the provisions of the Contract Law of the People's Republic of China. The contents of technology contracts shall be agreed upon by the parties concerned.

Article 9 In technology transactions, the seller shall be the legitimate owner of the technology provided and guarantee the authenticity of the technology provided as well; the intermediary shall guarantee the authenticity of the technological information provided by himself as well as the legitimacy of its source; the buyer shall use the technology and pay for the expenses according to the provisions agreed upon in the contract.

Article 10 The following acts shall be prohibited in technology transactions:

- (1) illegally monopolizing technology and impeding technological progress;
- (2) infringing on other's patent rights, technological secrets and rights of other scientific and technological achievements;
- (3) making false advertisements and propaganda;
- (4) colluding in bidding;
- (5) concluding contracts by means of fraud, coercion, etc.;
- (6) other acts prohibited by laws and regulations.

Article 11 Buyers and sellers involved in technology transactions may conduct transactions directly, and may also conduct transactions through intermediaries.

Technology transactions may be carried out by means of inviting bidding, tenders and auctions. For those science and technology projects with government finance as the main inputs, wherever appropriate, invitation of bids shall be carried out.

Technology transactions may be conducted via Internet.

Article 12 Sponsors of trade fairs for technology shall not make false propaganda for illegal profits.

Article 13 In the management and publishing activities of advertisements for

第十三条 经营、发布技术交易广告，经营者或者发布者应当查验广告内容是否与有关的技术文件、技术鉴定证书等证明材料一致，不得设计、制作、代理和发布内容不实、证明文件不全的广告。

第三章 技术市场服务

第十四条 本市建立和完善专业化、社会化和网络化的技术交易服务体系。

鼓励兴办各类技术交易中介服务机构，为技术交易提供场所、技术信息、技术论证、技术评估、技术经纪、技术产权交易、技术招标代理等服务。

第十五条 技术交易中介服务机构应当依法注册或者登记，国家对资质另有规定的，从其规定。

技术交易中介服务机构应当遵循诚实信用原则，依照法律、法规以及行业规范开展技术交易服务活动。

第十六条 技术经纪人在经纪活动中应当将定约机会和交易情况如实、及时地提供给当事人各方，真实反映当事人各方的履约能力、知识产权情况，按照约定为当事人保守商业秘密，协调技术合同的全面履行。

本条例所称的技术经纪人是指为促成他人技术交易而从事中介居间、行纪或者代理活动，并取得合理佣金的自然人、法人和其他经济组织。

第十七条 从事技术经纪业务的人员应当经过培训。从事技术经纪业务的机构应当按照国家规定办理相关手续。

第十八条 本市设立技术产权交易机构，依法开展技术成果入股、高新技术企业产权转让、高新技术企业的增资扩股以及含有技术参与的并购业务，促进技术成果与资本的結合。

第十九条 技术市场各类同业协会应当依据协会章程开展活动，并对会员进行职业道德、行为规范以及执业技能等自律性管理，提供技术交易信用服务，定期公布技

technology transactions, the advertising agents and advertisement publishers shall verify whether the contents of advertisements are in conformity with such certifying materials as the relevant clinical documents and technical appraisal certificates and shall not design, produce, provide agent service for and publish the advertisements whose contents are not truthful and whose certifying documents are incomplete.

Chapter III Services for technology markets

Article 14 A professional, socialized and network-based service system for technology transactions shall be built and perfected in this Municipality.

The establishment of various intermediary service institutions for technology transactions which shall conduct such services as providing places, technological information, technology demonstration, technology assessment, brokerage, technology property right transactions and agent service in invitation of bids for technology transactions shall be encouraged.

Article 15 The intermediary service institutions for technology transactions shall be registered according to law. Where the State has other provisions regarding the qualifications, those provisions shall be followed.

The intermediary service institutions for technology transactions shall abide by the principle of honesty and good faith and develop service activities in technology transactions in accordance with laws, regulations and guild regulations as well.

Article 16 In brokerage activities, technical brokers shall truthfully and timely provide various parties concerned with the opportunities of concluding contracts and transaction circumstances, truthfully demonstrate the capabilities of various parties concerned cooperform contracts and the circumstances regarding their intellectual property rights, keep commercial secrets for the parties concerned in accordance with agreements and coordinate the full performance of contracts.

Technical brokers mentioned in these Regulations refer to the natural persons, legal persons and other economic organizations that engage in intermediation, brokerage or agency activities to facilitate others' technology transactions and obtain reasonable commission.

Article 17 Individuals dealing in technology brokerage business shall have received training, while organizations dealing in the same business shall undergo relevant qualifying procedures according to state provisions.

Article 18 This Municipality shall establish a transaction institution for technology property rights to develop such business as using technological achievements as investment of shares, high and new technology enterprises' property rights transfer, high and new technology enterprises' addition of capital and shares and business of merger by purchase with technology participation included according to law so as to promote the combination of technological achievements and capital.

Article 19 Various associations in technology markets shall develop activities in accordance with their respective articles of association, carry out such self-disciplinary administration of their members as professional ethics, codes of conduct and practicing skills, provide credit services for technology transactions and publish the information about the credit standing of the parties involved in technology transactions on a regular basis.

术交易当事人的信誉信息。

第二十条 市科学技术部门应当建设技术市场信息网络平台，收集、发布技术成果供求信息，拓宽信息渠道，实现技术交易信息资源共享。

第四章 促进与保障

第二十一条 技术合同经认定登记，当事人可以按照国家和本市的规定享受优惠政策。

从境外引进技术所订立的合同，当事人凭商务部门出具的技术转让合同批准文件，可以按照国家的规定享受税收优惠政策。

第二十二条 技术合同生效后，技术交易的卖方、中介方可以向技术合同登记机构申请认定登记。申请技术合同认定登记应当提供真实、完整的中文书面技术合同文本和相关附件。技术合同登记机构应当在受理认定登记申请之日起三十日内，依照有关规定予以认定登记。当事人对不予认定登记有异议的，可以向北京技术市场管理办公室申请复核。

以数据电文形式订立的技术合同，当事人申请认定登记的，应当出具纸介形式的合同文本。

同一项技术合同不得重复登记。

第二十三条 以技术入股方式订立的合同，可以按照技术转让合同认定登记。

以技术开发、技术转让、技术咨询、技术服务为内容的技术承包和技术产权交易合同，可以根据合同内容确定合同的类型，予以认定登记。

第二十四条 以技术成果作价出资的，其作价金额可以由交易双方协商约定。但法律或者行政法规另有规定的，从其规定。

第二十五条 技术交易当事人持技术合同登记机构的登记证明，向主管财政、税务部门提出申请，经审核批准，其技术交易的收入享受国家规定的税收优惠政策。

Article 20 The municipal science and technology department shall set up an information network platform for technology markets to collect and publish information about supply and demand of technological achievements, expand information channels and realize the share of information resources of technology transactions.

Chapter VI Promotion and safeguard

Article 21 Where a technology contract is registered upon cognizance, the parties concerned may enjoy the preferential policies in accordance with the provisions of the State and this Municipality.

Where a contract is concluded to introduce technology outside the territory, the parties concerned may, on the strength of the approval document for technology transfer contract provided by the department of foreign trade and economic cooperation, enjoy the preferential taxation policy in accordance with the State's provisions.

Article 22 After a technology contract becomes effective, the seller and the intermediary involved in the technology transaction may apply to the technology contract registration agency for cognizance and registration. In applying for cognizance and registration of a technology contract, the text of a truthful and complete written technology contract in Chinese and related supplementary documents shall be provided. The registration agency for technology contracts shall, in accordance with relevant provisions, conduct the cognizance and registration within 30 days of acceptance of the application for cognizance and registration. Where the parties concerned have different opinions of the refusal to cognize and register, they can apply to the Beijing Administration Office for Technology Markets for re-verification.

In the case of a technology contract concluded in data-telex form, the parties concerned applying for cognizance and registration shall produce a contract text in paper.

The same technology contract shall not be registered repeatedly.

Article 23 A contract concluded involving using technology as investment of shares may be cognized and registered as a technology transfer contract.

Technological contracting agreements and technology property rights transaction contracts with the contents of technology development, technology transfer, technical consultancy, technical services may, based on the type of the contract decided by the contract contents, be cognized and registered.

Article 24 Where technological achievements are evaluated as investment, the amount evaluated may be agreed upon by both parties involved in the transaction through consultation. However, where there are other provisions in laws and administrative regulations, those provisions shall be followed.

Article 25 The parties involved in a technology transaction shall, with the registration certificate of the technology contract registration agency, apply to the departments in charge of finance and taxation, and upon examination, verification and approval, their earnings the technology transaction shall be entitled to the preferential taxation policies stipulated by the State.

第二十六条 从事与技术开发、技术转让相关的技术中介服务的收入，经认定，可以视同技术开发、技术转让收入对待，享受国家及本市规定的优惠政策。

第二十七条 经认定登记的技术合同，属于职务技术成果的，卖方应当按照《中华人民共和国促进科技成果转化法》、相关法律、法规和本市有关规定，奖励直接参加技术研究、开发、咨询和服务的人员。

经认定登记的技术合同，买方可以在实施该项技术的新增收益中提取一定比例，奖励为实施技术做出重要贡献的人员。

奖励费用按照国家和本市有关规定列支，凭技术合同登记机构的登记证明和本单位出具的证明到单位基本账户银行提取现金。

第二十八条 经认定登记的技术合同，其中卖方、中介方是自然人的，其个人所得由技术合同登记机构按照劳务报酬所得或者特许权使用费所得，依法代扣、代缴个人所得税。

第二十九条 企业单位支付的技术价款、报酬、使用费或者佣金，可以按照国家有关规定摊入成本。

事业单位支付的技术价款、报酬、使用费或者佣金，可以按照国家有关规定在事业费中列支。

第三十条 技术合同登记机构由市科学技术部门批准设立和撤销，并予以公布。

技术合同登记机构及其工作人员对涉及国家秘密及当事人商业秘密的技术合同，应当承担保密义务。

技术合同登记机构应当按照规定上报有关统计数据。

技术合同登记机构不得从事经营活动。

第三十一条 市科学技术部门应当定期进行技术市场的统计和分析，为政府制定政策提供依据。

第三十二条 市科学技术部门应当安排专项资金，用于组织技术交流、交易活动和技术市场的基础性建设，以及技术市场的宣传、培训、理论研究和法制建设，支持

Article 26 The earnings from providing technology intermediary services related to technology development and technology transfer, upon cognizance, may be regarded as earnings from technology development and technology transfer and be entitled to the preferential policy of the State and this Municipality.

Article 27 Where a registered technology contract belongs to a service technology achievement, the seller shall, in accordance with the Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements, relevant laws and regulations and the relevant provisions of this Municipality, reward the personnel directly participating in the technical research, development, consultation and service.

In the case of a cognized and registered technology contract, the buyer may draw a certain proportion of the newly added earnings from the implementation of the technology toward the personnel who have made significant contribution to the implementation of this technology.

The reward expenses shall be listed as expenditures in accordance with the relevant provisions of the State and this Municipality, and on the strength of the registration certificate of the technology contract registration agency and the certificate produced by the unit, the cash may be drawn from the basic bank account of the unit.

Article 28 In the case of a cognized and registered technology contract, where the seller and the intermediary are natural persons, the technology contract registration agency shall, according to law, withhold and remit personal tax payments on their personal earnings as the service remuneration or royalties.

Article 29 The money for the technology, remunerations, royalties or commission paid by the enterprise units may be counted as costs in accordance with the relevant provisions of the State.

The money for the technology, remunerations, royalties or commission paid by the institution units may be listed as expenditures in the undertaking expenses in accordance with the relevant provisions of the State.

Article 30 The technology contract registration agency shall be established or revoked upon approval by the municipal science and technology department and made public.

The technology contract registration agency and its working staff shall undertake the obligation of maintaining confidentiality of technology contracts involving the State secrets and the commercial secrets of the parties concerned.

The technology contract registration agency shall report relevant statistical data to the agency at the higher level in accordance with provisions.

The technology contract registration agency shall not engage in operating activities.

Article 31 The municipal science and technology department shall conduct statistics and make analysis of the technology markets on a regular basis so as to provide the basis for the government's policy-making.

Article 32 The municipal science and technology department shall arrange special funds for organizing technological exchange, transaction activities, infrastructure construction of technology markets as well as publicity, training, theoretical research and legal construction of technology markets to support the development of technology markets.

技术市场发展。

第五章 法律责任

第三十三条 违反本条例的行为，法律、行政法规已经规定法律责任的，依照其规定追究法律责任。

第三十四条 违反本条例第九条规定，提供虚假技术或者技术信息的，由市或者区科学技术部门或者市场监督管理部门没收违法所得，可以并处违法所得一倍以上五倍以下的罚款；给当事人造成损失的，依法承担民事责任。

第三十五条 违反本条例第十二条规定，技术交易会的举办者通过虚假宣传非法牟利的，由市科学技术部门或者市场监督管理部门没收违法所得，可以并处违法所得一倍以上三倍以下的罚款。

第三十六条 违反本条例第二十二条规定，以不正当手段骗取技术合同登记证明的，由市科学技术部门责令技术合同登记机构撤销登记证明，并可以对当事人处五千元以上一万元以下的罚款；已经享受优惠政策的，由市科学技术部门通知有关部门予以查处。

第三十七条 违反本条例规定，技术合同登记机构有下列行为之一的，市科学技术部门应当予以警告并责令其限期改正；情节严重的，予以撤销并公告：

- （一）不按照规定开展技术合同认定登记工作的；
- （二）从事经营活动的；
- （三）迟报、拒报或者提供不真实统计材料的；
- （四）泄漏当事人商业秘密的。

第三十八条 国家工作人员在技术市场管理工作中徇私舞弊、收受贿赂、玩忽职守、滥用职权的，由所在单位或者上级主管部门给予行政处分；情节严重、构成犯罪的，依法追究刑事责任。

Chapter V Legal liability

Article 33 In the case of acts in violation of these Regulations, where laws and administrative regulations already have provisions regarding legal liability, the legal liabilities shall be pursued in accordance with those provisions.

Article 34 With respect to persons that provide false technologies or technological information in violation of Article 9 of this regulation, the municipal or district science and technology department shall confiscate the illegal proceeds of the persons concerned and may concurrently impose a fine 1-5 times that of the illegal proceeds on the same persons. In the case that the violating persons cause losses to the victims, they shall be subject to civil liabilities by operation of law.

Article 35 Where sponsors of trade fairs for technology make false propaganda for illegal profits in violation of the provisions of Article 12 of these Regulations, the municipal science and technology department shall have the illegal earnings confiscated and may simultaneously impose a fine of more than one time but less than three times the illegal earnings.

Article 36 In the case of obtaining a registration certificate of a technology contract by using wrongful methods in violation of the provisions of Article 22 of these Regulations, the municipal science and technology department shall order the technology contract restriction agency to revoke the registration certificate and may simultaneously impose a fine of more than RMB 5,000 yuan but less than RMB 10,000 yuan on the parties concerned; with respect to those already enjoying the preferential policies, the municipal science and technology administrative department shall notify the relevant department to make the investigations.

Article 37 Where a technology contract registration agency commits one of the following acts in violation of the provisions of these Regulations, the municipal science and technology department shall give a warning and simultaneously order it to make corrections within the prescribed time limit; where the circumstances are serious, the agency concerned shall be revoked and made public:

- (1) not developing the work of cognizance and registration of technology contracts in accordance with provisions;
- (2) engaging in operating activities;
- (3) delaying the report, refusing to report or providing untruthful statistical materials;
- (4) divulging the commercial secrets of the parties concerned.

Article 38 Where State functionaries engage in illegalities and fraudulent practices for private gains, accept bribes, neglect their duties and abuse their powers in the management work of technology markets, they shall be given administrative sanctions by the unit they worked for or the superior department in charge; where the circumstances are serious and a crime is constituted, criminal liabilities shall be pursued according to law.

Article 39 The parties involved in a technology transaction may, according to law, bring the dispute between them to an arbitration organization for arbitration based on the agreement in the contract or an agreement subsequently concluded; where there is no

第三十九条 技术交易当事人之间的经济纠纷，当事人依合同约定或者事后协议可以依法向仲裁机构申请仲裁；合同没有约定仲裁条款或者事后没有达成仲裁协议的，当事人可以向人民法院提起民事诉讼。

第六章 附 则

第四十条 本条例自 2002 年 11 月 1 日起施行。1994 年 10 月 20 日北京市第十届人民代表大会常务委员会第十三次会议通过的《北京市技术市场管理条例》同时废止。

arbitration clause in the contract or no arbitration agreement is reached subsequently, the parties concerned may institute a civil litigation in the people's court.

Chapter VI Supplementary provisions

Article 40 These Regulations shall be implemented as of November 1, 2002. The Regulations of Beijing Municipality on Administration of Technology Markets adopted at the 13th Session of the Standing Committee of the 10th People's Congress of Beijing Municipality on October 20, 1994 shall be repealed simultaneously.

中关村国家自主创新示范区条例

(2010年12月23日北京市第十三届人民代表大会常务委员会
第二十二次会议通过)

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第一章 总 则

第一条 为了促进和保障中关村国家自主创新示范区建设，制定本条例。

第二条 本条例适用于中关村国家自主创新示范区内的组织和个人。

中关村国家自主创新示范区外的组织和个人从事与中关村国家自主创新示范区建设相关的活动，也适用本条例。

第三条 中关村国家自主创新示范区（以下简称“示范区”）由海淀园、丰台园、昌平园、电子城、亦庄园、德胜园、石景山园、雍和园、通州园、大兴生物医药产业基地以及市人民政府根据国务院批准划定的其他区域等多园构成。

Regulations on Zhongguancun National Innovation Demonstration Zone

(Adopted at the 22nd Meeting of the Standing Committee of the 13th People's Congress of Beijing Municipality on December 23, 2010)

Contents

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purpose of promoting and ensuring the construction of the Zhongguancun National Innovation Demonstration Zone.

Article 2 These Regulations shall apply to the organizations and individuals in the Zhongguancun National Innovation Demonstration Zone.

These Regulations shall also apply to the external organizations and individuals engaging in any activities related to the construction of the Zhongguancun National Innovation Demonstration Zone.

Article 3 The Zhongguancun National Innovation Demonstration Zone (hereinafter referred to as the “Demonstration Zone”) shall be composed of Haidian Park, Fengtai Park, Changping Park, Electronic City, Yizhuang Park, Desheng Park, Shijingshan Park, Yonghe Park, Tongzhou Park, Daxing Biomedical Industry Base and other areas defined by the municipal people's government with the approval of the State Council.

第四条 示范区应当以科学发展观为指导，服务国家自主创新战略，坚持首都城市功能定位，推进体制改革与机制创新，建设成为深化改革先行区、开放创新引领区、高端要素聚合区、创新创业集聚地、战略性新兴产业策源地和具有全球影响力的科技创新中心。

第五条 示范区应当以提高自主创新能力为核心，营造创新创业和产业发展环境，创新组织模式，构建和完善以项目为载体、企业为主体、市场为导向、产学研用相结合的技术创新体系。

第六条 示范区建设应当纳入本市国民经济和社会发展规划和计划，统筹示范区与行政区协调发展，统筹各种创新资源配置，统筹示范区研发、生产和生活需要。

第七条 示范区重点发展高新技术产业，加快发展战略性新兴产业，培育发展以各园区特色产业基地为基础的产业链和产业集群。

示范区重点建设中关村科学城、未来科技城等海淀区和昌平区南部平原地区构成的北部研发服务和高新技术产业聚集区，北京经济技术开发区和大兴区整合后空间资源构成的南部高技术制造业和战略性新兴产业聚集区。

第八条 鼓励和支持示范区内的企业制定创新发展战略，提升创新能力和市场竞争力，形成一批具有全球影响力的创新型企业 and 国际知名品牌。

第九条 鼓励组织和个人在示范区开展创新创业活动，支持有利于自主创新的制度、体制和机制在示范区先行先试，营造鼓励创新创业、宽容失败的文化氛围。

第十条 市人民政府负责统筹、规划、组织、协调、服务示范区的建设与发展。
市人民政府设立示范区管理机构负责具体工作落实。

第二章 创新创业主体

第十一条 任何组织和个人可以依法在示范区设立企业和其他组织，从事创新创业活动。

Article 4 The Demonstration Zone shall take the scientific outlook on development as its guidance, serve the national strategy of indigenous innovation, adhere to the functional position of the capital city, promote institutional reform and mechanism innovation, and develop into a pioneer of deepening reform, a leading area of opening- up and innovation, an area of aggregating high-end elements, a magnet for innovation and entrepreneurship, a place of origin for emerging industries of strategic importance and a center for technological innovation with global influence.

Article 5 The Demonstration Zone shall focus on enhancing the ability of indigenous innovation, create a favorable environment for innovation and entrepreneurship as well as industrial development, innovate organizational model, and develop and improve a market-oriented technology innovation system integrating production, teaching research and application with enterprises as main players and projects as carriers.

Article 6 The construction of the Demonstration Zone shall be integrated into the national economic and social development plannings and plans of this Municipality, and overall consideration shall be given to the coordinated development of the Demonstration Zone and the administrative area, the distribution of various resources innovation and the needs for research and development, production and livelihood within the Demonstration Zone.

Article 7 The Demonstration Zone shall give priority to the development of high and new-tech industries, accelerate the development of emerging industries of strategic importance, nurture and develop the industrial chains and industry clusters based on the featured industry bases in various parks.

The Demonstration Zone shall focus on the development of the cluster area of research and development services and high and new-tech industries in the north composed of Haidian District and the plain area in the southern part of Changping District, including the Zhongguancun Science City and Future Science and Technology City, and the development of the cluster area of high-tech manufacturing industries and emerging industries of strategic importance in the south composed of Beijing Economic and Technological Development Zone and Daxing District after integrating space resources.

Article 8 The enterprises in the Demonstration Zone shall be encouraged and supported to develop innovation and development strategies, enhance their innovation ability and market competitiveness, so as to foster a batch of innovative enterprises and international famous brands with global influence.

Article 9 The organizations and individuals shall be encouraged to carry out activities of innovation and entrepreneurship in the Demonstration Zone. The pilot implementation of the rules, systems and mechanisms conducive to indigenous innovation shall be supported and a cultural environment encouraging innovation and entrepreneurship and tolerating failure shall be built.

Article 10 The municipal people's government shall take the responsibility to consider as a whole, plan, organize, coordinate and serve the construction and development of the Demonstration Zone.

The municipal people's government shall set up a governing body of the Demonstration Zone to undertake concrete work.

Chapter II Main Players of Innovation and Entrepreneurship

Article 11 Any organization or individual may set up an enterprise or any other

在示范区申请设立企业，经营范围中有属于法律、行政法规、国务院决定规定在登记前须经批准的项目的，可以申请筹建登记。对符合设立条件的，工商行政管理部门直接办理筹建登记，并将办理筹建登记的情况告知有关审批部门；企业获得批准后，应当申请变更登记。筹建期限为一年，筹建期内企业不得开展与筹建无关的生产经营活动。

在示范区设立企业，除申请的经营范围中有属于法律、行政法规、国务院决定规定在登记前须经批准的项目外，以指定集中办公区作为住所的，工商行政管理部门依法予以登记。

示范区内经工商行政管理部门登记的各类企业，根据发展需要可以向工商行政管理部门申请转换组织形式；企业的分支机构或者分公司可以向工商行政管理部门申请变更隶属关系。

第十二条 鼓励科技人员以知识产权、科技成果等无形资产入股的方式在示范区创办企业。

以知识产权和其他可以用货币估价并可以依法转让的科技成果作价出资占企业注册资本的比例，可以由出资各方协商约定，但是以国有资产出资的，应当符合有关国有资产的管理规定。

投资人可以其所有的可用货币估价并可依法转让的股权和债权作价出资，工商行政管理部门依法办理登记。

中国公民以自然人身份在示范区出资兴办中外合资、合作企业，经审批机关批准后，工商行政管理部门予以登记注册。

创业投资机构的注册资本可以按照出资人的约定分期到位。

第十三条 在示范区设立企业，以货币作为初次出资或者增资的，可以银行出具的企业交存入资资金凭证或者以依法设立的验资机构出具的验资证明作为验资凭证；以非货币作价出资的，可以依法设立的评估机构出具的评估报告或者以依法设立的验

organization in the Demonstration Zone in accordance with law to engage in activities of innovation and entrepreneurship.

The applicant for the incorporation in the Demonstration Zone of an enterprise of which the business scope contains items subject to approval prior to the registration under laws, administrative regulations or provisions of the State Council may apply for registration of preparation for incorporation. If the conditions for incorporation are satisfied, the administrative department for industry and commerce shall directly grant registration of preparation for incorporation and inform the examination and approval department concerned of the registration; upon approval, the enterprise shall apply for alteration of registration. The period of preparation for incorporation shall be one year, and within this period the enterprise concerned shall not carry out any production or business operation activities irrelevant to the preparation for incorporation.

The administrative department for industry and commerce shall register in accordance with law the enterprises incorporated in the Demonstration Zone with the designated central office area as their domiciles, unless there are items subject to approval prior to the registration under laws, administrative regulations or provisions of the State Council in the applied business scope.

Various enterprises in the Demonstration Zone registered with the administrative department for industry and commerce may apply to the said department for changing their forms of organization in light of their needs for development; and the branches or subsidiaries of such enterprises may apply to the aforesaid department for change of affiliation.

Article 12 Scientists and technicians shall be encouraged to create enterprises in the Demonstration Zone by means of making capital contributions with intangible assets such as intellectual property rights and scientific and technological achievements.

The proportion of the capital contributions made with intellectual property rights and other scientific and technological achievements that can be evaluated in currency and can be transferred in accordance with law in the registered capital of the enterprise may be fixed by the investing parties through consultation. However, if the capital contributions are made with state-owned assets, it shall comply with the provisions on the administration of state-owned assets.

An investor may make capital contributions with his equity and creditor's rights that can be evaluated in currency and can be transferred in accordance with law, and the administrative department for industry and commerce shall register the enterprise concerned in accordance with law.

Where a Chinese citizen makes capital contributions as a natural person to establish a Sino-foreign equity or cooperative joint venture in the Demonstration Zone, the administrative department for industry and commerce shall grant registration upon approval of the relevant examination and approval authority.

The registered capital of a venture capital institution may be paid in installments in accordance with the agreement between investors.

Article 13 Where, as the initial capital contributions or increased capital contributions, the capital contributions are made in currency to incorporate an enterprise in the Demonstration Zone, the voucher issued by the bank for the deposit of funds paid in by the enterprise or the certificate for capital verification issued by the capital verification institution established in accordance with law can be taken as the proof of capital verification; if the capital contributions are made with non-currency property

资机构出具的验资证明作为验资凭证。

工商行政管理部门对在示范区设立的企业章程、合伙协议实行备案制。

第十四条 支持企业联合高等院校、科研院所和其他组织组建产业技术联盟。符合条件的，可以申请登记为法人。

第十五条 鼓励在示范区培育科技创新服务体系，支持信用、法律、知识产权、管理和信息咨询、人才服务、资产评估、审计等各类专业服务组织发展。

鼓励企业、高等院校、科研院所以及其他组织和个人，在示范区设立大学科技园、创业园、创业服务中心等各类创业孵化服务机构以及科技中介机构，利用社会资源，提升创新创业服务能力。

第十六条 申请在示范区设立有利于自主创新的社会团体、民办非企业单位、基金会，除法律、行政法规、国务院决定规定登记前须经批准的以外，申请人可以直接向市民政部门申请登记。

按照前款规定申请成立社会团体，可以吸收本市行政区域外的境内组织及个人作为会员，跨行政区域开展活动。

按照本条第一款设立的社会组织，名称应当冠以行政区划名称或者“中关村”字样。

第十七条 支持社会组织参与示范区建设，开展经济技术交流与合作，制定标准，帮助企业开拓国际市场，进行品牌推广，承担法律、法规授权或者政府委托的工作。

政府及有关部门可以通过购买服务等方式，支持服务于示范区的社会组织的发展。

第十八条 示范区应当推进自主创新资源配置方式改革，围绕国家自主创新战略的重大项目和首都经济社会发展的重大需求，在政府引导和支持下，以企业为主体或者采取企业化的运行模式，聚集企业、高等院校、科研院所、社会组织等各类创新创业主体，整合土地、资金、人才、技术、信息等各种创新要素，链接科技研发和科技成果产业化等各个创新环节，形成协同创新、利益共享的自主创新机制。

after evaluation, the evaluation report issued by the evaluation institution established in accordance with law or the certificate for capital verification issued by the capital verification institution established in accordance with law can be taken as the proof capital verification.

The administrative department for industry and commerce shall exercise a filing system to record the articles of association and partnership agreements of the enterprises incorporated in the Demonstration Zone.

Article 14 Enterprises shall be encouraged to cooperate with institutions of higher learning, scientific research institutions and other organizations to set up industrial technology alliances. The eligible alliance may apply for being registered as a legal person.

Article 15 The fostering of a service system for technology innovation is encouraged, and the development of various professional service organizations is supported to offering services in terms of credit, legal affairs, intellectual property rights, management and information consulting, talent services, assets evaluation, and auditing.

Enterprises, institutions of higher learning, scientific research institutions and other organizations and individuals shall be encouraged to set up various institutions for incubating services, such as university science and technology parks, venture parks, business incubator centers, in the Demonstration Zone to take advantage of social resources to improve the capacity of service for innovation and entrepreneurship.

Article 16 To apply for establishing a social organization, private non-enterprise unit or foundation conducive to indigenous innovation in the Demonstration Zone, the applicant may directly apply for registration to the municipal department for civil affairs, except for those subject to approval before registration under laws, administrative regulations or provisions of the State Council.

The social organization established in accordance with the preceding paragraph may enroll organizations and individuals outside the administrative area of this Municipality but within the territory of China as its members, and may carry out activities across different administrative areas.

The social organizations established in accordance with the first paragraph of this Article shall have the name of the administrative area or “Zhongguancun” in their names.

Article 17 Social organizations shall be supported to take part in the construction of the Demonstration Zone, carry out economic and technological exchanges and cooperation, develop standards, help enterprises with the exploration of international market and brand promotion and undertake the work authorized under laws and regulations or commissioned by the government.

The government and relevant departments may support the development of social organizations serving the Demonstration Zone by purchasing services or other means.

Article 18 The Demonstration Zone shall promote the reform of allocation of resources for indigenous innovation, focus on the major projects of the national strategy for indigenous innovation and major needs of the economic and social development of the capital city, assemble various players of innovation and entrepreneurship, including enterprises, institutions of higher learning, scientific research institutions and social organizations, under the guidance and support of the government with enterprises as the core or adopting an operational mode of commercial running, integrate land, capital, talent resources, technology, information and various other innovative elements, connect all aspects of innovation including technological research and development and industrialization of scientific and technological achievements and form an indigenous innovation mechanism of collaborative innovation and benefit sharing.

第三章 科技研发、成果转化和知识产权

第十九条 支持示范区内的企业加大研发投入，利用全球科技资源，提升原始创新、集成创新、引进消化吸收再创新的能力。

鼓励示范区内的企业自行或者联合高等院校、科研院所在境内外设立研发机构和成果转化中心。

鼓励高等院校、科研院所和示范区内的企业联合研发新技术、开发新产品。

鼓励高等院校、科研院所组织科技人员为示范区内的企业创新创业提供服务。

第二十条 支持示范区内的中小企业技术创新，通过资金资助、设立孵化器、搭建公共服务平台等多种方式，引导中小企业向专、新、特、精方向发展，提高市场竞争力。

第二十一条 支持示范区内的企业、产业技术联盟按照规定申报国家或者地方科技型中小企业技术创新基金或者资金项目，参与承担国家和地方人民政府科技重大专项、科技基础设施建设、各类科技计划项目和重大高新技术产业化项目。

市发展改革、科技、经济和信息化等行政管理部门在编制本市重大科技项目规划、计划和实施方案过程中，应当听取示范区内的企业、产业技术联盟的意见。

第二十二条 示范区内的企业、高等院校、科研院所承担国家和本市科技重大专项项目（课题），可以按照一定比例在科技重大专项项目（课题）经费中列支间接费用，用于支付实施项目（课题）过程中发生的管理、协调、监督费用，以及其他无法在直接费用中列支的相关费用。

第二十三条 市科技、教育、经济和信息化、发展改革、质量技术监督等行政管理部门应当整合公共科技资源，采取多种方式为示范区内的企业创新发展提供研发、工业设计、咨询、检测、测试等技术服务，帮助企业研发新产品、调整产品结构、创新管理和开拓市场。

Chapter III Research and Development, Transformation of Scientific and Technological Achievements and Intellectual Property Rights

Article 19 Enterprises in the Demonstration Zones shall be supported to increase their investment into research and development and use global scientific and technological resources to improve their abilities of original innovation, integrated innovation and re-innovation after introduction, digestion and absorption.

Enterprises in the Demonstration Zone shall be encouraged to set up research and development institutions and achievement transformation centers within and outside the territory of China by themselves or jointly with institutions of higher learning and scientific research institutions.

Institutions of higher learning, scientific research institutions and enterprises in the Demonstration Zone shall be encouraged to cooperate with each other to research new technologies and develop new products.

Institutions of higher learning and scientific research institutions shall be encouraged to organize scientists and technicians to provide services for the innovation and entrepreneurship of the enterprises in the Demonstration Zone.

Article 20 Small-and medium-sized enterprises in the Demonstration Zone shall be supported to make technological innovations, and they are guided to develop towards a professional, new, unique or exquisite direction to improve their market competitiveness by taking such measures as financial assistance, establishing incubators, or building platform of public services.

Article 21 Enterprises and industrial technology alliances in the Demonstration Zone shall be supported to apply for national or local technological innovation funds or fund projects for science-and technology-oriented small- and medium-sized enterprises and participate in major special projects of science and technology, construction of scientific and technological infrastructures, various projects of scientific and technological planning and major projects of high and new-tech industrialization of the national or local people's government.

The municipal administrative departments for development and reform, science and technology, economy and informatization shall listen to the opinions of the enterprises and industrial technology alliances in the Demonstration Zone when preparing the plans, plans and implementation programs for major science and technology projects of this Municipality.

Article 22 The enterprises, institutions of higher learning and scientific research institutions in the Demonstration Zone may have a certain proportion of overhead expenses disbursed from the funds for major science and technology projects (research topics) for the national and municipal major science and technology projects (research topics) undertaken by them to cover the costs for management, coordination and supervision as well as other relevant costs which cannot be reimbursed as direct expenses arising in the course of implementation of the projects (research topics).

Article 23 The municipal administrative departments for science and technology, education, economy and informatization, development and reform, quality and technical supervision shall integrate public science and technology resources, adopt various measures to provide the enterprises in the Demonstration Zone with technological services such as research and development, industrial design, consulting, inspection and testing, and help the enterprises to develop new products, adjust product mix, innovate management and explore market.

第二十四条 支持示范区内的企业、高等院校、科研院所、产业技术联盟利用各自优势，开放和共享科技资源，共同培养人才，共建国家和本市的工程研究中心、工程技术研究中心、重点实验室、企业技术中心等共性技术研发平台，联合承担科技项目，开展产学研用交流与合作。

支持战略科学家领衔组建新型科研机构。

第二十五条 鼓励示范区内的企业、高等院校、科研院所依法转让科技成果。高等院校、科研院所按照国家和本市有关规定，可以将科技成果转化收益用于奖励和教学、科研及事业发展。

鼓励高等院校、科研院所的科技人员在示范区创办企业，转化科技成果。

第二十六条 对本市财政资金支持的科技项目，政府有关行政管理部门应当与示范区内承担项目的高等院校、科研院所、企业等组织就项目形成的科技成果约定知识产权目标和实施转化期限，在项目验收时对知识产权目标完成情况进行考核评价。

第二十七条 市人民政府有关部门应当根据国家自主创新战略和首都科学发展需要，定期发布一批关键核心技术研发和重大科技成果产业化与应用示范项目，按照公开、公平、公正原则，组织示范区内的企业、高等院校、科研院所和由其组成的联合体参与招标。

第二十八条 市和区、县人民政府及有关部门运用政府采购政策，支持示范区创新创业主体的自主创新活动；通过首购、订购、首台（套）重大技术装备试验和组织实施示范项目、推广应用等方式，发挥政府采购对社会应用的示范引领作用。

第二十九条 市科技行政管理部门应当将符合条件的示范区创新创业主体的创新产品纳入本市自主创新产品目录，推荐示范区创新创业主体的创新产品纳入国家自主创新产品目录。

市财政等行政管理部门应当建立健全使用首台（套）装备的风险补偿机制。

第三十条 使用市、区两级财政资金的采购以及市、区两级财政资金全额或者部

Article 24 Enterprises, institutions of higher learning, scientific research institutions and industrial technology alliances in the Demonstration Zone shall be supported to, by taking advantage of their respective strengths, open and share their technology resources and bring up talents in joint efforts to build together the national or municipal platforms for common technological research and development, including engineering research centers, engineering technology research centers, key laboratories and enterprise technology centers, and to jointly undertake science and technology projects and carry out exchanges and cooperation in production, teaching, research and application.

Strategic scientists shall be supported to take the lead to establish new types of research institutions.

Article 25 Enterprises, institutions of higher learning and scientific research institutions in the Demonstration Zone shall be encouraged to transfer their scientific and technological achievements in accordance with law. Institutions of higher learning and scientific research institutions may, in accordance with the relevant regulations of the State and this Municipality, have the returns from transformation of scientific and technological achievements used for offering rewards or teaching, research and business development.

Scientists and technicians of institutions of higher learning and scientific research institutions shall be encouraged to start businesses to transform scientific and technological achievements.

Article 26 With respect to the science and technology projects supported by financial funds of this Municipality, the relevant administrative departments of the government shall agree with the institutions of higher learning, scientific research institutions and enterprises In the Demonstration Zone which undertake the projects on the targets of intellectual property rights and the time limit of implementation and transformation concerning the scientific and technological achievements made in the projects and shall assess the accomplishment of the targets of intellectual property rights during the acceptance inspection of the projects.

Article 27 The relevant departments of the municipal people's government shall, in accordance with the national strategy of indigenous innovation and the needs for the scientific development of the capital city, issue on a regular basis a number of key demonstration projects for the industrialization and application of core technology research and development and major scientific and technological achievements, and organize the enterprises, institutions of higher learning, and scientific research institutions in the Demonstration Zone and their conglomerates to participate in bidding under the principles of transparency, fairness and impartiality.

Article 28 The municipal, district and county people's governments and their relevant departments shall, by adopting government procurement policies, support the indigenous innovation activities of players of innovation and entrepreneurship, and shall give play to the demonstrating and leading role of government procurement in social application by means of first purchase, purchase by order, testing of the first piece (set) of major technical equipment, organizing and implementing demonstration projects, promoting application and other means.

Article 29 The municipal administrative department for science and technology shall list the eligible players of innovation and entrepreneurship in the Demonstration Zone in the category of indigenous innovation products of this Municipality and recommend the innovative products of the players of innovation and entrepreneurship in the Demonstration Zone to be listed in the national category of indigenous innovative products.

The municipal administrative department for finance shall establish and improve the risk compensation mechanism for the use of the first piece (set) of equipment.

Article 30 The procurement made with municipal or district financial funds and the projects of urban facilities, technology renovation, health care, education and scientific

分投资的市政设施、技术改造、医疗卫生、教育科研、节能环保等项目，应当采购、使用示范区创新创业主体的创新产品。

通过招标方式进行政府采购的，评标规则中应当对示范区创新创业主体的创新产品给予一定的价格扣除或者加分。

第三十一条 市人民政府应当不断加大科技资金的投入；建立健全资金统筹机制，统筹各类资金的使用，采取股权投资、贴息、补助等方式，重点支持示范区内的重大科技研发、成果转化项目；逐步提高科技和产业化资金的统筹比例和使用效率。

第三十二条 市人民政府设立示范区发展专项资金，支持在示范区创新创业、建设创新环境和促进产业发展。

市人民政府可以运用科技产业投资基金和绿色产业投资基金等产业投资基金，支持科技成果在示范区转化。

第三十三条 市和区、县人民政府及专利、商标、著作权等行政管理部门通过补贴、奖励等措施，支持示范区内的企业、高等院校、科研院所及相关人员获得专利权、商标注册和著作权登记。

鼓励示范区内的企业成立专利联盟，构建专利池，提高专利创造、运用、保护和管理的能力。

工商行政管理部门应当指导和帮助示范区内的企业制定和实施商标战略，加强商标管理，培育驰名商标、著名商标。

工商行政管理部门可以依据企业申请，对企业的驰名商标、著名商标，在本市企业名称登记中予以保护。

第三十四条 支持示范区内的企业、高等院校、科研院所等创新创业主体开展标准创新，参与创制地方标准、行业标准、国家标准和国际标准，成立标准联盟，加强与国内外标准化组织的战略合作，推动技术标准的产业化应用，促进创新产品开发。

第三十五条 专利、商标、著作权等行政管理部门应当建立健全示范区知识产权

research, energy conservation and environmental protection, etc. which fully or partly receive municipal or district financial funds, shall purchase and use the innovative products of the players of innovation and entrepreneurship in the Demonstration Zone.

Where the government procurement is made by means of bidding, the innovative products of the players of innovation and entrepreneurship in the Demonstration Zone shall be given a certain price deduction or additional credits in the bidding rules.

Article 31 The municipal people's government shall constantly increase the investment into science and technology, establish and improve a funds pooling mechanism to coordinate as a whole the use of various funds, give priority to the major scientific and technological research and development and achievement transformation projects in the Demonstration Zone by means of equity investments, interest subsidies, grants, etc. , and gradually increase the proportion of the unified arrangement and efficiency of funds for science and technology and industrialization.

Article 32 The municipal people's government shall earmark funds for the development of the Demonstration Zone to support innovation and entrepreneurship, build a favorable environment for innovation and promote industrial development in the Demonstration Zone.

The municipal people's government may use the industrial investment funds, including the investment funds for scientific and technological industries and the investment funds for green industries, to support the transformation of scientific and technological achievements in the Demonstration Zone.

Article 33 The municipal, district and county people's governments and the administrative departments for patent, trademark, and copyright shall adopt measures such as subsidies and incentives to support the enterprises, institutions of higher learning, scientific research institutions and other persons in the Demonstration Zone to obtain registration of patent rights, trademark rights or copyrights.

Enterprises in the Demonstration Zone shall be encouraged to set up patent alliances and build patent pools to improve their abilities of patent creation, application, protection and management.

The administrative department for industry and commerce shall guide and help enterprises in the Demonstration Zone to develop and implement trademark strategies, strengthen trademark management and cultivate well-known and famous trademarks.

The administrative department for industry and commerce may, as applied by enterprises, protect the well-known or famous trademarks of the enterprises in the registration of enterprise names in this Municipality.

Article 34 Enterprises, institutions of higher learning, scientific research institutions and other players of innovation and entrepreneurship in the Demonstration Zone shall be supported to undertake innovation of standards, participate in the development of local, industrial, national and international standards and establish standards alliances to strengthen strategic cooperation with domestic and international standards organizations, promote the industrialized application of technical standards and facilitate the development of innovative products.

Article 35 The administrative departments for patent, trademark, and copyright

保护的举报、投诉、维权、援助平台以及有关案件行政处理的快速通道，完善行政机关之间以及行政机关与司法机关之间的案件移送和线索通报制度。

专利行政管理部门应当鼓励、引导示范区内的企业建立专利预警制度，支持协会、知识产权中介机构为企业提供目标市场的知识产权预警和战略分析服务。

专利行政管理部门应当建立企业专利海外应急援助机制，指导企业、协会制定海外重大突发知识产权案件应对预案，支持协会、知识产权中介机构为企业提供海外知识产权纠纷、争端和突发事件的应急援助。

第四章 人才资源

第三十六条 本市在示范区建设人才特区。

示范区管理机构应当会同市有关部门，制定示范区创新创业型人才发展规划，建立健全人才培养、引进、使用、流动、评价等制度，为示范区内的人才发展提供服务和保障。

第三十七条 支持示范区内的组织根据需要引进高端领军人才和高层次人才。市和区、县人民政府及有关部门应当根据国家和本市的有关规定为高端领军人才和高层次人才在企业设立、项目申报、科研条件保障、户口或者居住证办理、房屋购买和租赁等方面提供便利。

本市在示范区建立与促进科技成果转化相适应的职称评价制度，为工程技术人员提供职称评价服务；对示范区内的企业引进科技研发和成果转化方面的紧缺人才，建立侧重能力、业绩、潜力、贡献等综合素质的人才评价机制和突出贡献人才的直接引进机制。

第三十八条 示范区内的高等院校、科研院所和企业按照国家和本市有关规定，可以采取职务科技成果入股、科技成果折股、股权奖励、股权出售、股票期权、科技

shall establish and improve the platform for violations reporting, complaints making, right protection and assistance concerning intellectual property right protection in the Demonstration Zone, maintain a fast track for administrative disposition of the relevant cases, and improve the systems of case referral and clue informing among administrative authorities and between administrative authorities and the judiciary organs.

The administrative department for patent shall encourage and guide the enterprises in the Demonstration Zone to establish the patent early warning system and support associations and intellectual property intermediaries to provide the enterprises with early warning and strategic analysis service concerning the intellectual property rights in the target market.

The administrative department for patent shall establish a mechanism for overseas patent-related emergency assistance, guide the enterprises and associations to develop contingency plans for major emergent intellectual property cases overseas and support associations and intellectual property right intermediaries to provide the enterprises with emergency assistance in overseas intellectual property disputes, conflicts and contingencies.

Chapter IV Human Resources

Article 36 This Municipality shall build a talents special area in the Demonstration Zone.

The governing body of the Demonstration Zone shall, jointly with the relevant municipal departments, make plans for the development of innovative and entrepreneurial talents in the Demonstration Zone and establish and improve the systems of talents training, introduction, utilization, flow and evaluation, so as to provide services and guarantee for development of talents in the Demonstration Zone.

Article 37 The organizations in the Demonstration Zone shall be supported to introduce high-end leading talents and high-level talents as necessary. The municipal, district and county people's governments and their relevant departments shall, in accordance with the relevant regulations of the State and this Municipality, facilitate the enterprise incorporation, project application, guarantee for research conditions, application for residence registration or residence permit, housing purchase and leasing and other aspects for the high-end leading talents or high-level talents.

This Municipality shall establish in the Demonstration Zone a professional titles evaluation system suitable for the promotion of transformation of scientific and technological achievements to provide professional titles evaluation services for engineers and technicians; and, with respect to the introduction of talents in shortage in scientific and technological research and development as well as transformation of scientific and technological achievements by the enterprises in the Demonstration Zone, shall establish a talents evaluation system focusing on the comprehensive qualities such as capability, performance, potential, contribution and other relevant elements and a system for direct introduction of talents with outstanding contributions.

Article 38 The institutions of higher learning, scientific research institutions and enterprises in the Demonstration Zone may, in accordance with the relevant regulations of

成果收益分成等方式，对做出贡献的科技人员和经营管理人员进行股权和分红激励。

示范区内的高等院校、科研院所和企业可以探索符合自身特点和有利于鼓励创新的激励机制。

第三十九条 支持高等院校利用自身优势，结合示范区的发展需求开展新的学科建设，开设创新创业培训课程。支持示范区内的企业接收高等院校学生实习和就业，促进企业与高等院校合作培养创新型人才。

支持企业、高等院校、科研院所的负责人举荐人才在示范区承担重大科技创新和产业化项目。

第四十条 鼓励协会等社会组织在示范区开展人才信用评价和管理，建立人才信用记录，推广使用人才信用报告等信用产品。

第四十一条 市人力资源和社会保障、科技、教育、经济和信息化、发展改革等行政管理部门应当建立健全示范区内的高等院校、科研院所的科技人员与企业的沟通交流机制，促进科技人员与企业的双向选择。

第四十二条 市人民政府应当对在示范区创新创业、为示范区建设做出突出贡献的人员给予表彰和奖励。

第五章 科技金融

第四十三条 市和区、县人民政府及有关部门应当鼓励和支持各类金融机构在示范区开展金融创新，促进技术与资本的对接。

市金融等行政管理部门应当健全企业上市联动机制，为企业上市提供综合协调和指导服务，支持示范区内的企业上市。支持示范区内的企业在证券公司代办股份转让系统挂牌。

支持示范区内的企业运用中期票据、短期融资券、公司债、信托计划等方式筹集资金，拓宽直接融资渠道。

the State and this Municipality, adopt measures such as shareholding with on-job scientific and technological achievements, converting scientific and technological achievements into shares, equity awards, equity sale, stock options and sharing proceeds from scientific and technological achievements to offer incentive equities and dividends to the scientists, technicians and managers who have made contributions.

The institutions of higher learning, scientific research institutions and enterprises in the Demonstration Zone may explore the incentive mechanisms suitable for their own characteristics and conducive to encouraging innovation.

Article 39 The institutions of higher learning shall be supported to develop new disciplines and offering training courses on innovation and entrepreneurship by taking advantage of their own strengths and taking into account the needs for development of the Demonstration Zone. The enterprises in the Demonstration Zone shall be supported to offer internship and job opportunities for the students of the institutions of higher learning to promote the cooperation between the enterprises and the institutions of higher learning in fostering innovative talents.

Persons in charge of enterprises, institutions of higher learning and scientific research institutions shall be supported to recommend talents for undertaking major projects of scientific and technological innovation and industrialization in the Demonstration Zone.

Article 40 Associations and other social organizations shall be encouraged to carry out assessment and management of employment credit in the Demonstration Zone, set up employment credit record and promote credit products such as employment credit report.

Article 41 The municipal administrative departments for human resources and social security, science and technology, education, economy and informatization, and development and reform shall establish and improve the mechanism of communication and exchanges between the scientists and technicians in institutions of higher learning, scientific research institutions and enterprises in the Demonstration Zone to promote the two-way choice between the scientists and technicians and the enterprises.

Article 42 The municipal people's government shall commend and reward the persons who have made outstanding contributions to the construction of the Demonstration Zone in carrying out innovations or starting new businesses in the Demonstration Zone.

Chapter V Science and Technology Financing

Article 43 The municipal, district and county people's governments and their relevant departments shall encourage and support various financial institutions to carry out financial innovation in the Demonstration Zone to promote the link-up between technology and capital.

The municipal administrative department for monetary affairs shall improve the joint-action mechanism and provide comprehensive coordination and guidance services for the listing of enterprises on the stock market to support the enterprises in the Demonstration Zone to be listed on the stock market, and shall also support the enterprises in the Demonstration Zone to get listed on the stock market in the agency share transfer system of securities firms.

Enterprises in the Demonstration Zone shall be supported to raise funds and expand the channels of direct financing by medium-term notes, short-term financing bonds, corporate bonds, trust schemes and other means.

第四十四条 支持商业银行、担保机构、保险机构和小额贷款机构开展针对示范区内企业的知识产权质押、信用贷款等业务。

支持商业银行在示范区内设立专营机构，创新金融产品和服务方式，创新考核奖励、风险管理、授信、贷款审批和发放等机制，为企业融资服务。

支持企业和其他组织在示范区内设立为科技型企业服务的小额贷款机构和担保机构。

本市建立贷款风险补偿机制，为商业银行、担保机构、保险机构和小额贷款机构开展针对示范区内企业的知识产权质押、信用贷款、信用保险、贸易融资、产业链融资等提供风险补偿。

第四十五条 市和区、县人民政府及有关部门设立创业投资引导资金和基金，采取阶段参股、跟进投资、风险补助等多种方式，支持境内外创业投资机构在示范区开展不同阶段的投资业务。

第四十六条 政府有关行政管理部门应当支持商业银行、担保机构、保险机构为示范区内的中小企业投标 承担国家和地方人民政府立项的重大建设工程提供优惠、便捷的金融服务，对由此产生的相关费用，给予一定比例的补贴或者其他资金支持。

第四十七条 支持示范区内的企业购买产品研发责任保险、关键研发设备保险、营业中断保险、信用保险、高管人员和关键研发人员团体健康保险、意外保险、补充医疗保险和补充商业养老保险等保险服务。

鼓励保险机构在示范区设立专营机构，创新保险产品，建立保险理赔快速通道，分散企业创业风险。

第四十八条 市和区、县人民政府鼓励和支持示范区内的企业开展并购重组，对符合条件的，按照规定给予政策和资金支持。

第六章 土地利用

第四十九条 市和区、县人民政府应当根据示范区发展规划纲要的要求，统筹示范区与周边地区的基础设施、公共设施以及其他配套设施的开发建设与利用。

Article 44 Commercial banks, guarantee agencies, insurance institutions and microcredit institutions shall be supported to carry out intellectual property pledge, credit loans and other businesses targeting on the enterprises in the Demonstration Zone.

Commercial banks shall be supported to set up specialized institutions in the Demonstration Zone and innovate their financial products and ways of service as well as the mechanisms for assessment and reward, risk management, credit line and loan approval and grant to provide the enterprises with financing services.

Enterprises and other organizations shall be supported to set up microcredit institutions and guarantee agencies to serve the scientific and technological enterprises in the Demonstration Zone.

This Municipality shall establish a credit risk compensation mechanism to provide risk compensation for the intellectual property pledge, credit loans, credit insurance, trade financing, industrial chain financing and other businesses targeting on the enterprises in the Demonstration Zone and carried out by commercial banks, guarantee agencies, insurance institutions and microcredit institutions.

Article 45 The municipal, district and county people's governments and their relevant departments shall maintain venture capital guidance funds and adopt phased equity participation, follow-up investment, risk allowance and various other measures support venture capital firms within and outside the territory of China to make investment at different stages in the Demonstration Zone.

Article 46 The relevant administrative departments of the government shall support commercial banks, guarantee agencies and insurance institutions to provide preferential and convenient financial services to the small-and medium-sized enterprises in the Demonstration Zone in bidding for and undertaking the major construction projects launched by the national or local governments, and shall offer subsidies or other financial support for a certain proportion of the costs incurred thereby.

Article 47 Enterprises in the Demonstration Zone shall be supported to buy product development liability insurance, key research and development equipment insurance, business interruption insurance, credit insurance, health insurance for executive officers and key research and development team members, accident insurance, supplementary medical insurance, supplementary commercial pension insurance and other insurance services.

Insurance institutions shall be encouraged to set up specialized institutions in the Demonstration Zone, innovate their insurance products and maintain a fast track for claims settling, so as to diverse entrepreneurial risks for enterprises.

Article 48 The municipal, district and county people's governments shall encourage and support the mergers and acquisitions carried out by the enterprises in the Demonstration Zone and provide policy and fund support for those eligible ones in accordance with the relevant provisions.

Chapter VI Land Use

Article 49 The municipal, district and county people's governments shall, in accordance with the requirements of the planning for development of the Demonstration Zone, coordinate the development, construction and application of the infrastructures, public facilities and other supporting facilities in the Demonstration Zone and its surrounding areas.

第五十条 示范区集中新建区的建设用地应当用于高新技术产业、战略性新兴产业项目和配套设施建设。

鼓励将示范区城市建成区存量土地用于发展高新技术产业、战略性新兴产业。

市国土资源等行政管理部门应当建立示范区土地节约集约利用的评价和动态监测机制，提高建设用地的利用效率。

第五十一条 示范区管理机构应当会同市人民政府有关行政管理部门、有关区县人民政府，建立对企业使用示范区建设用地的联审机制，制定示范区的产业目录和项目入驻标准、程序，统筹企业、项目的进入、调整和迁出。

第五十二条 示范区内高新技术产业、战略性新兴产业的研发和产业化项目用地，经报请市人民政府批准后，可以采取协议出让等方式。

示范区内原以协议出让方式取得的国有土地使用权不得擅自转让、改变用途；确需转让的，须报请市人民政府批准，土地所在地的区人民政府根据国家有关规定享有优先购买权。

示范区探索集体建设用地使用的流转机制，重大科技成果研发和产业化项目可以通过租赁、入股和联营联建等方式使用集体建设用地。

第七章 政府服务和管理

第五十三条 市人民政府会同国务院相关部门建立示范区科技创新和产业化促进中心服务平台，健全跨层级联合工作机制，统筹政府的资金投入和土地、人才、技术等创新资源配置，推进政策先行先试、重大科技成果产业化、科技金融改革、创新型人才服务、新技术应用推广和新产品政府采购等工作。

第五十四条 市人民政府及有关部门根据示范区发展规划纲要和本市国民经济和社会发展规划、城市总体规划、土地利用总体规划，按照生态良好、节能环保、用地集约、

Article 50 The land for construction in the centralized newly-built area of the Demonstration Zone shall be used for the projects of high and new-tech industries and emerging industries of strategic importance and for the construction of their supporting facilities.

It is encouraged to have the previously developed land in the completed urban area the Demonstration Zone used for the development of high and new-tech industries and emerging industries of strategic importance.

The municipal administrative department for land and resources shall establish a system of evaluation and dynamic monitoring on the intensive and economical use of land in the Demonstration Zone to enhance the utilization efficiency of the land for construction.

Article 51 The governing body of the Demonstration Zone shall, jointly with the relevant administrative departments of the municipal people's government and the relevant district and county people's governments, establish a joint mechanism for review of the use of land for construction in the Demonstration Zone by the enterprises, develop the catalogs of industries and the criteria and procedures for the moving in of projects into the Demonstration Zone, and coordinate as a whole the moving in, adjustment and moving out of enterprises and projects.

Article 52 The land for projects of research and development as well as industrialization of high and new-tech industries and emerging industries of strategic importance in the Demonstration Zone may be obtained by agreement-based assignment after being reported to and approved by the municipal people's government.

The right to use state-owned land originally obtained by means of agreement-based assignment in the Demonstration Zone shall not be transferred or used for other purposes without authorization; where it is true necessary to be transferred, the proposed transfer shall be reported to the municipal people's government for approval, and the district people's government of the place where the land is located shall enjoy the pre-emptive right in accordance with the relevant regulations of the State.

The Demonstration Zone shall explore the mechanism for circulation of the use of collectively-owned land for construction, under which major projects of research and development and industrialization of scientific and technological achievements may use the collectively-owned land for construction by leasing, shareholding, cooperative operation or construction and other means.

Chapter VII Government Services and Administration

Article 53 The municipal people's government shall, jointly with the relevant departments of the State Council, establish a central service platform for promotion of scientific innovation and industrialization in the Demonstration Zone, improve cross-level joint working mechanism, coordinate as a whole the allocation of innovation resources such as the government investment, land, talent resources and technologies; and promote such work as pilot implementation of policies, industrialization of major scientific and technological achievements, reform in science and technology financing, services for innovative talent resource, dissemination and application of new technologies and government procurement of new products.

Article 54 The municipal people's government and relevant departments shall, in light of the principles of sound ecological environment, conservation of energy and protection of environment, intensive use of land, agglomeration of industries and matching

产业聚集、设施配套的原则，编制示范区建设的各类规划。

市和区、县人民政府及有关部门在各自职责范围内负责组织实施相关规划。

市人民政府及有关部门应当组织对示范区各类规划的实施情况进行评估，根据评估结果可以依法对规划进行调整。

第五十五条 本市各级人民政府及有关部门对示范区内的组织和个人办理行政许可、审批、年检和其他服务、管理事项，应当简化程序、缩短期限、减少层级、优化流程，提高行政管理效率和服务水平。

市和区、县人民政府及有关部门应当通过多种方式，主动公开对示范区建设所采取的支持措施的适用范围、标准和条件、申请程序以及其他相关信息，方便组织和个人查询。

第五十六条 本市实行示范区重大行政决策公开征求意见制度和科学论证制度。有关示范区建设的重大行政决策事项，决策机关应当采取座谈会、论证会、听证会、媒体公开征集意见等方式广泛听取意见，并组织专家或者研究咨询机构对重大行政决策方案进行论证。

市和区、县人民政府及有关部门应当加强与协会等社会组织的沟通协调，支持社会组织参与相关政策、规划、计划的起草和拟订，归集、反映行业动态或者成员诉求，反馈相关政策实施情况。

第五十七条 市人力资源和社会保障、科技、金融、专利、商标、著作权等行政管理部门应当组织建设人才流动和技术、资本、产权交易的平台，促进创新要素的聚集和高效配置。

第五十八条 市统计行政管理部门应当设立示范区统计机构，建立并完善符合示范区发展特点的统计指标体系，负责组织实施统计调查，对示范区建设情况进行监测、分析、预警和评价，组织编制并定期发布中关村指数。

第五十九条 示范区应当完善企业信用体系，建立健全企业信用信息的数据库和

of facilities, develop various plans for the construction of the Demonstration Zone in accordance with the planning for development of the Demonstration Zone, the economic and social development planning of this Municipality, the overall urban planning and the overall land use planning.

The municipal, district and county people's governments and relevant departments shall take the responsibility to organize the implementation of the relevant plans in their respective functions and duties.

The municipal people's government and relevant departments shall organize evaluations on the implementation of the various plans for the Demonstration Zone and adjust the plans in accordance with law on the basis of the results of the evaluations.

Article 55 The governments at all levels in this Municipality and relevant departments shall simplify procedures, shorten time limit, reduce levels of review and approval, optimize processes, improve administrative efficiency and service quality for the organizations or individuals in the Demonstration Zone when handling administrative licensing, examination and approval, annual inspection and other service and administrative matters.

The municipal, district and county people's governments and relevant departments shall, through a variety of ways, make public on their own initiative the information on the scopes of application, criteria, conditions and applying procedures of the supportive measures for the construction of the Demonstration Zone and other relevant information, so as to facilitate the enquiries of such information by organizations and individuals.

Article 56 This Municipality shall adopt the public consultation system and the scientific demonstration system for making significant administrative decisions concerning the Demonstration Zone. For significant administrative decisions relating to the construction of the Demonstration Zone, the decision-making authority shall extensively solicit comments by means of discussion forum, panel discussion, hearing, public consultation through media, etc., and shall organize experts or research and consulting institutions to conduct analysis on the proposals of the significant administrative decisions.

The municipal, district and county people's governments and relevant departments shall strengthen the communication and coordination with associations and other social organizations to support social organizations to participate in drafting and preparing relevant policies, plans and plans, collect and report the development of their respective industries or demands of their members and give feedbacks on the implementation of the relevant policies.

Article 57 The municipal administrative departments for human resources and social security, science and technology, monetary affairs, patent, trademark, and copyright shall organize the development of a platform for the flow of talent resources and transactions of technologies, capital and property rights to promote the aggregation and efficient distribution of the elements for innovation.

Article 58 The municipal administrative department for statistics shall set up statistics institutions in the Demonstration Zone, establish and improve a statistical indicator system suitable to the development of the Demonstration Zone, take the responsibility to organize statistical surveys and conduct monitoring, analysis, early warning and assessment in term of the construction of the Demonstration Zone, and organize the preparation and regular release of Zhongguancun Index.

Article 59 The Demonstration Zone shall improve the enterprise credit system, establish and improve enterprise credit information databases and a public service platform, promote the use of credit products such as the enterprise credit reports and foster the market

公共服务平台，推广使用企业信用报告等信用产品，培育信用产品的应用市场。

政府有关部门应当在政府采购、财政资助、政府投资项目招标等事项办理中，将企业信用报告作为了解企业信用状况的参考。

鼓励商业银行、担保机构、小额贷款机构在融资服务中使用企业信用报告。

第六十条 市和区、县人民政府及有关部门应当为示范区内的组织和个人开展国际经济技术交流与合作提供便利，支持企业在境外开展生产、研发、服务、投资等跨国经营活动。

示范区管理机构应当组织开展与其他国家或者地区科技园区的合作，推动人才交流、协同创新和产业合作。

第八章 核心区建设

第六十一条 为发挥创新资源优势，推进体制机制创新，集中力量重点突破，带动示范区整体发展，根据自主创新资源分布状况，在示范区设立核心区，具体范围由市人民政府确定。

第六十二条 市人民政府支持产学研用创新体系建设、科技成果研发、转化和股权激励、科技金融改革、科技经费改革、新型产业组织参与国家重大科技项目、政府采购、工商管理、社会组织管理等体制机制创新的政策和措施在核心区先行先试。

第六十三条 市人民政府应当通过划分管理权限、简化管理程序、直接委托等方式，推进核心区行政审批改革。核心区所在地的区人民政府应当采取统一办理、联合办理、集中办理等方式，优化审批流程，减化审批环节。

市人民政府应当按照减少执法层次、适当下移执法重心的原则，推进核心区行政执法体制改革。核心区所在地的区人民政府承担市人民政府及其有关部门下放的行政审批项目的行政执法权。

for the application of credit products.

The relevant government departments shall take enterprise credit reports as a reference for the credit status of enterprises in handling matters such as government procurement, financial assistance and bidding for government invested projects.

Commercial banks, guarantee agencies and microcredit institutions shall be encouraged to use enterprise credit reports in financing services.

Article 60 The municipal, district and county people's governments and relevant departments shall provide convenience for the organizations and individuals in the Demonstration Zone in their international economic and technological exchanges and cooperation and support enterprises to undertake transnational business operations such as engaging in production, research and development, offering services or making investment outside the territory of China.

The governing body of the Demonstration Zone shall organize cooperation with science and technology parks in other countries or regions to promote talent exchange, collaborative innovation and industrial cooperation.

Chapter VIII Development of Core Area

Article 61 To bring the superiority of innovative resources into full play, push forward institutional innovation, make significant breakthroughs by centralizing strengths and driven the overall development of the Demonstration Zone, a core area shall be set up in the Demonstration Zone in light of the distribution of the resources for indigenous innovation, and the specific zone shall be defined by the municipal people's government.

Article 62 The municipal people's government shall support pilot implementation in the core area of institutional innovation policies and measures with respect to the building of innovation system for production, teaching, research and application, research and development and transformation of technological achievements as well as equity incentive, reform in science and technology financing, reform in science and technology funds, participation of new industrial organizations in major national scientific and technological projects, government procurement, business administration, social organization administration, etc.

Article 63 The municipal people's government shall promote the reform in administrative examination and approval in the core area by defining the competence of administration, simplifying administration procedures, direct commission and other means. The district people's government of the place where the core area is located shall optimize the examination and approval process and simplify examination and approval procedures by handling examination and approval matters in a unified, joint and centralized way.

The municipal people's government shall promote the reform in the administrative law enforcement system in the core area in light of the principles of reducing the layers of law enforcement and appropriately shifting down the focus of law enforcement. The district people's government of the place where the core area is located shall exercise the administrative law enforcement power in terms of the administrative examination and approval items decentralized thereto by the municipal people's government and its relevant

第六十四条 核心区所在地的区人民政府应当根据示范区发展规划纲要和核心区的实际需要，研究制定和实施有利于组织和个人在核心区创新创业的政策和措施。

第六十五条 核心区所在地的区人民政府应当根据示范区发展规划纲要，通过规划实施、环境建设、业态调整等方式，推动核心区的土地、资金、人才、技术等资源的统筹配置，吸引创新要素在核心区聚集，建设高端产业集群。

第九章 法律责任

第六十六条 对违反本条例规定的行为，法律、法规已规定法律责任的，从其规定。

行政机关未履行本条例规定职责的，由上级机关责令改正；情节严重的，由监察机关或者上级机关追究直接责任人和主要负责人的行政责任。

第十章 附 则

第六十七条 实施本条例需要制定配套规章或者其他具体办法的，由市人民政府或者有关行政管理部门研究制定并发布实施。

第六十八条 本条例自公布之日起施行。2000年12月8日北京市第十一届人民代表大会常务委员会第二十三次会议通过的《中关村科技园区条例》同时废止。

departments.

Article 64 The district people's government of the place where the core area is located shall, in accordance with the planning for development of the Demonstration Zone and the actual needs of the core area, study, develop and implement the policies and measures conducive to the innovation and entrepreneurship by organizations and individuals in the core area.

Article 65 The district people's government of the place where the core area is located shall, in accordance with the planning for development of the Demonstration Zone, push forward the allocation as a whole of such resources as land, funds, talents, and technologies, attract the aggregation of innovative elements in the core area and build high-end industrial clusters, by adopting such measures as implementation of plannings, environmental development and adjustment of types of business operations.

Chapter IX Legal Liabilities

Article 66 Where there have been provisions in laws and regulations on the legal liabilities for any violation against these Regulations, such provisions shall prevail.

Those administrative authorities that fail to perform their functions and duties provided for in these Regulations shall be ordered to make corrections by their superior authorities; where the circumstances are serious, the persons directly liable and the persons in charge shall be investigated for administrative liabilities by supervisory authorities or superior authorities.

Chapter X Supplementary Provisions

Article 67 Where supporting rules or other specific measures are necessary for the implementation of these Regulations, such rules and measures shall be formulated and promulgated for implementation by the municipal people's government or relevant administrative departments.

Article 68 These Regulations shall enter into force as of the date of promulgation. The Regulations on Zhongguancun Science and Technology Park adopted on December 8, 2000 at the 23rd Meeting of the Standing Committee of the Eleventh People's Congress of Beijing Municipality shall be repealed simultaneously.

北京市科学技术奖励办法

(2002年4月11日北京市人民政府第93号令公布 根据2007年3月7日北京市人民政府第187号令第一次修改 根据2010年8月13日北京市人民政府第222号令第二次修改 根据2014年7月9日北京市人民政府第259号令 第三次修改 根据2019年7月18日北京市人民政府第287号令第四次修改)

第一条 为了奖励在本市科学技术进步活动中作出突出贡献的个人和组织，调动科学技术工作者的积极性和创造性，推动实施创新驱动发展战略，加快建设具有全球影响力的全国科技创新中心，根据《国家科学技术奖励条例》等有关规定，结合本市实际，制定本办法。

第二条 市人民政府设立北京市科学技术奖（以下简称市科学技术奖），用于奖励在本市科学技术进步活动中作出突出贡献的个人和组织。

市科学技术奖包括以下奖项：

- （一）突出贡献中关村奖；
- （二）杰出青年中关村奖；
- （三）国际合作中关村奖；
- （四）自然科学奖；
- （五）技术发明奖；
- （六）科学技术进步奖。

第三条 本市科学技术奖励贯彻尊重劳动、尊重知识、尊重人才、尊重创造的方针。市科学技术奖的评审工作坚持公开、公平、公正的原则。

第四条 市科学技术行政部门主管本市科学技术奖励工作，负责市科学技术奖的

Measures of Beijing Municipality for Science and Technology Awards

(Promulgated by Decree No. 93 of the People's Government of Beijing Municipality on April 11, 2002, revised for the first time in accordance with Decree No. 187 of the People's Government of Beijing Municipality on March 7, 2007, revised for the second time in accordance with Decree No. 222 of the People's Government of Beijing Municipality on August 13, 2010, revised for the third time in accordance with Decree No. 259 of the People's Government of Beijing Municipality on July 9, 2014, and revised for the fourth time in accordance with Decree No. 287 of the People's Government of Beijing Municipality on July 18, 2019)

Article 1 The Measures are formulated for the purpose of rewarding individuals and organizations that have made outstanding contributions in the activities promoting progress in science and technology in this Municipality, giving full rein to the enthusiasm and creativity of the scientific and technological workers, promoting the implementation of the innovation-driven development strategy, and accelerating the construction of a national scientific and technological innovation center with global influence in accordance with relevant provisions such as the Regulations on State Science and Technology Awards and in light of the actual situation of this Municipality.

Article 2 The Municipal People's Government shall establish Beijing Municipal Science and Technology Awards (hereinafter referred to as the Municipal Science and Technology Awards) to reward individuals and organizations that have made outstanding contributions in promoting progress in science and technology in this Municipality.

The Municipal Science and Technology Awards shall include the following awards:

- (1) Zhongguancun Award for Outstanding Contributions;
- (2) Zhongguancun Outstanding Youth Award;
- (3) Zhongguancun International Cooperation Award;
- (4) Natural Science Award;
- (5) Technical Invention Award; and
- (6) Science and Technology Progress Award.

Article 3 The Municipal Science and Technology Awards shall implement the policy of valuing labor, knowledge, talents and creation.

The evaluation of the Municipal Science and Technology Awards shall adhere to the principles of openness, fairness and impartiality.

Article 4 The municipal administrative department for science and technology shall be in charge of the science and technology awards in this Municipality, be responsible for

组织实施，对社会力量开展科学技术奖励活动进行指导、服务和监督。

第五条 市人民政府设立市科学技术奖励委员会（以下简称奖励委员会）。奖励委员会聘请有关方面的专家组成若干评审委员会以及监督委员会，负责市科学技术奖的评审和监督工作。奖励委员会的组成人员由市科学技术行政部门提出，报市人民政府批准。

奖励委员会的日常工作由市科学技术奖励工作办公室（以下简称市奖励办）承担。

第六条 突出贡献中关村奖旨在奖励在科学研究中取得重大发现，推动科学发展和社会进步，或者在关键核心技术研发中取得重大突破，创造巨大经济社会效益或者生态环境效益的个人。

杰出青年中关村奖旨在奖励在科学研究中取得重要发现，推动相关学科发展，或者在关键核心技术研发中取得创新性突破，推动科技成果转化和产业化的不超过 40 周岁的个人。

国际合作中关村奖旨在奖励同本市个人和组织开展国际科学技术交流合作，提升本市科技创新国际化水平和全球影响力的外国人。

自然科学奖旨在奖励在基础研究和应用基础研究中阐明自然现象、特征和规律，做出重大科学发现的个人和组织。

技术发明奖旨在奖励运用科学技术知识在产品、工艺、材料、器件及其系统等研究开发中做出重大技术发明的个人和组织。

科学技术进步奖旨在奖励完成和应用推广创新性科技成果，为推动科技进步和经济社会发展作出突出贡献的个人和组织。

第七条 下列科技成果不属于市科学技术奖的奖励范围：

- （一）涉及国家安全事项，不宜公开的成果；
- （二）存在知识产权归属及完成单位、完成人争议的成果；
- （三）依法应当取得而未取得有关行政许可的成果；

the organization and implementation of the Municipal Science and Technology Awards, and provide guidance, service and supervision for social forces to carry out the activities of science and technology awards.

Article 5 The Municipal People's Government shall establish the Municipal Science and Technology Award Committee (hereinafter referred to as the Award Committee). The Award Committee shall hire experts in relevant fields to form several evaluation committees and supervision committees to be responsible for the evaluation and supervision of the Municipal Science and Technology Awards. The candidates of the members of the Award Committee shall be proposed by the municipal administrative department for science and technology and reported to the Municipal People's Government for approval.

The daily work of the Award Committee shall be undertaken by the Municipal Science and Technology Award Office (hereinafter referred to as the Municipal Award Office).

Article 6 The Zhongguancun Award for Outstanding Contributions aims to reward individuals who have made major discoveries in scientific research that promote scientific development and social progress, or made major breakthroughs in the research and development of key and core technologies that create huge economic and social benefits or ecological and environmental benefits.

The Zhongguancun Outstanding Youth Award aims to reward individuals under 40 years old who have made important discoveries in scientific research that promote the development of related disciplines, or made innovative breakthroughs in the research and development of key and core technologies that promote the transformation and industrialization of scientific and technological achievements.

The Zhongguancun International Cooperation Award aims to reward foreigners who have carried out international scientific and technological exchanges and cooperation with individuals and organizations in this Municipality and enhanced the international level and global influence of the scientific and technological innovations in this Municipality.

The Natural Science Award aims to reward individuals and organizations that have made significant scientific discoveries by clarifying natural phenomena, characteristics and laws in basic research and applied basic research.

The Technical Invention Award aims to reward individuals and organizations that have made major technical inventions in the research and development of products, processes, materials, devices and systems by using scientific and technological knowledge.

The Science and Technology Progress Award aims to reward individuals and organizations that have achieved, applied and promoted innovative scientific and technological achievements and made outstanding contributions to promoting scientific and technological progress and economic and social development.

Article 7 The Municipal Science and Technology Awards do not cover the following scientific and technological achievements:

- (1) achievements involving national security matters that should not be made public;
- (2) achievements with disputes over the ownership of intellectual property rights and the completion unit or person;
- (3) achievements without obtaining the relevant administrative license as required by law; and

（四）已经获得或者当年度被提名为国家科学技术奖或者其他省、自治区、直辖市科学技术奖的成果。

第八条 突出贡献中关村奖、杰出青年中关村奖、国际合作中关村奖不分等级。自然科学奖、技术发明奖、科学技术进步奖各分为一等奖、二等奖两个等级；对做出特别重大科学发现，突破关键核心技术，产生特别重大经济社会效益或者生态环境效益的，可以授予特等奖。

市科学技术奖的奖励数量按照市政府有关规定执行。

第九条 市科学技术奖每年评审一次。市科学技术奖奖金数额由市科学技术行政部门会同市财政部门规定，奖励经费由市财政列支。

第十条 市科学技术奖实行提名制度，候选者由下列个人和组织提名：

（一）国家最高科学技术奖获奖者、中国科学院院士、中国工程院院士、突出贡献中关村奖获奖者；

（二）市人民政府有关部门、直属机构，区人民政府；

（三）符合本市提名资格规定的学会、行业协会及其他组织。

提名应当符合提名规则，提名者应当对提名材料的真实性、准确性负责，并在提名、评审、异议处理等工作中履行相应义务。

第十一条 市奖励办对市科学技术奖的提名材料进行形式审查。符合规定的受理条件的，予以受理；不符合规定的受理条件的，不予受理并说明理由。

第十二条 对予以受理的市科学技术奖的候选者，由相应的评审委员会按照下列程序进行评审：

（一）突出贡献中关村奖、杰出青年中关村奖、国际合作中关村奖评审委员会按照评审规则 and 标准评审，并将评审结果报奖励委员会审定；

（二）自然科学奖评审委员会、技术发明奖和科学技术进步奖评审委员会设立若干专业评审组，按照评审规则 and 标准进行初审。各评审委员会对初审结果进行评审，

(4) achievements that have been granted or nominated in the current year for the national science and technology awards or the science and technology awards of other provinces, autonomous regions or municipalities directly under the central government.

Article 8 The Zhongguancun Award for Outstanding Contributions, Zhongguancun Outstanding Youth Award and Zhongguancun International Cooperation Award are not granted by grade. The Natural Science Award, Technical Invention Award and Science and Technology Progress Award are classified as first prize and second prize. The special prize may be granted to those who have made especially important scientific discoveries, made breakthroughs in key and core technologies and generated particularly significant economic and social benefits or ecological and environmental benefits.

The number of the Municipal Science and Technology Awards to be granted shall follow the relevant provisions of the municipal government.

Article 9 The Municipal Science and Technology Awards shall be evaluated once a year. The amount of the prize money of the Municipal Science and Technology Awards shall be determined by the municipal administrative department for science and technology together with the municipal department for finance, and the award funds shall be disbursed from the municipal finance.

Article 10 The system of nomination shall be implemented for the Municipal Science and Technology Awards, and the candidates shall be nominated by the following individuals and organizations:

(1) winners of the National Highest Science and Technology Awards, academicians of the Chinese Academy of Sciences, academicians of the Chinese Academy of Engineering, or winners of the Zhongguancun Award for Outstanding Contributions;

(2) relevant departments of the Municipal People's Government, departments directly under the Municipal People's Government, or the district people's governments; or

(3) societies, trade associations or other organizations that meet the requirements for nomination qualifications of this Municipality.

The nomination shall conform to the nomination rules, and the nominators shall be responsible for the authenticity and accuracy of the nomination materials, and shall perform corresponding obligations in the nomination, evaluation, objection handling, etc.

Article 11 The Municipal Award Office shall conduct formal examination on the nomination materials of the Municipal Science and Technology Awards. The materials meeting the prescribed acceptance conditions shall be accepted; the materials not meeting the prescribed acceptance conditions shall not be accepted and the reasons shall be given.

Article 12 The candidates for the Municipal Science and Technology Awards that have been accepted shall be evaluated by the corresponding evaluation committee in accordance with the following procedures:

(1) The evaluation committees of the Zhongguancun Award for Outstanding Contributions, Zhongguancun Outstanding Youth Award and Zhongguancun International Cooperation Award shall evaluate the candidates in accordance with the evaluation rules and standards, and submit the evaluation results to the Award Committee for review and approval;

(2) The evaluation committees of the Natural Science Award, Technical Invention Award and Science and Technology Progress Award shall establish a number of professional evaluation groups to conduct preliminary review in accordance with the evaluation rules and standards. Each evaluation committee shall evaluate the preliminary review results and report the evaluation results to the Award Committee for final review and approval.

并将评审结果报奖励委员会审定。专业评审组专家从评审专家库中随机抽取产生。

市科学技术行政部门建立覆盖各学科、各领域的评审专家库，并适时更新。

第十三条 监督委员会对提名、评审、异议处理等工作进行监督，并向奖励委员会提交监督报告。

第十四条 奖励委员会根据评审结果和监督报告对获奖者及奖励等级进行审定，并将审定结果报市人民政府批准。

第十五条 市科学技术奖由市人民政府颁发证书、奖章和奖金。

第十六条 市奖励办开展和组织评审工作，应当按照规定向社会公示受理、初审、评审结果等信息。个人和组织对公示信息有异议的，可以在相应的公示期内以实名方式提出。

市奖励办按照异议处理规则和程序对异议进行调查处理，提出处理建议，并按照程序提交相应的评审委员会和奖励委员会。

第十七条 本市鼓励社会力量设立科学技术奖项，开展科学技术奖励活动。

社会力量开展科学技术奖励活动，应当遵守法律、法规、规章和国家有关规定，坚持诚信、公益、公开的原则，不得在奖励活动中收取任何费用；所设奖项不得危害国家安全，不得违背社会公德和科学伦理。

第十八条 候选人、获奖者、提名者、评审专家有下列行为的，按照下列规定处理：

（一）候选者在评审过程中有弄虚作假、贿赂等影响评审公正性行为的，由市科学技术行政部门取消其当年度候选人资格；

（二）获奖者剽窃、侵占他人科技成果，弄虚作假或者以其他不正当手段骗取市科学技术奖的，由市科学技术行政部门报经市人民政府批准撤销奖励，追缴奖金；

（三）提名者提供虚假材料，协助他人骗取市科学技术奖的，由市科学技术行政部门取消其当年度提名资格；

（四）评审专家有弄虚作假、徇私舞弊、泄露有关秘密等违反评审纪律行为的，由市科学技术行政部门责令停止参与当年度评审工作。

Experts of the professional evaluation groups shall be randomly selected from the database of evaluation experts.

The municipal administrative department for science and technology shall establish a database of evaluation experts covering all disciplines and fields, which shall be updated in due time.

Article 13 The supervision committees shall supervise the nomination, evaluation, objection handling and other work, and submit the supervision reports to the Award Committee.

Article 14 The Award Committee shall, according to the evaluation results and supervision reports, review and approve the winners and award grades, and report the results of final review and approval to the Municipal People's Government for approval.

Article 15 The Municipal People's Government shall issue certificates, medals and prize money for the Municipal Science and Technology Awards.

Article 16 The Municipal Award Office shall carry out and organize the evaluation, and shall publicize the information of acceptance, preliminary review, evaluation results, etc. in accordance with the provisions. If any individual or organization has any objection to the information publicized, it may be raised on a real-name basis within the corresponding publicity period.

The Municipal Award Office shall investigate and handle the objections according to the objection handling rules and procedures, put forward handling suggestions, and submit them to the corresponding evaluation committee and the Award Committee according to the procedures.

Article 17 This Municipality shall encourage social forces to establish science and technology awards and carry out science and technology award activities.

In carrying out science and technology award activities, social forces shall abide by laws, regulations, rules and relevant provisions of the state and adhere to the principles of honesty, public welfare and openness, and shall not charge any fees in the award activities; the awards shall not endanger national security, or violate social morality and scientific ethics.

Article 18 Candidates, winners, nominators and evaluation experts who commit the following acts shall be dealt with in accordance with the following provisions:

(1) Where a candidate commits fraud, bribery or other acts affecting the fairness of the evaluation during the evaluation process, the candidate shall be disqualified by the municipal administrative department for science and technology for the current year;

(2) Where a winner plagiarizes or misappropriates others' scientific and technological achievements, practices fraud or gains the Municipal Science and Technology Awards by other improper means, the municipal administrative department for science and technology shall revoke the award and recover the prize money upon approval of the Municipal People's Government;

(3) Where a nominator provides false materials to assist others in gaining the Municipal Science and Technology Awards by cheating, the municipal administrative department for science and technology shall cancel the nomination qualification thereof for the current year; or

(4) Where an evaluation expert practices fraud, commits illegalities for personal gains, divulges relevant secrets or commits other acts in violation of the evaluation discipline, he or she shall be ordered by the municipal administrative department for science and technology to stop participating in the evaluation of the current year.

有前款规定行为的，根据情节轻重，一至五年内不得参与市科学技术奖励活动，并由市科学技术行政部门记入科研诚信记录，按照规定共享到本市公共信用信息服务平台，由有关部门依法实施信用联合惩戒。

第十九条 社会力量开展科学技术奖励活动违反本办法第十七条规定的，由市科学技术行政部门予以公开曝光，记入诚信记录，并按照规定共享到本市公共信用信息服务平台，由有关部门依法实施信用联合惩戒；违反有关法律、法规的，由相关部门依法处理。

第二十条 市科学技术行政部门的工作人员在科学技术奖励活动中不履行、不当履行或者违法履行职责的，依法给予处分；构成犯罪的，依法追究刑事责任。

第二十一条 市科学技术奖评审的具体资格、条件、标准、程序、规则等由市科学技术行政部门组织制定，并向社会公开。

第二十二条 本办法自 2019 年 8 月 18 日起施行。

In case of any act as specified in the preceding paragraph, according to the seriousness of the circumstance, they shall not participate in the municipal science and technology award activities within one to five years, and shall be stated in the scientific research integrity records by the municipal administrative department for science and technology to be shared to the municipal public credit information service platform according to the provisions, and shall be subject to joint credit punishment by the relevant departments according to law.

Article 19 Where social forces carry out science and technology award activities in violation of the provisions of Article 17 of the Measures, they shall be made public by the municipal administrative department for science and technology, stated in the integrity records to be shared to the municipal public credit information service platform according to the provisions, and be subject to joint credit punishment by the relevant departments according to law; if they violate the relevant laws and regulations, they shall be dealt with by the relevant departments according to law.

Article 20 Any staff member of the municipal administrative department for science and technology who fails to perform, improperly performs or illegally performs his or her duties in science and technology award activities shall be punished according to law; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 21 The specific qualifications, conditions, standards, procedures and rules for the evaluation of the Municipal Science and Technology Awards shall be formulated under the organization of the municipal administrative department for science and technology and made public.

Article 22 The Measures shall come into force as of August 18, 2019.

北京市自然科学基金管理办法

(2011年7月7日北京市人民政府第235号令公布)

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第一章 总 则

第一条 为了规范本市自然科学基金的使用与管理，提高自然科学基金使用效益，培养科学技术人才，增强自主创新能力，根据《中华人民共和国科学技术进步法》等法律、法规，结合本市实际情况，制定本办法。

第二条 本市设立北京市自然科学基金（以下简称“自然科学基金”），资助自然科学和与自然科学相交叉的学科领域的基础研究、应用基础研究及其相关的环境条件促进活动。

第三条 市科学技术行政部门主管自然科学基金工作，负责研究制订自然科学基金管理政策，统筹协调相关工作。

市财政部门依法对自然科学基金的预算、财务进行管理和监督。审计机关依法对自然科学基金的使用与管理进行审计监督。

Measures of Beijing Municipality for Administration of the Natural Science Fund

(Promulgated by Decree No. 235 of the People's Government of Beijing
Municipality on July 7, 2011)

Contents

Chapter I	General Provisions
Chapter II	Planning and Organization
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Chapter V	Supervision and Administration
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Chapter I General Provisions

Article 1 These Measures are formulated for the purposes of standardizing the use and management of the Natural Science Fund of this Municipality, increasing the efficiency of its use? training talents in science and technology and enhancing the capability for indigenous innovation in accordance with the Law of the People's Republic of China on Progress of Science and Technology and other laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 This Municipality establishes the Beijing Municipal Natural Science Fund (hereinafter referred to as "Natural Science Fund") to finance basic research, applied basic research of natural sciences and cross-disciplinary fields of natural sciences, as well as related environmental conditions promoting activities.

Article 3 The administrative department for science and technology at the municipal level shall be in charge of the work related to the Natural Science Fund, responsible for studying and developing the management policies of the Natural Science Fund as well as overall planning and coordinating related work.

The financial department at the municipal level shall, in accordance with law, manage and supervise the budgeting and financial matters of the Natural Science Fund. The audit organs shall, in accordance with law, supervise the use and management of the Natural Science Fund.

第四条 市人民政府设立北京市自然科学基金委员会（以下简称“基金委”），负责编制自然科学基金发展规划和项目指南，审定自然科学基金资助项目，审议自然科学基金管理的重大事项等工作。

基金委由市人民政府相关部门主管科技工作的负责人和相关研究领域的科学家、工程技术专家、管理专家组成。基金委组成人选由市人民政府科学技术行政部门提名，并报市人民政府批准。基金委委员实行任期制，每届任期五年，连续任期一般不超过两届。

市自然科学基金委员会办公室（以下简称“基金办”）承担基金委的日常工作，负责自然科学基金资助工作的具体实施和管理。

第五条 基金办应当聘请相关学科领域具有较高学术水平、良好职业道德的专家作为评审专家，建立基金资助项目评审专家库。

评审专家对项目进行评审，应当从项目的科学价值、创新性，研究方案的可行性，申请人的研究能力，项目研究应用前景等方面进行独立判断和评价。

第六条 自然科学基金主要来源于市财政拨款。

市财政部门应当将自然科学基金的经费列入预算。

鼓励自然人、法人或者其他组织通过与自然科学基金联合资助、向自然科学基金捐资等方式资助基础研究与应用基础研究。向自然科学基金捐资的，按照国家和本市规定享受优惠政策。

第七条 自然科学基金工作遵循公开、公平、公正的原则，坚持尊重科学、发扬民主、激励创新、促进合作、凝聚资源、服务首都的方针。

第八条 确定自然科学基金资助项目，应当充分发挥评审专家的作用，采取宏观引导、自主申请、平等竞争、同行评审、择优支持的机制。

第二章 规划与组织

第九条 基金委应当根据本市国民经济与社会发展规划、科学技术发展规划，围绕本市经济社会发展的战略需求，结合国内外科学技术发展状况，编制自然科学基金

Article 4 The Municipal People's Government establishes the Beijing Municipal Natural Science Fund Committee (hereinafter referred to as "Fund Committee"), responsible for compiling the development plan and guide to programs of the Natural Science Fund, finalizing the projects to be funded by the Natural Science Fund and considering the major issues about the management of the Natural Science Fund.

The Fund Committee is composed of responsible persons of relevant departments of the Municipal People's Government in charge of works related to science and technology as well as the scientists, engineering experts and management experts of related fields. The members of the Fund Committee shall be nominated by the administrative department for science and technology at the municipal level and submitted to the Municipal People's Government for approval. A tenure system is implemented for the members of the Fund Committee. Each term shall be five years, and generally, a member shall not serve more than two consecutive terms.

The Municipal Natural Science Fund Office (hereinafter referred to as "Fund Office") shall undertake the daily work of the Fund Committee, responsible for the specific implementation and management of the funding work of the Natural Science Fund.

Article 5 The Fund office shall invite specialists who are in relevant fields at a comparatively high academic level and with professional ethics as the evaluation specialists, and establish a database of evaluation specialists to evaluate the projects to be funded by the Fund.

Carrying evaluation on projects, the evaluation specialists shall make independent judgment and evaluation from the perspectives of scientific value, innovation, feasibility of the research plans, the applicants' research capability, the application prospects of projects, etc.

Article 6 The fiscal appropriation of the Municipal People's Government constitutes the main source of the Natural Science Fund.

The financial department at the municipal level shall incorporate the funds to be appropriated to the Natural Science Fund into the budget.

The natural persons, legal persons or other organizations are encouraged to fund the basic research and applied basic research through co-funding with the Natural Science Fund, contributing financially to the Natural Science Fund and other methods. Whoever contributes financially to the Natural Science Fund shall enjoy the preferential policies in accordance with the provisions of the State and this Municipality.

Article 7 The work related to the Natural Science Fund shall follow the principles of openness, fairness and impartiality, and adhere to the guidelines of respecting science, promoting democracy, stimulating innovation, boosting cooperation, pooling resources and serving the Capital.

Article 8 When the projects to be financed by the Natural Science Fund are decided on, the role of evaluation specialists shall be brought into full play, and the mechanism of macro-guidance, independent application, fair competition, peer evaluation, supporting the best shall be adopted.

Chapter II Planning and Organization

Article 9 The Fund Committee shall, in accordance with the municipal economic and social development plan, the science and technology development plan, around

发展规划，建立基金资助体系，明确发展战略目标、研究领域和研究方向；并根据自然科学基金发展规划编制项目指南，明确自然科学基金资助的项目范围。

自然科学基金优先资助与本市经济社会发展紧密相关的战略性、前瞻性应用基础研究，为促进本市战略性新兴产业培育、高技术产业发展，新兴学科与优势学科建设提供知识、技术和人才储备。

第十条 基金委在编制自然科学基金发展规划和项目指南时，应当听取高等院校、科学研究机构、企业、行政部门以及其他组织等方面的意见，组织有关专家进行科学论证。

自然科学基金发展规划和项目指南应当向社会公开。

第十一条 自然科学基金资助工作应当通过依托单位实施。依托单位在基金资助管理工作中履行下列职责：

- （一）组织申请人申请自然科学基金资助；
- （二）审核申请人、项目负责人所提交材料的真实性；
- （三）提供基金资助项目实施的条件，保障项目负责人和参与人实施基金资助项目的条件；
- （四）配合基金办对基金资助项目的实施和基金资助经费的使用进行监督、检查。

基金办应当对依托单位的基金资助管理工作进行指导、监督。

第十二条 本市行政区域内的高等院校、科学研究机构、企业以及从事科学研究的其他组织具备下列条件的，可以向基金办申请注册为依托单位：

- （一）在本市行政区域内依法成立，具有法人资格，并具备完善的财务和资产管理制度；
- （二）有专门的科研管理机构 and 科研管理制度；
- （三）在相关研究领域具有一定的研究基础，具有完成项目所需的团队和基础条件。

the strategic needs of the municipal economic and social development and in light of the domestic and international developments in science and technology, compile the development plan of the Natural Science Fund, establish the funding system of the Fund, and specify the development strategic objectives, research fields and research direction; and shall, in accordance with the development plan of the Natural Science Fund, compile the guide to programs to define the scope of the projects funded by the Natural Science Fund.

The Natural Science Fund shall give priority in funding the strategic, forward-looking applied basic research closely related to the municipal economic and social development so as to provide knowledge, skill and talent reserve for promoting the cultivation of strategic new industries, the development of high-tech industries and the construction of emerging disciplines and advantageous disciplines.

Article 10 When compiling the development plan and guide to programs of the Natural Science Fund, the Fund Committee shall solicit comments from the institutions of higher education, scientific research organizations, enterprises, administrative departments and other organizations and arrange for the specialists concerned to do scientific demonstration.

The development plan and guide to programs of the Natural Science Fund shall be made public to the society.

Article 11 The funding activities of the Natural Science Fund shall be carried out by the home institutions. The home institutions shall perform the following functions and duties in funding management:

- (1) to arrange for applicants to apply for funding from the Natural Science Fund;
- (2) to examine and verify the authenticity of the documents submitted by the applicants or project leaders;
- (3) to facilitate the implementation of fund-financed projects and ensure that project leaders and participants have sufficient time for implementing the projects; and
- (4) to cooperate with the Fund Office in supervising and inspecting the implementation of fund-financed projects and the use of the funds.

The Fund Office shall provide guidance to and exercise supervision over home institutions in funding management.

Article 12 The institutions of higher education, scientific research organizations, enterprises and other organizations engaged in scientific research within the administrative area of this Municipality which meet the following requirements may apply to be registered as home institutions with the Fund Office:

- (1) legally established within the administrative area of this Municipality, having the status of legal persons, sound financial and asset management systems;
- (2) having special scientific research management institutions and scientific research management systems; and
- (3) having certain research base for relevant fields as well as teams and basic conditions required for completing the projects.

基金办应当自收到注册申请之日起 15 日内作出审查决定，并告知申请单位。不予注册的，应当说明理由。

基金办应当将依托单位名单向社会公布。

第三章 申请与评审

第十三条 本市行政区域内从事基础研究和应用基础研究的单位的科学技术人员具备下列条件的，可以申请自然科学基金资助：

（一）所在单位是依托单位；

（二）具有承担基础研究、应用基础研究课题或者其他从事基础研究、应用基础研究的经历；

（三）具有高级专业技术职务（职称）或者具有博士学位，或者有 2 名与其研究领域相同、具有高级专业技术职务（职称）的科学技术人员推荐。

申请人符合本条第一款第（二）项、第（三）项规定，所在单位不是依托单位或者没有工作单位的，经有关依托单位同意后，可以通过该依托单位申请基金资助。该依托单位应当将其视为本单位科学技术人员，依照本办法规定进行管理。

符合本条第一款第（二）项、第（三）项规定的海外科学技术人员，经有关依托单位同意，且每年在依托单位工作 3 个月以上的，可以申请自然科学基金资助。

申请人应当是申请基金资助项目的负责人。

第十四条 鼓励中央在京单位与市属单位的科学技术人员联合申请自然科学基金资助；鼓励高等院校、科学研究机构与企业的科学技术人员联合申请自然科学基金。联合申请的应当确定一名申请人。

第十五条 申请人应当按照项目指南和申请要求，在规定期限内通过依托单位向基金办提交申请材料，并对材料的真实性负责。

申请人申请基金资助项目研究内容已获得其他资助的，应当在申请材料中说明资助情况。

The Fund Office shall make the decision of approval within 15 days as of receipt of the application for registration and inform the applicant. Where the registration is refused, the reasons shall be explained.

The Fund Office shall announce the name list of home institutions to the public.

Chapter III Application and Evaluation

Article 13 A scientist or technician from the unit engaged in basic research and applied basic research within the administrative area of this Municipality who meet the following requirements may apply for funding from the Natural Science Fund:

- (1) the unit to which he belongs to is a home institution;
- (2) having experiences in undertaking basic research or applied basic research projects, or in engaging in other basic research and applied basic research activities;
- (3) holding a senior professional or technical post (title) or doctoral degree or being recommended by two scientists or technicians with senior professional or technical posts (titles) who are specialized in the same field of research.

Where an applicant meets the provisions of Item 2 and Item 3 of Paragraph 1, but the work unit to which he belongs is not a home institution or he does not belong to any work unit, he may apply for funding from the Fund via the home institution after obtaining consent of the home institution. The home institution shall deem him to be its own scientist or technician and exercise administration in accordance with the provisions of these Measures.

The overseas scientists or technicians who meet the provisions of Item 2 and Item 3 of Paragraph 1, and work at the home institution for more than three months per year may apply for funding from the Natural Science Fund upon consent of the home institution.

The applicant shall be the project leader of the project for which he applies for funding.

Article 14 The scientists and technicians from the central units located in Beijing and the municipal units are encouraged to be united in applying for funding from the Natural Science Fund; and the scientists and technicians from the institutions of higher education, scientific research organizations and enterprises are encouraged to be united in applying for funding from the Natural Science Fund. An applicant shall be determined for the united application.

Article 15 The applicant shall submit the application documents to the Fund Office via his home institution within the specified time limit in accordance with the guide to programs and the requirements of application, and be responsible for the authenticity of the documents submitted.

When an applicant has already received funding from other sources for the research project for which he is applying for funding, he shall, in the application documents, specify the funding received.

第十六条 基金办应当自基金资助项目申请截止之日起 45 日内完成对申请材料的初步审查。符合受理条件的，予以受理。有下列情形之一的，不予受理：

（一）申请人不符合本办法规定条件的；

（二）申请人或者参与人申请、参与申请、正在实施的基金资助项目超过规定数量的；

（三）申请材料不符合项目指南和申请要求的。

第十七条 基金办决定不予受理的，应当通过依托单位告知申请人，说明理由。

申请人对不予受理决定有异议的，可以自收到决定之日起 15 日内，通过依托单位以书面形式向基金办提出复审申请。基金办应当自收到复审申请之日起 15 日内完成复审。认为项目申请属于不予受理情形的，予以维持，并通过依托单位书面告知申请人；认为项目申请符合受理条件的，撤销原决定。

第十八条 对已受理的项目申请，由基金办按照专家遴选规则，从同行专家库中随机选择专家，进行通讯评审。对每个项目申请进行通讯评审的专家不得少于 3 名。

评审专家对评审的项目申请认为难以作出学术判断或者不能参加评审的，应当及时告知基金办；基金办应当依照本办法规定，选择其他评审专家进行评审。

基金办应当根据专家通讯评审意见，按照项目遴选规则确定进入会议评审的项目申请名单。

第十九条 对进入会议评审的项目申请，由学科专家评审组进行会议评审，以记名投票表决的方式确定建议基金资助项目名单。

第二十条 基金办应当将建议基金资助项目名单产生的工作情况，向基金委进行说明。基金委根据本办法规定和专家评审意见，对建议基金资助的项目名单和遴选工作进行审议，确定拟资助项目名单。

第二十一条 自然科学基金资助项目实行公告异议制度。基金办应当将基金委确定的拟资助项目名称、项目申请人基本情况、依托单位名称、资助的经费数额等情况，

Article 16 The Fund Office shall finish the preliminary examination of the application documents within 45 days from the closing date of application for funding of projects. The application which meets the requirements for acceptance shall be accepted. Under one of the following circumstances, the application shall not be accepted:

- (1) the applicant does not meet the requirements provided for in these Measures;
- (2) the number of projects financed by the Fund which the applicant or participant applies for, participates in application for or is implementing exceeds the prescribed number;
- (3) the application documents do not comply with the guide to programs and the requirements of application.

Article 17 Where the Fund Office decides to reject the application, it shall, via the home institution, notify the applicant and explain the reasons therefor.

Where an applicant disagrees with the decision on rejecting his application, he may, via his home institution, submit a request for review to the Fund Office within 15 days from the date of receipt of the decision. The Fund Office shall complete the review within 15 days from the date of receipt of the request for review. Where it considers that the project application falls in the circumstances which shall be rejected, it shall sustain the decision and notify the applicant in writing via the home institution; where it considers that the project application meets the requirements for acceptance, it shall revoke its former decision.

Article 18 For the project applications accepted, the Fund Office shall select evaluation specialists from the database of evaluation specialists in the same field in accordance with the specialist selection rules to make communication evaluation. There shall be no less than three specialists for conducting communication evaluation of each project application.

Where an evaluation specialist thinks that it is difficult to make academic judgment on the project application subject to evaluation or he cannot participate in the evaluation, he shall inform the Fund Office in a timely manner. The Fund Office shall select other evaluation specialist to conduct the evaluation in accordance with the provisions of these Measures.

The Fund Office shall, based on the evaluation opinions of specialists in communication evaluation, determine the list of project applications subject to conference evaluation in accordance with the project selection rules.

Article 19 The project applications subject to conference evaluation shall be evaluated by the evaluation group of specialists in this field via conference evaluation and the list of projects recommended to be funded by the Fund shall be determined by means of secret ballot vote.

Article 20 The Fund Office shall describe the situation about the generation of the list of projects suggested to be funded by the Fund to the Fund Committee. The Fund Committee shall review the list of projects recommended to be funded by the Fund and the selection work in accordance with the provisions of these Measures and the evaluation opinions of specialists, and determine the list of projects proposed to be funded.

Article 21 An objection announcement system shall be implemented for the projects funded by the Natural Science Fund. The Fund Office shall publicize the title of the projects proposed to be funded, the basic background of project applicants, the name

在市科学技术行政部门指定的媒体上公布，接受社会监督。公告期为 30 日。认为资助项目有弄虚作假等情形的，可以在公告期内向基金委提出异议，基金委应当在 60 日内核查处理。

基金办应当将资助决定告知依托单位和申请人。对决定不予资助的，应当说明理由。

基金办应当向申请人反馈专家评审意见。

第二十二条 申请人对不予资助的决定有异议的，可以自收到决定之日起 15 日内通过依托单位以书面形式向基金委提出复审申请。对评审专家的学术判断有不同意见，不得作为提出复审申请的理由。

基金委应当自收到复审申请之日起 60 日内组织专家完成审查。原决定符合评审规定的，予以维持，并书面告知申请人；原决定不符合评审规定的，撤销原决定，重新组织评审，并将评审结果书面告知依托单位和申请人。

第二十三条 在基金资助项目评审工作中，基金委委员、基金办工作人员、评审专家是申请人的近亲属、参与人的近亲属，或者与申请人、参与人有其他关系可能影响公正评审的，应当回避。

申请人和参与人不得作为评审专家。

申请人可以向基金办提供 3 名以内不适宜评审其项目申请的评审专家名单，基金办在选择评审专家时应当根据实际情况决定其是否回避。

第二十四条 基金委委员、基金办工作人员和评审专家应当遵守保密法律、法规和评审保密规定。

第四章 资助与实施

第二十五条 依托单位和项目负责人应当自收到资助决定之日起 30 日内，按照要求填写项目任务书，并报基金办核准。

of home institutions, the amount of funds to be granted, etc. on the media specified by the administrative department for science and technology at the municipal level, and accept social supervision. The announcement period is 30 days. Whoever considers that there is any fraud or other illegal circumstances concerning any project proposed to be funded may make an objection to the Fund Committee and the Fund Committee shall verify the case within 60 days.

The Fund Office shall notify the home institution and the applicant about the decision of funding. Where it decides not to grant funding, it shall explain the reasons therefor.

The Fund Office shall feedback the evaluation opinions of the specialists to the applicant.

Article 22 Where an applicant disagrees with the decision on refusing to grant funding, he may submit a request for review to the Fund Committee in writing within 15 days from the date of receipt of the decision via his home institution. However, the applicant shall not base his request for review on the grounds that he disagrees with the academic judgment made by the evaluation specialists.

The Fund Committee shall organize the experts to complete the review within 60 days from the date of receipt of the application for review. Where the former decision complies with the evaluation provisions? it shall be sustained and the applicant shall be notified in writing; where the former decision fails to comply with the evaluation provisions, it shall be revoked, an evaluation shall be organized anew and the result of evaluation shall be notified to the home institution and the applicant in writing.

Article 23 When evaluating an application for funding a project, a member of the Fund Committee, a working staff of the Fund Office or an evaluation specialist who is a close relative of the applicant or the participant, or is otherwise related to the applicant or participant which is likely to affect the impartiality, shall withdraw from the evaluation.

The applicants and participants shall not serve as the evaluation specialists.

An applicant may provide the Fund Office with a list of at most three evaluation specialists who he deems to be unsuitable for evaluating his application, and the Fund Office shall, in light of actual conditions, decide whether they should be withdrawn when selecting the evaluation specialists.

Article 24 The members of the Fund Committee, the working staff of the Fund Office and the evaluation specialists shall comply with laws and regulations regarding secrets as well as the provisions on evaluation secrets.

Chapter IV Funding and Implementation

Article 25 The home institutions and project leaders shall, within 30 days from the date of receipt of the decisions on funding from the Fund, fill out the letters of project task in accordance with requirements and submit them to the Fund Office for verification and approval.

基金办应当按照项目任务书对基金资助项目进行管理。

第二十六条 基金办应当按照有关规定拨付基金资助项目经费。依托单位和项目负责人应当按照规定和项目任务书要求管理、使用基金资助项目经费。

任何单位和个人不得侵占、截留或者挪用基金资助项目经费。

第二十七条 项目负责人应当按照项目任务书组织开展研究工作，作好基金资助项目实施情况的原始记录，并通过依托单位向基金办提交基金资助项目年度进展报告。

依托单位应当审核基金资助项目年度进展报告，查看基金资助项目实施情况的原始记录，并向基金办提交基金资助项目年度管理报告。

基金办应当对基金资助项目年度进展报告和基金资助项目年度管理报告进行审查。

第二十八条 基金资助项目实施中，不得擅自变更项目负责人和依托单位。项目负责人和依托单位不得擅自变更项目任务书的内容。实施中出现影响项目进展问题的，项目负责人和依托单位应当及时采取处理措施并向基金办报告；项目任务书的内容确需变更或者项目确需中止、终止的，项目负责人或者依托单位应当及时提交书面申请。基金办应当及时核查，作出处理决定。

基金办在监督检查中发现项目负责人、依托单位未按照项目任务书的规定开展工作，资助项目确需中止或者终止的，可以根据实施情况作出资助项目中止或者终止决定。

第二十九条 项目负责人应当自基金资助项目资助期满之日起 60 日内，通过依托单位向基金办提交项目验收材料。

基金办应当组织专家对基金资助项目进行验收评审，形成验收意见书，并将验收意见书送达依托单位和项目负责人；对未通过验收的，应当提出处理意见。

第三十条 基金办、依托单位应当依据国家科学技术档案管理规定，建立基金资助项目的档案。

The Fund Office shall manage the Fund-financed projects in accordance with to the said letters of project task.

Article 26 The Fund Office shall appropriate the funds for Fund-financed projects according to relevant provisions. The home institutions and project leaders shall manage and use the funds for Fund-financed projects as required by relevant provisions and the letter of project task.

No unit or individual shall embezzle or misappropriate the funds by any means.

Article 27 The project leaders shall organize and carry out research in accordance with the letters of project task, keep original records of the implementation of the Fund-financed projects and submit, via his home institution, annual project progress reports to the Fund Office.

The home institutions shall examine and verily the annual project progress reports, check the original records of the implementation of the Fund-financed projects and submit annual management reports of the Fund-financed projects to the Fund Office.

The Fund Office shall examine the annual project progress reports and the annual management reports of the Fund-financed projects.

Article 28 In the implementation of Fund-financed projects, it is forbidden to change the project leaders and home institutions without authorization. The project leaders and home institutions shall not change the contents in the letters of project task. Where a problem affecting the project progress occurs in the implementation, the project leader and home institution shall take measures in a timely manner and report to the Fund Office; where there is a real need to change the contents of letters of project task or to suspend or terminate the project, the project leader or the home institution shall submit a written application in a timely manner. The Fund Office shall verify the matter and make relevant decisions in a timely manner.

Where the Fund Office finds that a project leader or home institution fails to carry out their work in accordance with the letter of project task and there is a real need to suspend terminate the project, it may decide to suspend or terminate the project according to the actual situation of implementation.

Article 29 The project leader shall, within 60 days after the date of expiration of the period of funding for the Fund-financed project, submit to the Fund Office the materials for project inspection and acceptance via the home institution.

The Fund Office shall organize specialists to perform an acceptance review on the Fund-financed project and form a written opinion on the acceptance of a project, which shall be delivered to the home institution and the project leader; for the project unaccepted upon inspection, it shall submit a proposal on how to deal with it.

Article 30 The Fund Office and home institutions shall open files for the Fund-financed projects in accordance with the provisions of the State on archive administration of science and technology.

第三十一条 基金资助项目验收意见书认定项目研究成果具有重大科学价值、重大创新突破或者重大应用前景，有必要继续资助深入研究的，应当优先予以资助或者由基金办推荐其申请其他科学技术计划项目。

第三十二条 原始记录能够证明承担探索性强、风险高的基金资助项目的项目负责人已经履行了勤勉尽责义务，仍不能完成该项目的，基金办可以作出资助项目终止决定。

项目负责人有前款规定的情形不影响其继续申请基金资助项目。

第三十三条 发表基金资助项目取得的研究成果，应当注明得到自然科学基金资助。

第三十四条 基金办应当促进基金资助项目研究成果的知识产权保护。

自然科学基金利用财政性资金资助的项目所形成的知识产权，除涉及国家安全、国家利益和重大社会公共利益的外，依法由依托单位和项目负责人、参与人等取得。基金办应当引导依托单位和项目负责人、参与人等 在项目任务书中约定知识产权的享有与使用。

市科学技术行政部门应当会同有关部门制定鼓励支持政策，促进基金资助项目获得的研究成果在本市实施转化。

第五章 监督与管理

第三十五条 基金办应当对评审专家的评审工作情况、依托单位履行职责的情况、项目负责人的项目实施情况进行记录，建立评审专家、依托单位和项目负责人的信用档案。

第三十六条 项目申请人、参与人申请基金资助项目弄虚作假的，取消其参加本年度评审的资格；其申请项目已经予以资助的，撤销资助，追回已拨付的资助经费；情节严重的，在五年内不得申请或者参与申请自然科学基金项目。

Article 31 Where a written opinion on the acceptance of a Fund-financed project considers that the project's research findings have a significant scientific value, major innovation breakthrough or major prospect for application, and it is necessary to continue funding for an in-depth research, priority shall be given in funding the said project or the Fund Office shall recommend it to apply for other scientific and technology research programs.

Article 32 Where the original records prove that, although a project leader undertaking a highly exploratory project involving high risk has performed due diligence obligations, he still cannot accomplish the project, the Fund Office may make a decision to terminate the project.

A project leader falling in the circumstances prescribed in the preceding paragraph shall not be prevented from further applying for other Fund-financed projects.

Article 33 When the research findings of a Fund-financed project are published, the fact that the project is financed by the Natural Science Fund shall be clearly stated.

Article 34 The Fund Office shall promote the protection of intellectual property rights of the research findings of Fund-financed projects.

The intellectual property rights formed from a Fund-financed project supported by the financial fund, except those involving national security, national interest and major social and public interests, shall be acquired by the home institution and the project leader or participants in accordance with law. The Fund Office shall guide the home institution, project leader or participants to agree on the possession and use of intellectual property rights in the letters of project task.

The administrative department for science and technology at the municipal level shall, together with relevant departments to develop supporting policies to promote the application and conversion of research findings of Fund-financed projects in this Municipality.

Chapter V Supervision and Administration

Article 35 The Fund Office shall record the evaluation work of evaluation specialists, duty performance of home institutions, implementation of projects by project leaders, and keep files on the credibility of evaluation specialists, home institutions and project leaders.

Article 36 A project applicant or participant practicing frauds in applying for a fund-financed project shall be disqualified for participating in the projects of current year; if a decision has already been made to grant funding to the project, the decision shall be revoked and the funds already appropriated be withdrawn; if the circumstances are serious, the said applicant or participant shall not apply for or participate in applying for funding from the Natural Science Fund within five years.

第三十七条 项目申请人或者项目负责人、项目参与人有抄袭、剽窃、侵吞他人研究成果等行为的，基金办可以取消其规定年限内的申请资格、撤销资助、停止拨款、追回已拨付的资助经费。

第三十八条 项目负责人、参与人在实施项目中有下列行为之一的，基金办应当督促其限期改正，并暂缓拨付资助经费；逾期不改正的，撤销资助，追回已拨付的资助经费；情节严重的，在五年内不得申请或者参与申请自然科学基金项目：

- （一）未按照项目任务书开展研究工作的；
- （二）未按照规定提交基金资助项目年度进展报告和验收材料的；
- （三）提交弄虚作假的报告、原始记录或者相关材料的；
- （四）侵占、挪用基金资助经费的。

第三十九条 依托单位有下列情形之一的，基金办应当督促其限期改正；情节严重的，取消其五年内作为依托单位的资格：

- （一）未履行保障基金资助项目研究条件或者监督管理资助经费使用职责的；
- （二）未对申请人或者项目负责人提交的材料或者报告的真实性进行审查的；
- （三）未按照规定提交基金资助项目年度进展报告、基金资助项目年度管理报告或者验收材料的；
- （四）纵容、包庇申请人、项目负责人弄虚作假的；
- （五）擅自变更项目负责人的；
- （六）不配合基金办监督、检查基金资助项目实施的；
- （七）截留、挪用、侵占基金资助经费的。

第四十条 评审专家有下列行为之一的，基金办应当督促其改正；情节严重的，五年内不得聘其为评审专家：

- （一）未按照规定履行评审职责的；
- （二）未按照规定申请回避的；

Article 37 Where a project applicant, or a project leader or participant commits such acts as plagiarizing, stealing or embezzling another person's research findings, the Fund Office may cancel the said person's qualification as an applicant within a prescribed period of years, revoke the funding, terminate the appropriation and withdraw the funds already appropriated.

Article 38 Where a project leader or participant commits one of the following acts during the project implementation, the Fund Office shall urge him to make corrections within a prescribed time limit; if no correction is made upon the expiration of the time limit, it shall revoke the funding, withdraw the funds already appropriated; if the circumstances are serious, the said applicant or participant shall not apply for or participate in applying for funding from the Natural Science Fund within five years:

- (1) failing to carry on research in accordance with the letter of project task;
- (2) failing to submit the annual project progress report or the materials for project acceptance as required;
- (3) submitting reports, original records or relevant documents which are falsified; or
- (4) embezzling or misappropriating the funds.

Article 39 Where a home institution is found under one of the following circumstances, the Fund Office shall urge it to make corrections within a prescribed time limit; if the circumstances are serious, it shall be disqualified as a home institution within five years:

- (1) failing to perform its duty of guaranteeing the necessary conditions for research or supervising and managing the use of funds of a Fund-financed project;
- (2) failing to examine the authenticity of the documents or reports submitted by an applicant or project leader;
- (3) failing to submit the annual project progress report, the annual management report of the Fund-financed project, or the materials for project acceptance as required;
- (4) conniving at or covering up falsification by an applicant or project leader;
- (5) replacing a project leader without approval;
- (6) refusing to cooperate with the Fund Office in supervision and inspection of the implementation of Fund-financed projects; or
- (7) withholding, misappropriating or embezzling the funds.

Article 40 Where an evaluation specialist commits one of the following acts, the Fund Office shall urge him to make corrections; if the circumstances are serious, it shall cease inviting him to serve as an evaluation specialist within five years:

- (1) failing to perform his evaluation functions and duties as required;
- (2) failing to apply for withdrawal as required;

(三) 披露未公开的与评审有关的信息;

(四) 利用工作便利谋取不正当利益的。

评审专家有抄袭、剽窃、侵吞他人研究成果等行为的,基金办五年内不得聘其为评审专家。

第四十一条 基金办应当建立基金资助项目成果管理信息系统,对研究成果进行跟踪和评价,并将项目取得的基础性数据、研究成果及相关信息向社会公开,但是按照规定应当保密的除外。

依托单位、项目负责人应当积极开展科学技术普及工作,宣传基金资助项目取得的研究成果,推进研究成果的应用和转化。

第四十二条 基金办应当定期对基金资助工作进行评估。

第四十三条 任何单位和个人都有权向市科学技术行政部门举报项目申请、评审过程中存在的违反本办法规定的行为。市科学技术行政部门接到举报后,应当及时处理。

市科学技术行政部门应当公布举报电话、通讯地址。

第四十四条 对违反本办法的行为,其他法律法规规章已规定行政处罚的,由有关部门依法处理;构成刑事犯罪的,依法追究刑事责任。

第四十五条 基金委委员、基金办工作人员有下列行为之一的,由有关部门责令改正,按照有关规定予以处理:

(一) 未按照规定申请回避的;

(二) 披露未公开的与项目申请、评审有关信息的;

(三) 干预评审专家评审工作的;

(四) 利用工作便利谋取不正当利益的。

基金委委员有前款规定的行为,情节严重的,由市科学技术行政部门报市人民政府批准,撤销其委员资格。

第六章 附 则

第四十六条 基金办在基金资助工作中,涉及项目组织实施费和与基础研究、应

- (3)disclosing evaluation-related information not yet made public; or
- (4)seeking illegitimate interests by taking advantage of his work.

An evaluation specialist committing such acts as plagiarizing, stealing or embezzling another person's research findings shall not be invited to serve as an evaluation specialist by the Fund Office within five years.

Article 41 The Fund Office shall establish a Fund-financed project achievement management information system to trace and evaluate the research findings, and make public to the society the fundamental data, research findings and relevant information obtained from the projects, except those which shall be kept secret as required.

The home institutions and project leaders shall make active efforts in popularizing science and technology, publicizing the research findings obtained from Fund-financed projects, and promoting the application and conversion of research findings.

Article 42 The fund Office shall make regular evaluation on the funding work.

Article 43 Any unit or individual shall have right to report to the administrative department for science and technology at the municipal level the violations of the provisions of these Measures existing in project application and evaluation process. Once such a report is received, the said department shall deal with it on a timely basis.

The administrative department for science and technology at the municipal level shall publish its phone number and mailing address for receiving such report.

Article 44 Where other laws, regulations or rules already provides for administrative penalties concerning the violations of these Measures, relevant departments shall deal with them in accordance with law; where a crime is constituted, criminal liability shall be investigated for.

Article 45 Where a member of the Fund Committee or a working staff of the Fund Office commits one of the following acts, relevant department shall order him to make corrections and handle the matter according to relevant provisions:

- (1)failing to apply for withdrawal as required;
- (2)disclosing evaluation-related information not yet made public;
- (3)interfering with the evaluation by specialists; or
- (4)seeking illegitimate interests by taking advantage of his work.

Where a member of the Fund Committee commits one of the acts stipulated in the preceding paragraph and the circumstances are serious, the administrative department for science and technology at the municipal level shall report to the Municipal People's Government for approval of disqualifying his member.

Chapter VI Supplementary Provisions

Article 46 In the funding activities of the Fund Office, relevant provisions shall apply to the use and management of the funds for project organization and implementation and the funds for academic exchange related to basic research and environmental development

用基础研究有关的环境条件促进项目的基金资助经费的使用与管理，按照有关规定执行。

第四十七条 本办法自 2012 年 1 月 1 日起施行。

for basic research.

Article 47 These Measures shall be effective as of January 1, 2012.

（三）出版传播

北京市实施《卫星地面接收设施接收外国卫星 传送电视节目管理办法》若干规定

（1991年6月1日北京市人民政府批准 1991年12月1日北

京市广播电视局 北京市公安局 北京市国家安全局发布 根据

2018年2月12日北京市人民政府第277号令修改）

第一条 为实施广播电视部、公安部、国家安全部发布的《卫星地面接收设施接收外国卫星传送电视节目管理办法》（以下简称《办法》），结合本市情况，制定本规定。

本规定所称“外国卫星传送的电视节目”，系指所有通过卫星电视广播方式传送的境外电视节目。

第二条 本市行政区域内设置卫星地面接收设施接收外国卫星传送的电视节目的单位，除国家和本市另有规定者外，均须遵守《办法》和本规定。

第三条 市新闻出版广电部门是本市行政区域内卫星地面接收设施接收外国卫星传送电视节目的主管机关；区广播电视管理机关负责本辖区内卫星地面接收设施接收外国卫星传送的电视节目的日常管理工作。

公安机关、国家安全机关依照《办法》和本规定对本市卫星地面接收设施接收外国卫星传送的电视节目进行治安、安全管理。

第四条 申请设置专门的卫星地面接收设施接收外国卫星传送的电视节目的单位（以下简称接收单位），须按本规定，报市新闻出版广电部门审批。经市新闻出版广电部门审查，符合《办法》规定的条件的，予以批准，发给《接收卫星传送的境外电

iii. Publication and Communication

Several Provisions of Beijing Municipality on the Implementation of the Administrative Measures for Reception of Television Programs Transmitted via Foreign Satellites by Ground Satellite Receiving Facilities

(Approved by the People's Government of Beijing Municipality on June 1, 1991, promulgated by the Beijing Municipal Radio and Television Bureau, Beijing Municipal Public Security Bureau and Beijing Municipal National Security Bureau on December 1, 1991, 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 Administrative Measures for Reception of Television Programs Transmitted via Foreign Satellites by Ground Satellite Receiving Facilities (hereinafter referred to as the Measures) promulgated by the Ministry of Radio and Television, the Ministry of Public Security and the Ministry of National Security in light of actual circumstances of this Municipality.

The term “television programs transmitted via foreign satellites” as mentioned in the Provisions refers to all overseas television programs transmitted by means of satellite television broadcasting.

Article 2 Organizations that install ground satellite receiving facilities to receive television programs transmitted via foreign satellites within the administrative area of this Municipality shall abide by the Measures and the Provisions, unless otherwise stipulated by the State and this Municipality.

Article 3 The municipal department of press, publication, radio and television is the competent authority in charge of the reception of television programs transmitted via foreign satellites by ground satellite receiving facilities within the administrative area of this Municipality; the district administrative authorities of radio and television shall be responsible for the daily management of the reception of television programs transmitted via foreign satellites by ground satellite receiving facilities within their respective administrative areas.

Public security organs and national security organs shall, in accordance with the Measures and the Provisions, exercise public security and safety administration on the reception of television programmes transmitted via foreign satellites by ground satellite receiving facilities in this Municipality.

Article 4 Organizations that apply for installing special ground satellite receiving facilities to receive television programmes transmitted via foreign satellites (hereinafter referred to as receiving organizations) shall, in accordance with the Provisions, report to

视节目许可证》（以下简称《许可证》）。

第五条 接收单位向市新闻出版广电部门申报审批时，须报送以下材料：

（一）申请报告。报告应详细申明接收单位的业务范围、申报理由、接收卫星、接收方式、接收内容及用途、接收设备及收视对象等内容；

（二）接收、播放监控等管理制度；

（三）专职管理人员的情况；

（四）接收设备的技术资料；

（五）其他有关文件、资料。

第六条 接收单位购置卫星地面接收设备的，申请《许可证》时，应提供与设备生产厂或销售单位草签的购置设备合同，经市新闻出版广电部门批准，领得《许可证》后，方可购置卫星地面接收设备。所购置的设备必须是持有国家质量技术监督部门和中国广播卫星公司颁发的生产许可证的企业生产的产品。

接收单位需从国外购进卫星地面接收设备的，须在申请《许可证》时，提供所需进口设备的详细技术资料。经市新闻出版广电部门批准，领得《许可证》后，方可按国家有关机电设备进口的管理规定办理。

第七条 经批准的接收单位，须按《许可证》载明的内容和有效期限接收外国卫星传送的电视节目。申请变更《许可证》内容或不再接收外国卫星电视节目的单位，须向原发证机关办理变更或注销登记。

第八条 接收单位接收外国卫星传送的电视节目，只允许在本单位业务工作中使用。经市新闻出版广电部门批准可以录制电视节目的单位，录制内容须经本单位领导批准，并指定专人严格保管。未经批准，其他单位不得录制和传播。

经批准录制的音像资料的目录，须每季度报市新闻出版广电部门、市公安机关、市国家安全机关备案。市新闻出版广电部门、市公安机关、市国家安全机关有权调阅录制的音像资料。

the municipal department of press, publication, radio and television for examination and approval. Upon examination by the municipal department of press, publication, radio and television, approval shall be granted to those meeting the conditions prescribed in the Measures, and a Permit to Receive Overseas Television Programmes Transmitted via Satellites (hereinafter referred to as Permit) shall be issued.

Article 5 When applying for examination and approval to the municipal department of press, publication, radio and television, a receiving organization shall submit the following materials:

(1) an application report. The report shall specify the business scope of the receiving organization, reasons for application, receiving satellite, modes, content and purpose of reception, receiving equipment, eligible viewers, etc.;

(2) management systems for reception and broadcast monitoring;

(3) information of full-time management personnel;

(4) technical data of the receiving equipment; and

(5) other relevant documents and materials.

Article 6 To purchase ground satellite receiving equipment, a receiving organization shall, when applying for a Permit, provide the equipment purchase contract initialed with an equipment manufacturer or seller, and may purchase ground satellite receiving equipment only after it has obtained a Permit upon the approval of the municipal department of press, publication, radio and television. The equipment purchased must be products produced by enterprises with a production permit issued by the state quality and technical supervision department and China Broadcasting Satellite Corporation.

To purchase ground satellite receiving equipment from abroad, a receiving organization shall, when applying for a permit, provide detailed technical data of the equipment to be imported, and may purchase such equipment in accordance with the administrative provisions of the State on the import of electromechanical equipment only after it has obtained a Permit upon the approval of the municipal department of press, publication, radio and television.

Article 7 A receiving organization that has been granted approval shall receive television programmes transmitted via foreign satellites in accordance with the content and validity period specified in the Permit. Where an organization applies for any change to the content of the Permit or no longer receives television programmes transmitted via foreign satellites, it shall apply to the authority that issued the Permit for registration of change or cancellation.

Article 8 A receiving organization may use the television programmes received from transmission via foreign satellites only in the work or business operations of the organization itself. Where an organization may record television programmes with the approval of the municipal department of press, publication, radio and television, it shall have the recorded contents approved by the leader thereof and placed for strict safekeeping by a specially appointed person. No other organizations may record or transmit such programmes without approval.

The catalogue of the audio-visual materials recorded upon approval shall be submitted quarterly to the municipal department of press, publication, radio and television, municipal

第九条 不按本规定第七条、第八条的规定接收、使用外国卫星传送的电视节目或办理变更登记的，由文化行政执法部门会同公安机关、国家安全机关视情节轻重，给予警告、2 万元以下罚款、直至吊销《许可证》的处罚。吊销《许可证》的，可同时没收卫星地面接收设施。对未持有《许可证》擅自设置卫星地面接收设施或者接收外国卫星传送电视节目的，没收卫星地面接收设施，并可处以 5 万元以下罚款。对有上述行为的单位，可提请其主管部门对单位负责人和直接责任人依法给予处分。

对抗拒、阻碍文化行政执法部门、公安机关、国家安全机关执行公务，或录制、传播反动、淫秽电视节目的，由公安机关依法处理；情节严重，构成犯罪的，依法追究刑事责任。

第十条 本规定具体执行中问题，由市新闻出版广电部门负责解释。其中有关治安、安全管理的问题，由市公安局、市国家安全机关负责解释。

第十一条 常住外国人的涉外宾馆、饭店、公寓、写字楼实施《卫星地面接收设施接收外国卫星传送电视节目管理办法》的具体办法另行规定。

第十二条 本规定自 1991 年 6 月 1 日起施行。《办法》和本规定施行前设置卫星地面接收设施接收外国电视节目的单位，须自本规定施行之日起三个月内按本规定重新申报审批。逾期不申报或经审核未批准的，予以取缔。

public security organ and municipal national security organ for archival recording. The municipal department of press, publication, radio and television, municipal public security organ and municipal national security organ shall have access to the recorded audio-visual materials.

Article 9 Where an organization fails to receive or use television programmes transmitted via foreign satellites or applies for registration of change in accordance with the provisions of Article 7 or 8 of the Provisions, the administrative law enforcement department of culture shall, together with the public security organ and the national security organ, give a warning, impose a fine of not more than RMB 20,000 yuan, or even revoke its Permit in light of the seriousness of the circumstances. Where the Permit is revoked, the ground satellite receiving facilities may also be confiscated. Where any organization without holding a Permit installs ground satellite receiving facilities or receives television programmes transmitted via foreign satellites without authorization, the ground satellite receiving facilities shall be confiscated and a fine of not more than RMB 50,000 yuan may be imposed. For an organization that commits any of the above-mentioned acts, its governing department may be requested to punish the person in charge of the organization and the person directly responsible therefor according to law.

Whoever refuses or obstructs the performance of official duties by the administrative law enforcement departments of culture, public security organs or national security organs or records or transmits reactionary or obscene television programmes shall be dealt with by public security organs according to law; if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated therefor according to law.

Article 10 The municipal department of press, publication, radio and television shall be responsible for interpretation of matters pertaining to specific implementation of the Provisions. The municipal public security organ and the municipal national security organ shall be responsible for interpretation of matters related to public security and safety management.

Article 11 The specific measures for implementing the Administrative Measures for Reception of Television Programmes Transmitted via Foreign Satellites by Ground Satellite Receiving Facilities in guest houses, hotels, apartments and office buildings which regularly accommodate foreigners shall be formulated separately.

Article 12 The Provisions shall come into force as of June 1, 1991. Organizations that install ground satellite receiving facilities to receive foreign television programmes before the implementation of the Measures and the Provisions shall, within 3 months from the date of implementation of the Provisions, file a new application for examination and approval in accordance with the Provisions. Where an organization fails to file an application within the time limit or fails to obtain approval upon examination, such installation shall be banned.

北京市涉外宾馆卫星电视广播地面 接收设施接收卫星传送境外电视节目管理规定

（1994 年 8 月 30 日北京市人民政府批准 1994 年 10 月 18 日

北京市广播电视局 北京市公安局 北京市国家安全局发布 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 2018 年 2 月 12 日北京市人民政府第 277 号令第二次修改）

第一条 为加强本市卫星电视广播地面接收设施接收卫星传送的境外电视节目的管理，根据国务院《卫星地面接收设施接收外国卫星传送电视节目管理办法》（以下简称《管理办法》）、《卫星电视广播地面接收设施管理规定》（以下简称《管理规定》）和广播电影电视部《〈卫星电视广播地面接收设施管理规定〉实施细则》（以下简称《实施细则》），结合本市实际情况，制定本规定。

第二条 凡在本市行政区域内的涉外宾馆、饭店、写字楼、公寓设置卫星电视广播地面接收设施接收卫星传送境外电视节目，均须遵守《管理办法》、《管理规定》、《实施细则》和本规定。

第三条 市新闻出版广电部门是本市卫星电视广播地面接收设施接收卫星传送境外电视节目的主管机关；区广播电视管理机关负责本辖区卫星电视地面接收设施接收卫星传送境外电视节目的日常管理工作。

公安机关、国家安全机关依照《管理办法》、《管理规定》、《实施细则》和本规定，负责治安和国家安全管理。

旅游行政机关配合新闻出版广电部门、公安机关、国家安全机关做好卫星电视地面接收设施接收卫星传送境外电视节目的管理工作。

Administrative Provisions of Beijing Municipality on Reception of Overseas Television Programmes Transmitted via Satellites by Ground Receiving Facilities for Satellite Television Broadcasts in Foreign-related Hotels

(Approved by the People's Government of Beijing Municipality on August 30, 1994, promulgated by the Beijing Municipal Radio and Television Bureau, Beijing Municipal Public Security Bureau and Beijing Municipal National Security Bureau on October 18, 1994, 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. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 The Provisions are formulated for the purpose of strengthening the administration of reception of overseas television programmes transmitted via satellites by ground receiving facilities for satellite television broadcasts in this Municipality in accordance with the Administrative Measures for Reception of Television Programmes Transmitted via Foreign Satellites by Ground Satellite Receiving Facilities (hereinafter referred to as the Administrative Measures) and the Administrative Provisions on Ground Receiving Facilities for Satellite Television Broadcasts (hereinafter referred to as the Administrative Provisions) promulgated by the State Council as well as the Detailed Implementing Rules for the Administrative Provisions on Ground Receiving Facilities for Satellite Television Broadcasts (hereinafter referred to as the Detailed Implementing Rules) promulgated by the Ministry of Radio, Film and Television and in light of actual circumstances of this Municipality.

Article 2 Any installation of ground receiving facilities for satellite television broadcasts to receive overseas television programmes transmitted via satellites in foreign-related guest houses, hotels, office buildings and apartments within the administrative area of this Municipality shall conform to the Administrative Measures, the Administrative Provisions, the Detailed Implementing Rules and the Provisions.

Article 3 The municipal department of press, publication, radio and television is the competent authority in charge of the reception of overseas television programmes transmitted via satellites by ground receiving facilities for satellite television broadcasts in this Municipality; the district administrative authorities of radio and television shall be responsible for the daily management of reception of overseas television programmes transmitted via satellites by ground receiving facilities for satellite television broadcasts within their respective administrative areas.

Public security organs and national security organs shall be responsible for the administration of public security and national security in accordance with the Administrative Measures, the Administrative Provisions, the Detailed Implementing Rules and the Provisions.

The administrative organs of tourism shall cooperate with the departments of press, publication, radio and television, public security organs and national security organs in the

第四条 申请设置卫星电视地面接收设施接收卫星传送境外电视节目的涉外宾馆、饭店、写字楼及公寓（以下简称接收单位），必须具备下列条件：

- （一）有确定的接收方位、接收内容和收视人员范围；
- （二）有符合国家标准的接收设备；
- （三）有合格的专职管理人员；
- （四）有健全的管理制度；
- （五）国家三星级以上的涉外宾馆、饭店以及专供外国人和港、澳、台人士办公或者居住的写字楼、公寓。

第五条 接收单位必须按下列规定办理审批手续：

- （一）经市新闻出版广电部门审核批准，持批准证明购买卫星接收设施；
- （二）使用进口卫星接收设施的，按国家有关规定经海关审核批准；
- （三）由持有《卫星地面接收设施安装服务许可证》的单位设计安装后，经市新闻出版广电部门和市国家安全机关验收合格，发给《接收卫星传送的境外电视节目许可证》（以下简称《许可证》）后，方可接收卫星传送的境外电视节目。

第六条 持有《许可证》的接收单位，必须遵守下列规定：

- （一）严格按照《许可证》载明的接收目的、接收内容、接收方式和收视人员范围接收卫星传送的境外电视节目；
- （二）接收单位的负责人对本单位接收卫星传送境外电视节目的工作加强管理，并设置专人进行不间断的监控；
- （三）严禁接收和传送反动、淫秽内容的电视节目；
- （四）接到市新闻出版广电部门、市文化行政执法部门、市公安机关、市国家安全机关在必要时作出的关闭通知后，应当立即停止接收和传送境外电视节目的活动；对拒不停止接收和传送境外电视节目的，由发证部门注销收回其许可证。

第七条 违反本规定，按下列规定予以处罚：

administration of reception of overseas television programmes transmitted via satellites by ground receiving facilities for satellite television broadcasts.

Article 4 Foreign-related guest houses, hotels, office buildings and apartments that apply for installing ground satellite television receiving facilities to receive overseas television programmes transmitted via satellites (hereinafter referred to as receiving organizations) must meet the following conditions:

- (1) having defined the direction and content of reception and the scope of eligible viewers;
- (2) having the receiving equipment that measures up to the standard of the State;
- (3) having qualified full-time management personnel;
- (4) having a sound management system; and
- (5) being foreign-related guest houses or hotels rated three stars or above at the national level, or office buildings or apartments exclusively for foreigners and people from Hong Kong, Macao or Taiwan.

Article 5 A receiving organization must go through the examination and approval procedures in accordance with the following provisions:

- (1) It shall, upon examination and approval of the municipal department of press, publication, radio and television, purchase satellite receiving facilities with the certificate of approval;
- (2) The use of imported satellite receiving facilities shall be examined and approved by the Customs in accordance with relevant provisions of the State; and
- (3) After the design and installation by the organization holding a Permit to Install Ground Satellite Receiving Facilities, and upon acceptance by the municipal department of press, publication, radio and television and the municipal national security organ, overseas television programmes transmitted via satellites may be received only after a Permit to Receive Overseas Television Programmes Transmitted Via Satellites (hereinafter referred to as Permit) has been issued.

Article 6 A receiving organization holding a Permit must abide by the following provisions:

- (1) It shall receive overseas television programmes transmitted via satellites in strict accordance with the purpose, content and modes of reception and the scope of eligible viewers specified in the Permit;
- (2) The person in charge of the receiving organization shall strengthen the management of its reception of overseas television programmes transmitted via satellites, and assign a special person for continuous monitoring;
- (3) It is strictly forbidden to receive or transmit reactionary or obscene television programmes; and
- (4) After receiving a notice of closure made by the municipal department of press, publication, radio and television, the municipal administrative law enforcement department of culture, the municipal public security organ, or the municipal national security organ when necessary, it shall immediately stop receiving and transmitting overseas television programmes; if it refuses to do so, its Permit shall be cancelled and withdrawn by the department that issued the Permit.

Article 7 Violations of the Provisions shall be punished according to the following provisions:

（一）违反第五条规定未经批准擅自设置卫星接收设施接收和传送境外电视节目的，由文化行政执法部门没收其卫星接收设施，处以 5 万元以下罚款；

（二）违反第六条第（一）项规定的，由文化行政执法部门给予警告或者处以 2 万元以下罚款；情节严重的，由发证机关吊销其《许可证》；

（三）违反第六条第（三）项规定的，由公安机关依照《中华人民共和国治安管理处罚法》的规定予以处罚；情节严重，构成犯罪的，依法追究刑事责任。

违反《中华人民共和国反间谍法》的，由市国家安全机关依法予以处罚。

第八条 本规定执行中的具体问题，由市新闻出版广电部门负责解释。其中治安、国家安全管理方面的问题，由公安机关、市国家安全机关负责解释。

第九条 本规定经市人民政府批准，自发布之日起施行。本规定发布前已经设置卫星电视地面接收设施接收卫星传送境外电视节目的，接收单位必须在本规定实施之日起 6 个月内按本规定补办审批手续；逾期不补办的，由市新闻出版广电部门按本规定处理。

(1) Where any organization, in violation of the provisions of Article 5, installs satellite receiving facilities to receive and transmit overseas television programmes without approval, the administrative law enforcement department of culture shall confiscate its satellite receiving facilities, and impose a fine of not more than RMB 50,000 yuan;

(2) Where any organization violates the provisions of Item (1) of Article 6, the administrative law enforcement department of culture shall give a warning or impose a fine of not more than RMB 20,000 yuan; if the circumstances are serious, its Permit shall be revoked by the department that issued the Permit; and

(3) Violations of Item (3) of Article 6 shall be punished by the municipal public security organ in accordance with the provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security; if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated therefor according to law.

Violators of the Counterespionage Law of the People's Republic of China shall be punished by the municipal national security organ according to law.

Article 8 The municipal department of press, publication, radio and television shall be responsible for interpretation of specific matters pertaining to implementation of the Provisions. The municipal public security organ and the municipal national security organ shall be responsible for interpretation of matters related to public security and national security management.

Article 9 The Provisions shall come into force as of the date of promulgation with the approval of the Municipal People's Government. Organizations that have installed ground satellite television receiving facilities to receive overseas television programmes transmitted via satellites before the implementation of the Provisions shall, within 6 months from the date of implementation of the Provisions, apply for examination and approval in accordance with the Provisions. Where an organization fails to file an application within the time limit, it shall be dealt with by the municipal department of press, publication, radio and television in accordance with the Provisions.

（四）文化管理

北京市图书馆条例

（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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- 第四章 图书馆服务和读者权益保障
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- 第六章 法律责任
- 第七章 附 则

第一章 总 则

第一条 为了保障图书馆事业的发展，满足人民群众对科学文化知识的需求，促进社会主义物质文明和精神文明建设，根据本市实际情况，制定本条例。

第二条 本条例适用于本市的公共图书馆及其他各类图书馆。

本条例所称图书馆，是指收集、整理、保存、开发、利用图书、报纸、期刊、音像制品、微缩胶片、电子出版物和网络信息等文献信息资源为读者服务的公益性机构。

本条例所称公共图书馆，是指各级人民政府兴办、面向社会开放的图书馆。

iv.Cultural Management

Regulations of Beijing Municipality on Libraries

(Adopted at the 35th Session of the Standing Committee of the 11th People's Congress of Beijing Municipality on July 18, 2002 and revised at the 31st Session of the Standing Committee of the 14th Beijing Municipal People's Congress on November 25, 2016)

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of safeguarding the development of library undertaking, meeting the needs of the masses for scientific and cultural knowledge, and promoting the construction of socialist material civilization and spiritual civilization and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to public libraries and other various kinds of libraries in this Municipality.

Libraries mentioned in these Regulations refer to public welfare institutions which collect, arrange, store, develop and employ books, newspapers, periodicals, audio-visual products, microfiches, electronic publications, network information and other documentary information resources to serve readers.

Public libraries mentioned in these Regulations refer to libraries set up by the people's governments at all levels and open to the public.

第三条 举办图书馆应当坚持为人民服务、为社会主义服务的方向，积累和传播有益于提高民族素质、有益于经济发展和社会进步的科学文化知识，丰富人民群众的精神生活。

第四条 市文化行政主管部门主管全市图书馆工作，负责全市公共图书馆的统一管理，指导、协调其他各类图书馆工作。

区文化行政主管部门按照管理权限负责本辖区公共图书馆的管理，指导、协调本区其他各类图书馆工作。

本市教育、科学技术等行政主管部门在各自职责范围内对学校图书馆、科研机构图书馆以及其他各类图书馆工作进行管理。

第五条 本市各级人民政府及其文化行政主管部门应当对为发展图书馆事业作出突出贡献或者成绩显著的单位和个人给予表彰或者奖励。

第二章 发展与保障

第六条 本市各级人民政府应当加强对图书馆事业的领导，统筹协调，将图书馆事业纳入国民经济和社会发展规划，为发展图书馆事业提供必要的条件和保障。

第七条 本市各级人民政府应当将公共图书馆的经费列入本级财政年度预算，并随着国民经济的发展逐步增加投入。

其他各类图书馆的举办者应当保障图书馆的正常业务经费。

图书馆经费应当专款专用，不得挪作他用。

第八条 市文化行政主管部门应当会同有关部门制定本市图书馆发展规划和图书馆信息网络建设方案，报市人民政府批准后组织实施。

区文化行政主管部门应当根据本辖区情况，做好图书馆发展规划和图书馆信息网络建设方案的实施工作。

第九条 本市鼓励和扶持在社区、村兴办图书馆（室）。

Article 3 The orientation of serving people and serving socialism, accumulating and disseminating scientific and cultural knowledge conducive to raising national quality and beneficial to economic development and social progress, and enriching the spiritual life of the masses shall be adhered to in setting up libraries.

Article 4 The municipal competent administrative department of culture shall take charge of the work of libraries in the whole municipality, be responsible for the unified administration of public libraries in the whole municipality, guide and coordinate the work of other various kinds of libraries.

The district or county competent administrative departments of culture shall be responsible for the administration of public libraries in their respective areas in accordance to their administrative authorities, guide and coordinate the work of other various kinds of libraries in the districts or counties.

The municipal competent administrative departments of education, science and technology, shall within the scope of their respective duties and responsibilities, administer the work of school libraries, libraries of scientific research institutes and other various kinds of libraries.

Article 5 The people's governments at all levels of this Municipality and their competent administrative departments of culture shall commend or reward the units and individuals that have made outstanding contributions to or remarkable achievements in the development of library undertaking.

Chapter II Development and Guarantee

Article 6 The People's governments at all levels of this Municipality shall strengthen the leadership over library undertaking, make coordination in an overall manner, bring library undertaking into the national economic and social development plans and provide necessary conditions and guarantee for the development of library undertaking.

Article 7 The people's governments at all levels of this Municipality shall incorporate expenditures for public libraries in the annual fiscal budgets at their respective levels and gradually increase the input along with the development of national economy.

Sponsors of other various kinds of libraries shall guarantee expenditures for libraries' normal business.

Expenditures for libraries shall be earmarked for the special purpose and shall not be speculated for other purposes.

Article 8 The municipal competent administrative department of culture shall, together with relevant departments, draw up a development program of libraries and a scheme for building library information network in this Municipality, report them to the Municipal People's Government for approval and then organize their implementation.

The district or county competent administrative departments of culture shall, in light of the circumstances of their respective areas, do a good job in the implementation of the development program of libraries and the scheme for building library information network.

Article 9 This Municipality shall encourage and support the establishment of libraries in communities and villages.

区和乡、民族乡、镇人民政府以及街道办事处应当以区公共图书馆和街道、乡镇公共图书馆（室）为基础，采取多种扶持措施，加强社区、村内图书馆（室）的建设。

市和区文化行政主管部门应当加强对社区、村内图书馆（室）的业务指导。

第十条 本市鼓励学校、科学研究机构以及社会团体、企业、事业单位的图书馆（室）向社会开放。

第十一条 本市鼓励自然人、法人和其他组织兴办图书馆或者以捐赠资金、文献信息资料、设备等形式资助图书馆事业发展。捐赠人依照《中华人民共和国公益事业捐赠法》享受税收等优惠。

本市倡导志愿者参加图书馆（室）的服务工作。

第十二条 图书馆可以多渠道筹集资金，用于图书馆建设。

第十三条 市文化行政主管部门组织成立图书馆专家委员会，并应当就下列事项征询图书馆专家委员会的意见：

- （一）图书馆的发展规划；
- （二）图书馆的网络建设方案；
- （三）图书馆的业务规程；
- （四）涉及图书馆事业发展的其他重大事项。

第十四条 市和区公共图书馆应当协助文化行政主管部门做好对本地区图书馆的业务指导工作。

第十五条 文化行政主管部门应当促进图书馆行业组织建设。

图书馆行业组织应当按照其章程，实行行业自律，维护自身的合法权益，并接受文化行政主管部门的指导。

第三章 图书馆设置

第十六条 本市各级人民政府应当根据本地区人口分布情况和经济、社会发展的需要，按照统筹规划、合理布局的原则，设置公共图书馆。

The district or county and the township or nationality township people's governments as well as the sub-district offices shall take the public libraries in districts or counties and the public libraries in sub-districts, towns or townships as the base, adopt multiple support measures to reinforce the construction of libraries in communities and villages.

The municipal and the district or county competent administrative departments of culture shall strengthen professional guidance over libraries in communities and villages.

Article 10 This Municipality shall encourage libraries of schools, scientific research institutes, social organizations, enterprises and public institutions to open to the public.

Article 11 This Municipality shall encourage natural persons, legal persons and other organizations to set up libraries or aid financially the development of library undertaking in the form of donating money, documentary information materials and equipment, etc. Donators shall enjoy preferential treatment in taxation, etc. according to the Law of the People's Republic of China on Donations for Public Welfare.

This Municipality shall advocate volunteers' participation in the service work of libraries.

Article 12 Libraries may raise funds through multiple channels for the construction of libraries.

Article 13 The municipal competent administrative department of culture shall organize to set up a library experts' committee, and solicit the library experts' committee's opinions on following matters:

- (1) The development program of libraries;
- (2) The scheme for building library information network;
- (3) The business rules of libraries; and
- (4) Other major matters related to the development of library undertaking.

Article 14 The municipal and the district or county public libraries shall assist the competent administrative departments of culture to do a good job in providing professional guidance over libraries in their respective areas.

Article 15 The competent administrative departments of culture shall promote the establishment of professional organization of libraries.

The professional organization of libraries shall, according to its articles of association, be self-disciplined, safeguard its own legitimate rights and interests and accept guidance of the competent administrative departments of culture.

Chapter III Establishment of Libraries

Article 16 The peopled governments at all levels of this Municipality shall set up public libraries in light of population distribution in their respective areas and the needs of economic and social development and in accordance with the principle of overall planning

高等院校和科研机构以及其他社会组织设置图书馆，应当按照各类图书馆设置的有关规定执行。

第十七条 新建、改建、扩建公共图书馆应当适应图书馆应用现代科学技术进行管理和服务的需要，并符合下列基本要求：

（一）市公共图书馆的建筑面积应当达到 20000 平方米以上，阅览座位应当达到 1200 席以上；

（二）区公共图书馆的建筑面积应当达到 5000 平方米以上，阅览座位应当达到 500 席以上；

（三）街道、乡镇公共图书馆（室）的建筑面积应当达到 100 平方米以上，阅览座位应当达到 30 席以上。

其他各类图书馆的布局、馆舍面积和阅览座位按照有关规定执行。

第十八条 任何单位和个人不得损坏或者侵占公共图书馆的馆舍、设施、设备和文献信息资料，不得改变图书馆馆舍的用途。

确因基本建设和城市改造需要占用公共图书馆用地和馆舍的，应当征求市或者区文化行政主管部门的意见，并按照本条例规定的公共图书馆的建设标准予以重建。按照标准重建公共图书馆的面积超出拆迁面积的，超出部分的资金由市或者区人民政府统筹安排。

第十九条 图书馆的业务人员应当具备相应的专业知识和技能。

图书馆的馆长应当具备相应的科学文化素质、专业知识水平和组织管理能力。

市公共图书馆的馆长应当具有相应的高级专业技术职务任职资格，区公共图书馆的馆长应当具有相应的中级以上专业技术职务任职资格。

第二十条 图书馆应当根据图书馆事业发展和自身业务要求，定期对业务人员进行培训。

and rational layout.

Colleges and universities, scientific research institutes and other social organizations to set up libraries shall implement relevant provisions on the establishment of various kinds of libraries.

Article 17 The newly constructing, reconstructing or extending public libraries shall adapt to the needs of libraries to apply modern science and technology to carry out management and services and meet the following basic requirements:

(1)The floorage of a municipal public library shall reach not less than 20,000 square meters and its seating capacity of reading-room shall reach not less than 1,200;

(2)The district-level public libraries shall have a floor area of more than 5,000 square meters and a seating capacity of more than 500 people; and

(3)The floorage of a sub-district, town or township public library shall reach not less than 100 square meters and its seating capacity of reading-room shall reach not less than 30.

The layout, floorage of premises and seating capacity of reading-room of other various kinds of shall follow relevant provisions.

Article 18 No unit or individual may damage or encroach upon premises, facilities, equipment and documentary information materials of public libraries, or alter the use of library premises libraries

Where there is a real need to occupy land and premises of a public library for capital construction and urban reconstruction, the opinions of the municipal or the district or county competent administrative department of culture shall be solicited, and the public library shall be rebuilt according to the construction standard of a public library as stipulated by these Regulations. If the space of the public library rebuilt according to the set standard is more than the space of former premises pulled down, the funds for the excessive part shall be arranged by the municipal or the district or county people's government in an overall manner.

Article 19 The business specialists of libraries shall have corresponding professional knowledge and skills.

Curators of libraries shall have the corresponding scientific and cultural quality, professional knowledge and the organizing and managing ability.

Curators of the municipal public library shall have the corresponding qualification, to take advanced professional technical post, and curators of the district or county public library shall have the corresponding qualification for middle-level or higher professional technical post.

Article 20 Libraries shall carry on regular training for professionals in light of the development of library undertaking and their own business requirements.

第四章 图书馆服务和读者权益保障

第二十一条 公共图书馆应当每天向读者开放，其中市公共图书馆每周的开放时间不少于 70 小时，区公共图书馆每周的开放时间不少于 63 小时。

少年儿童图书馆每周的开放时间不少于 43 小时。在国家法定节假日和学生寒暑假期间，每天开放时间不少于 8 小时。

其他各类图书馆的开放时间按照各自主管部门的规定执行。

第二十二条 公共图书馆应当将本馆的服务对象、服务范围、开放时间等服务事项进行公示。因故变更开放时间或者闭馆的，至少应当提前 3 日进行公示。

第二十三条 图书馆应当为读者利用文献信息资源创造便利条件，为老年人、残疾人提供方便。

图书馆应当采取阅览、外借、流动借阅等多种方式为读者提供服务，提高馆藏文献信息资源利用率，创造良好的阅读环境。

第二十四条 图书馆应当根据读者需要设置读者目录，并逐步设置馆藏文献信息资源检索终端。图书馆工作人员应当解答读者咨询，指导读者查找馆藏文献信息资料。

第二十五条 除国家规定禁止公开传播的文献信息资料外，图书馆不得另立标准，任意封存馆藏文献信息资料。对于善本、珍本和不宜外借的馆藏文献信息资料，可以本着保护的原则限制使用。

第二十六条 图书馆应当依法保护馆藏文献信息资源的知识产权。

第二十七条 图书馆应当逐步配置计算机与网络设备，视听、缩微、复制设备，文献信息资源利用和保护等设备，完善信息网络系统建设，满足读者需要。

第二十八条 图书馆应当采取多种形式，向读者推荐优秀作品，指导读者阅读。

提倡各类图书馆开设基层借阅点和开展送图书下乡活动。

第二十九条 读者在图书馆享有下列权利：

Chapter IV Service of Libraries and Safeguard of Readers' Rights and Interests

Article 21 Public libraries shall open to readers every day. The opening time of a municipal public library shall not be less than 70 hours every week, and the opening time of a district or county public library shall not be less than 63 hours every week.

The opening time of a library for juveniles and children shall not be less than 43 hours every week, and the opening time shall not be less than 8 hours every day during official holidays of the State and the summer and winter vacations of pupils.

The opening time of other various kinds of libraries shall follow the stipulations of their respective competent departments.

Article 22 Public libraries shall make public such service matters as the scope of people to be served, scope of services and the opening time. Changes of opening time or closure of library due to certain reason shall be made public at least three days in advance.

Article 23 Libraries shall create favorable conditions for readers to employ documentary information resources, and offer conveniences to the elderly and disabled persons.

Libraries shall adopt multiple forms such as reading in the library, borrowing books out of library, and bookmobile, etc. to serve readers, raise the utilization ratio of library collection documentary information resources and create favorable reading environment.

Article 24 Libraries shall set up readers' catalogue according to readers' needs, and gradually set up retrieval terminal of library collection documentary information resources. Library staff shall answer readers' questions and guide readers in searching library collection documentary information materials.

Article 25 With the exception of those documentary information materials prohibited overt dissemination as stipulated by the State, libraries shall not set up separate standards to Arbitrarily seal up library collection documentary information materials for safekeeping. As to good editions, rare books and those library-collection documentary information materials which are not suitable to be lent out, their employment may be restricted based on the principle of protection.

Article 26 Libraries shall protect the intellectual property rights of library collection documentary information resources.

Article 27 Libraries shall gradually be fitted out with computers and network equipment, audio-visual, microform and reproduction equipment as well as equipment for employing and protecting documentary information resources, and perfect the construction of information network system to satisfy the needs of readers.

Article 28 Libraries shall adopt multiple forms to recommend excellent works to readers and guide readers in reading.

It is advocated that various kinds of libraries shall set up loan desks at the grass-roots level and unfold activities of sending books to the countryside.

Article 29 Readers shall enjoy the following rights in libraries:

- (一) 免费进行书目检索;
- (二) 免费借阅图书、报刊;
- (三) 获得工作人员提供的关于利用馆藏和网络文献信息资源的指导;
- (四) 参加各种读书活动;
- (五) 向图书馆或者其主管部门提出建议和意见。

第三十条 读者在图书馆应当履行下列义务:

- (一) 爱护馆藏文献信息资料和公共设施;
- (二) 按照规定日期归还所借馆藏文献信息资料, 超过规定日期的, 应当按照规定交纳滞纳金;
- (三) 遵守图书馆有关维护公共秩序的规章制度。

第五章 文献信息资源建设

第三十一条 文献信息资源建设应当统一规划, 合理布局, 分工协作, 共建共享。

第三十二条 本市的图书馆文献信息资源建设应当以首都图书馆为依托, 逐步构建现代化的图书文献信息资源收集、加工整序体系和服务体系。

第三十三条 本市各级人民政府投资兴建的公共图书馆, 学校图书馆、研究机构图书馆应当参加以首都图书馆为信息网络中心的图书馆网络建设。

社会团体、企业、事业单位图书馆以及其他图书馆可以成为市图书馆网络的成员。

本市图书馆网络的成员单位应当建立分工协作关系, 科学合理地确定文献信息资源建设的方向, 逐步形成有特色的馆藏文献信息资源体系。

第三十四条 本市有条件的图书馆应当加强与国家图书馆和中央在京单位图书馆的联系, 参加全国数字图书馆网络化建设, 在文献信息资源的采购与交换、图书借阅、数据库建设等方面, 主动开展协作和服务, 逐步实现在本市行政区域内的各级、各类图书馆文献信息资源共享。

- (1) To search title catalogues free of charge;
- (2) To borrow and read books, newspapers and periodicals free of charge;
- (3) To acquire guidance from the working staff on employing library collection and network documentary information resources;
- (4) To participate in various kinds of reading activities; and
- (5) To put forward proposals and opinions to libraries or their competent departments.

Article 30 Readers shall perform the following obligations in libraries:

- (1) To take good care of library collection documentary information materials and public facilities;
- (2) To return the borrowed library collection documentary information materials on schedule, and if they are returned behind schedule, an overdue charge shall be paid according to provisions; and
- (3) To observe the rules and regulations of libraries on maintaining public order.

Chapter V Construction of Documentary Information Resources

Article 31 Documentary information resources shall be built up according to a unified plan and rational arrangement with division of work as well as coordination of efforts, and created together and shared together.

Article 32 The construction of library documentary information resources of this Municipality shall take the Capital Library as strong backing, gradually establish a modernized gathering, sequential processing system of library documentary information resources and service system.

Article 33 Public libraries financed and set up by the people's governments at all levels of this Municipality, school libraries and libraries of scientific research institutes shall participate in the building of library network with the Capital Library as the information network center.

Libraries of social organizations, enterprises and public institutions as well as other libraries may become members of the municipal library network.

Member units of library network of this Municipality shall establish such relations that they have division of work and coordination, scientifically and rationally determine the orientation in building up documentary information resources, and gradually form library collection documentary information resource system with special features.

Article 34 Libraries with suitable conditions in this Municipality shall strengthen ties with the National Library and libraries of central authorities in Beijing, participate in the building of national digital library networking, take initiatives to provide coordination and services in the fields of purchase and exchange of documentary information resources, books lending and building of data bank, etc. and gradually realize the sharing of documentary information resources among all kinds of libraries at all levels within the administrative area of this Municipality.

第三十五条 图书馆应当不断完善、丰富馆藏文献信息资源。

公共图书馆入藏文献信息资料应当逐年增长，其中市公共图书馆年入藏文献信息资料不得少于 10 万册（件）；区公共图书馆年入藏文献信息资料不得少于 2 万册（件）；街道、乡镇公共图书馆（室）年入藏文献信息资料不得少于 1000 册（件）。

入藏文献信息资料应当兼顾纸质文献、电子文献和其他载体文献，兼顾文献载体和使用权的购买。

第三十六条 图书馆应当积极采用以计算机和网络为基础的自动化管理技术，有步骤地实现馆藏文献信息资源的数字化，不断拓展虚拟馆藏资源。

图书馆的数字化、网络化、自动化建设必须遵循统一的技术标准。

第三十七条 文献信息资源的分类、编目要按照国家规定的标准进行。图书馆应当逐步建立文献信息资源目录数据库，实现计算机联网和目录的联合检索。

第三十八条 图书馆应当做好文献信息资料的保护工作，配备防火、防盗、防潮、防有害生物等必要设施，建立和落实有关的安全管理制度。

第三十九条 图书馆应当定期做好馆藏文献信息资料的清理、剔旧工作。被剔除的文献信息资料要进行登记，有利用价值的，可以在图书馆之间调配使用。

第四十条 首都图书馆是本市出版物版本的收藏单位。出版单位应当在公开出版物发行后 2 个月内，向首都图书馆送缴两套出版物。

首都图书馆应当在接到出版物之后进行公开展陈，展陈时间不得少于 2 个月。

第四十一条 鼓励本市图书馆按照有关规定与国内、外图书馆开展文献信息资源的交换业务。

第六章 法律责任

第四十二条 违反本条例，有下列行为之一的，由文化行政主管部门责令限期改

Article 35 Libraries shall constantly perfect and enrich library collection documentary information resources.

The amount of literature, information and data collected by public libraries shall increase year by year, with that of municipal libraries increasing by no less than 100,000 copies (pieces), that of district libraries increasing by no less than 20,000 copies (pieces) and that of town/township/subdistrict libraries increasing by no less than 1,000 copies (pieces) respectively all on a yearly basis.

The documentary information materials collected shall include paper documents, electronic documents and documents on other carriers, and consideration shall be given to both document carriers and purchase of using rights.

Article 36 Libraries shall actively adopt the automatized management techniques based on computers and network, realize digitization of library collection documentary information resources step by step and constantly expand fictitious library collection resources.

The unified technical standards must be followed in the development of digitization, networking and automation of libraries.

Article 37 Classification and catalogues of documentary information resources shall follow the standards as stipulated by the State. Libraries shall gradually establish catalogue data banks of documentary information resources, and realize computer network access and joint search of catalogues.

Article 38 Libraries shall do a good job in the protection of documentary information materials, be equipped with necessary facilities to guard against fire, theft, moisture and biohazard, etc., and establish and implement relevant systems on administration of safety.

Article 39 Libraries shall sort out library collection documentary materials and reject the outdated on a regular basis. The rejected documentary information materials shall be registered, and the usable materials may be regulated for use among libraries.

Article 40 The Capital Library shall be the collecting unit of publication editions in this Municipality. A publishing entity shall send two sets of publication to the Capital Library within two months after the publication is published.

The Capital Library shall put the publications on display after they are received, and the display time shall not be less than two months.

Article 41 Libraries in this Municipality shall be encouraged to carry on exchange of documentary information resources with libraries within or without the country according to relevant provisions.

Chapter VI Legal Liability

Article 42 Whichever, in violation of these Regulations, commits one of the following acts shall be ordered by the competent administrative department of culture to make corrections within a prescribed time limit; where the circumstances are serious, the

正；情节严重的，由文化行政主管部门或者图书馆上级主管部门对负有直接责任的主管人员和其他直接责任人员给予行政处分：

- （一）未按规定向读者开放或者任意限定借阅范围的；
- （二）未按规定进行公示的；
- （三）其他不履行图书馆服务要求或者损害读者权益的。

第四十三条 违反本条例第七条第三款的规定，挪用公共图书馆业务经费的，由文化行政主管部门责令限期改正；对负有直接责任的主管人员和其他直接责任人员，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。

第四十四条 违反本条例第十八条第一款规定的，按照下列规定处理；构成犯罪的，依法追究刑事责任：

（一）损坏或者侵占公共图书馆的馆舍、设施、设备的，由文化行政主管部门责令限期改正，并依法承担民事责任；

（二）遗失、损坏或者侵占公共图书馆文献信息资料，不能归还原版本式样的，应当按照重置价格予以赔偿，无法重置的，应当按照文献信息资料的价值予以赔偿；文化行政主管部门可以并处 50 元以上 500 元以下罚款；

（三）改变或者部分改变公共图书馆馆舍用途的，由文化行政主管部门责令限期改正；对负有直接责任的主管人员和其他直接责任人员，由其所在单位或者上级主管部门给予行政处分。

第七章 附 则

第四十五条 本条例自 2002 年 11 月 1 日起施行。

persons in charge directly responsible and other directly responsible persons shall be given administrative sanctions by the competent administrative department of culture or the higher competent department of the library:

- (1) Failing to open to readers according to provisions or arbitrarily limit the scope of borrowing books for reading;
- (2) Filing to make things public according to provisions;
- (3) Any other circumstance which causes failure to perform the requirements of the library or damage to the readers' interestst.

Article 43 Whichever, in violation of the provisions of the third paragraph of Article 7 these Regulations, peculates the business expenditures of public libraries shall be ordered by the competent administrative department of culture to make corrections within a prescribed time limit; the persons in charge directly responsible and other directly responsible persons shall be given administrative sanctions by the units which they work for or the higher competent department; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 44 Whoever, in violation of the provisions of the first paragraph of Article 18 these Regulations shall be dealt with according to the following provisions; where a crime is constituted, criminal liability shall be investigated for according to law:

- (1) Whoever damages or encroaches upon premises, facilities and equipment of public libraries shall be ordered by the competent administrative department of culture to make corrections within a prescribed time limit and assume civil liability according to law;
- (2) Whoever loses, damages or encroaches upon documentary information materials of public libraries and is unable to return the original edition shall pay compensation according to the replacement cost, or where the replacement is not possible, pay compensation according to the value of the documentary information. materials; the competent administrative department of culture may impose a fine of not less than 50 yuan but not more than 500 yuan simultaneously;
- (3) Whoever alters or partly alters the use of public library's premises shall be ordered by the competent administrative department of culture to make corrections within a prescribed time limit; the persons in charge directly responsible and other directly responsible persons shall be given administrative sanctions by the units which they work for or the higher competent department.

Chapter VII Supplementary Provisions

Article 45 These Regulations shall take effect as of November 1, 2002.

北京市非物质文化遗产条例

(2019年1月20日北京市第十五届人民代表大会第二次会议
通过)

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- 第二章 调查与保存
- 第三章 代表性项目名录
- 第四章 传承与分类保护
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- 第六章 法律责任
- 第七章 附 则

第一章 总 则

第一条 为了加强非物质文化遗产保护、保存工作，传承北京历史文脉，弘扬中华优秀传统文化，推进全国文化中心建设，根据《中华人民共和国非物质文化遗产法》，结合本市实际，制定本条例。

第二条 本条例所称非物质文化遗产，是指各族人民世代相传并视为其文化遗产组成部分的各种传统文化表现形式，以及与传统文化表现形式相关的实物和场所。包括：

- (一) 传统口头文学以及作为其载体的语言；
- (二) 传统美术、书法、音乐、舞蹈、戏剧、曲艺和杂技；
- (三) 传统技艺、医药和历法；

Regulations of Beijing Municipality on Intangible Cultural Heritages

(Adopted at the 2nd Meeting of the 15th People's Congress of Beijing
Municipality on January 20, 2019)

Contents

Chapter I	General Provisions
Chapter II	Investigation and Preservation
Chapter III	List of Representative Items
Chapter IV	Inheritance and Classified Protection
Chapter V	Dissemination and Development
Chapter VI	Legal Liability
Chapter VII	Supplementary Provisions

Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of strengthening the protection and preservation of intangible cultural heritages, inheriting the historical context of Beijing, carrying forward the fine traditional culture of the Chinese nation and promoting the construction of the national cultural center in accordance with the Intangible Cultural Heritage Law of the People's Republic of China and in light of the actual situation of this Municipality.

Article 2 The term “intangible cultural heritage” in the Regulations shall refer to various traditional cultural manifestations which are handed down by the people of all ethnic groups from generation to generation and regarded as part of their cultural heritages, and objects and spaces relevant to traditional cultural manifestations, including:

- (1) traditional oral literature and the language as a carrier thereof;
- (2) traditional fine arts, calligraphy, music, dance, drama, folk art forms and acrobatics;
- (3) traditional techniques, medicine and calendar;

（四）传统礼仪、节庆等民俗；

（五）传统体育和游艺；

（六）其他非物质文化遗产。

第三条 本市对本行政区域内的非物质文化遗产采取认定、记录、建档等措施予以保存，对体现中华优秀传统文化，具有历史、文学、艺术、科学价值的非物质文化遗产采取传承、传播等措施予以保护。

第四条 非物质文化遗产保护应当贯彻新发展理念，坚持以人民为中心，以社会主义核心价值观为引领，坚持政府主导、社会参与，推动非物质文化遗产活态传承、融入生产生活、创造性转化与创新性发展。

第五条 市、区人民政府应当加强对非物质文化遗产保护、保存工作的组织领导，完善体制机制和政策保障；将非物质文化遗产保护、保存工作纳入本级国民经济和社会发展规划和计划；将非物质文化遗产保护、保存经费列入本级财政预算，科学安排、规范使用；加强非物质文化遗产保护、保存工作专业队伍建设，完善人才培养机制。

第六条 市、区人民政府应当建立健全非物质文化遗产工作联席会议制度。联席会议审定非物质文化遗产保护、保存政策及工作规划，审核非物质文化遗产代表性项目名录，协调处理非物质文化遗产保护、保存工作中的重大事项。

第七条 市、区文化和旅游主管部门负责本行政区域内非物质文化遗产保护、保存工作，组织落实保护、保存工作规划及联席会议确定的重大事项；组织制定本级代表性项目保护规划，并对保护规划的实施情况进行监督检查。

市、区其他有关部门在各自职责范围内，负责非物质文化遗产保护、保存相关工作。

乡镇人民政府、街道办事处应当协助文化和旅游主管部门做好辖区内非物质文化遗产保护、保存工作。

第八条 市文化和旅游主管部门建立非物质文化遗产保护、保存工作专家参与机制和专家库，邀请相关领域的专家参与调查、评审、政策咨询等工作。

- (4) traditional etiquette, festivals and other folk customs;
- (5) traditional sports and recreations; and
- (6) other intangible cultural heritages.

Article 3 This Municipality shall preserve the intangible cultural heritages within its administrative area by identifying, keeping records, and establishing archives for them, and promote inheritance and dissemination of the intangible cultural heritages that reflect the fine traditional culture of the Chinese nation and those with historical, literary, artistic or scientific values.

Article 4 The protection of intangible cultural heritages shall be people-centered, guided by new development concept and socialist core values, led by the government and participated by the whole society, so as to promote the intangible cultural heritages in modern environment, integrate them into production and life, transform and develop them in innovative ways.

Article 5 The municipal and district people's governments shall strengthen the organization and leadership of the protection and preservation of intangible cultural heritages, and improve the system, mechanism and policy support; incorporate the protection and preservation work into the national economic and social development programs and plans at the corresponding level; include the funds for the protection and preservation work in the financial budget at the corresponding level, make scientific arrangements and regulate use of the funds; and strengthen the construction of professional teams for the protection and preservation work, and improve the talent training mechanism.

Article 6 The municipal and district people's governments shall establish and improve the joint conference system for intangible cultural heritages. The joint conference shall examine and approve the policies and work plans for the protection and preservation work, examine and approve the list of representative items of intangible cultural heritages, and coordinate and handle major issues in the protection and preservation work.

Article 7 The municipal and district departments for culture and tourism shall be responsible for the protection and preservation of intangible cultural heritages within their respective administrative areas, and organize the implementation of work plans and major matters determined by the joint conference; organize the formulation of the protection program for representative items at the corresponding level, and supervise and inspect the implementation of the program.

Other relevant departments at the municipal and district levels shall be responsible for the protection and preservation work within the scope of their respective functions.

The town or township people's governments and the sub-district offices shall assist the competent departments for culture and tourism in the protection and preservation work within their respective administrative areas.

Article 8 The municipal departments for culture and tourism shall establish an expert participation mechanism and expert database for the protection and preservation

第九条 本市鼓励成立非物质文化遗产相关行业组织，支持其研究、挖掘、宣传相关非物质文化遗产的历史文化内涵，并依法开展行业服务、加强行业自律、维护行业的合法权益。

第十条 本市鼓励和支持在非物质文化遗产保护领域开展国内外的合作与交流。

第十一条 本市鼓励和支持公民、法人和其他组织依法参与非物质文化遗产保护、保存工作。

本市对在非物质文化遗产保护、保存工作中做出显著贡献的公民、法人和其他组织，按照国家和本市有关规定予以表彰、奖励。

第二章 调查与保存

第十二条 市、区文化和旅游主管部门负责对本行政区域内的非物质文化遗产的种类、数量、分布、生存环境、保护现状等情况进行调查，并予以认定、记录、建档。

市、区其他有关部门可以对其工作领域内的非物质文化遗产进行调查，并应当协助文化和旅游主管部门的调查。

第十三条 市、区文化和旅游主管部门应当综合运用图片、文字、录音、录像、数字化多媒体等形式，建立规范化的非物质文化遗产档案及相关数据库。

市、区文化和旅游主管部门应当将档案及相关数据信息通过互联网平台等向社会公开，供公众查阅，依法应当保密的除外。

市文化和旅游主管部门应当将市、区非物质文化遗产的相关数据信息纳入全市统一的数据库。

第十四条 市、区文化和旅游主管部门应当对代表性项目的内容、表现形式、核心技艺和传承实践情况等进行全面、真实、系统的记录。记录的标准和工作程序，由市文化和旅游主管部门组织制定。

of intangible cultural heritages, and invite experts in relevant fields to participate in the investigation, evaluation, policy consultation, etc.

Article 9 This Municipality shall encourage the establishment of relevant industry organizations of intangible cultural heritages, and support them to study, explore and publicize the historical and cultural content of relevant intangible cultural heritages, carry out industry services, strengthen industry self-regulation and safeguard the legitimate rights and interests of the industry according to law.

Article 10 This Municipality shall encourage and support cooperation and exchanges at home and abroad in the field of intangible cultural heritage protection.

Article 11 This Municipality shall encourage and support citizens, legal persons and other organizations to participate in the protection and preservation of intangible cultural heritages according to law.

This Municipality shall commend and reward the citizens, legal persons and other organizations that have made remarkable contributions in the protection and preservation of intangible cultural heritages in accordance with the relevant provisions of the state and this Municipality.

Chapter II Investigation and Preservation

Article 12 The municipal and district departments for culture and tourism shall be responsible for investigating the category, quantity, distribution, living environment and protection status of intangible cultural heritages within their respective administrative areas, and shall conduct identification, record-keeping and archiving.

Other relevant departments at the municipal and district levels may investigate the intangible cultural heritages within their work areas, and shall assist the competent departments for culture and tourism in their investigation.

Article 13 The municipal and district departments for culture and tourism shall establish standardized archives and relevant databases of intangible cultural heritages by comprehensively using pictures, texts, sound recordings, video recordings, digital multimedia, etc.

The municipal and district departments for culture and tourism shall make the archives and relevant data and information available to the public through the Internet platform, etc., except for those that shall be kept confidential according to law.

The municipal departments for culture and tourism shall incorporate the relevant data and information of intangible cultural heritages at the municipal and district levels into the unified database of this Municipality.

Article 14 The municipal and district departments for culture and tourism shall keep comprehensive, authentic and systematic records of the contents, forms of expression, core skills and inheritance practices of representative items. The standards and working

第十五条 本市鼓励公民、法人和其他组织依法进行非物质文化遗产调查，并将调查报告、实物图片、资料复制件等送交文化和旅游主管部门。

第十六条 境外组织或者个人在本市行政区域内进行非物质文化遗产调查的，应当按照国家和本市有关规定执行。

第三章 代表性项目名录

第十七条 市、区人民政府建立本级代表性项目名录，将符合下列条件的非物质文化遗产项目列入名录予以保护：

- （一）体现中华优秀传统文化；
- （二）具有历史、文学、艺术、科学价值；
- （三）具有地域特色且在本行政区域内有较大影响力。

第十八条 公民、法人和其他组织可以向市、区文化和旅游主管部门提出列入代表性项目名录的项目建议。

市、区文化和旅游主管部门及其他有关部门可以从调查发现的非物质文化遗产项目中，提出列入代表性项目名录的项目建议。

区人民政府可以从本区代表性项目名录中，向市文化和旅游主管部门推荐列入市级代表性项目名录的项目。

第十九条 市、区文化和旅游主管部门应当遵循公开、公平、公正的原则，组织开展代表性项目的评审工作。

市、区文化和旅游主管部门应当组织专家对建议、推荐列入代表性项目名录的项目进行评审。专家评审的具体办法由市文化和旅游主管部门统一制定。

第二十条 市、区文化和旅游主管部门应当将经专家评审拟列入本级代表性项目名录的项目予以公示。公示时间不得少于二十日。

procedures for the records shall be formulated by the municipal departments for culture and tourism.

Article 15 This Municipality shall encourage citizens, legal persons and other organizations to carry out the investigation of intangible cultural heritages according to law, and deliver the investigation reports, physical pictures, copies of materials, etc. to the competent departments for culture and tourism.

Article 16 Overseas organizations or individuals shall follow the relevant provisions of the state and this Municipality to carry out the investigation of intangible cultural heritages within the administrative area of this Municipality.

Chapter III List of Representative Items

Article 17 The municipal and district people's governments shall establish a list of representative items at the corresponding level, and include the intangible cultural heritage items that meet the following conditions in the list for protection:

- (1) reflecting the fine traditional culture of the Chinese nation;
- (2) having historical, literary, artistic or scientific values; and
- (3) having regional characteristics and having great influence in their respective administrative areas.

Article 18 Citizens, legal persons and other organizations may put forward proposals to the municipal and district departments for culture and tourism for items to be included in the list of representative items.

The municipal and district departments for culture and tourism and other relevant departments may put forward proposals for the intangible cultural heritage items found in investigations to be included in the list of representative items.

The district people's governments may recommend to the municipal departments for culture and tourism an item from their lists of representative items to be included in the municipal list of representative items.

Article 19 The municipal and district departments for culture and tourism shall follow the principles of openness, fairness and impartiality to organize the review of representative items.

The municipal and district departments for culture and tourism shall organize experts to review the items proposed and recommended to be included in the list of representative items. The specific measures for expert review shall be formulated by the municipal departments for culture and tourism in a unified manner.

Article 20 The municipal and district departments for culture and tourism shall announce the items to be included in the list of representative items at the corresponding level upon expert review. The items shall be announced for at least 20 days.

公示期间，公民、法人和其他组织可以向文化和旅游主管部门书面提出异议。文化和旅游主管部门经审查认为有必要的，应当组织专家进行复审，并将复审意见予以反馈。

第二十一条 市、区文化和旅游主管部门根据专家评审意见、公示结果和复审意见拟订代表性项目名录，经联席会议审核后报本级人民政府批准、公布。

区级代表性项目名录应当报市文化和旅游主管部门备案。

第四章 传承与分类保护

第二十二条 市、区文化和旅游主管部门对代表性项目可以认定代表性传承人。代表性传承人可以是个人或者团体。

代表性传承人应当符合下列条件：

- （一）熟练掌握其传承的非物质文化遗产；
- （二）在特定领域内具有公认的代表性，并在一定区域内具有较大影响；
- （三）积极开展传承活动。

同一个代表性项目有两个以上个人或者团体符合前款规定条件的，可以同时认定为代表性传承人。

第二十三条 传承代表性项目的个人或者团体可以向市、区文化和旅游主管部门申请成为代表性传承人；公民、法人和其他组织征得被推荐人书面同意，可以向文化和旅游主管部门推荐代表性传承人。

市、区文化和旅游主管部门参照本条例代表性项目评审的有关规定认定代表性传承人并予以公布。

第二十四条 代表性传承人享有自主开展代表性项目的知识和技艺传授、创作、生产、宣传、展示、交流、研究等活动的权利。具有一定技术水平的代表性传承人，

During the period of announcement, citizens, legal persons and other organizations may raise objections in writing to the competent departments for culture and tourism. The competent departments for culture and tourism shall, if they deem it necessary after examination, organize experts for reexamination and feed reexamination opinions back.

Article 21 The municipal and district departments for culture and tourism shall draw up a list of representative items on the basis of expert review opinions, announcement results and reexamination opinions, which shall be submitted to the people's government at the corresponding level for approval and publication after being examined and verified by the joint conference.

The district list of representative items shall be submitted to the municipal departments for culture and tourism for the record.

Chapter IV Inheritance and Classified Protection

Article 22 The municipal and district departments for culture and tourism may identify representative inheritors for representative items. Representative inheritors can be individuals or groups.

Representative inheritors shall meet the following conditions:

- (1) having mastery of the intangible cultural heritage inherited;
- (2) being representative in a specific field and having a great influence within a certain area; and
- (3) actively carrying out inheritance activities.

If two or more individuals or groups meet the conditions specified in the preceding paragraph for the same representative item, they may be recognized as representative inheritors at the same time.

Article 23 An individual or group that inherits a representative item may apply to the municipal or district department for culture and tourism to become a representative inheritor; a citizen, legal person or other organizations may recommend a representative inheritor to the competent department for culture and tourism with the written consent of the recommended person.

The municipal and district departments for culture and tourism shall, with reference to the relevant provisions of the Regulations on the review of representative items, identify and announce the representative inheritors.

Article 24 Representative inheritors shall have the right to independently carry out activities such as knowledge and skill imparting, creation, production, publicity, exhibition, exchange and research of representative items. A representative inheritor with a certain technical level may apply for a professional technical title in accordance with the relevant provisions of the state and this Municipality.

The municipal and district departments for culture and tourism shall, as required, take

可以按照国家和本市有关规定申报专业技术职称。

市、区文化和旅游主管部门应当根据需要，采取下列措施，对代表性传承人给予扶持：

- （一）提供用于代表性项目的知识和技艺传授、展示等活动的传承场所；
- （二）给予开展传承活动的经费补助；
- （三）资助开展宣传、展示、交流、整理出版有关资料等专项活动；
- （四）协调解决传承活动中遇到的相关问题。

第二十五条 代表性传承人应当坚持德艺双馨，遵守法律法规，并履行下列义务：

- （一）开展传承活动，培养后继人才；
- （二）妥善整理、保存相关实物和资料；
- （三）参与公益性宣传、展示、交流等活动；
- （四）配合文化和旅游主管部门及有关部门进行非物质文化遗产调查。

第二十六条 市、区文化和旅游主管部门应当建立评估制度，组织对代表性传承人履行义务的情况进行评估。

经评估发现代表性传承人不履行义务的，文化和旅游主管部门应当予以提示；经提示无正当理由仍不履行义务的，可以取消其代表性传承人资格。

第二十七条 市、区文化和旅游主管部门对代表性项目可以认定项目保护单位。

项目保护单位应当具备下列条件：

- （一）拥有该项目相对完整的资料或者代表性传承人；
- （二）具备制定和实施该代表性项目保护计划的能力；
- （三）具备开展传承、展示活动的场所和条件。

本市鼓励具备前款规定的条件、愿意承担某项代表性项目保护职责的企业事业单位和社会组织，申请成为项目保护单位。

市、区文化和旅游主管部门参照本条例代表性项目评审的有关规定认定项目保护单位并予以公布。

第二十八条 项目保护单位应当履行下列职责：

the following measures to support representative inheritors:

- (1) providing places for inheritance for activities of passing on knowledge and skills and exhibitions of representative items;
- (2) granting subsidies for carrying out inheritance activities;
- (3) granting subsidies for special activities such as publicity, exhibition, exchange, and publication of relevant materials; and
- (4) coordinating the solution of relevant problems encountered in inheritance activities.

Article 25 Representative inheritors shall adhere to the principle of pursuing both professional excellence and moral integrity, abide by laws and regulations, and fulfill the following obligations:

- (1) carrying out inheritance activities and training successor talents;
 - (2) properly sorting out and keeping relevant objects and materials;
 - (3) participating in public welfare publicity, exhibition, exchange and other activities;
- and
- (4) cooperating with the competent departments for culture and tourism and other relevant departments in the investigation of intangible cultural heritages.

Article 26 The municipal and district departments for culture and tourism shall establish an evaluation system and organize the evaluation of the representative inheritors' performance of obligations.

If it is found through evaluation that a representative inheritor fails to perform the obligations thereof, the competent departments for culture and tourism shall give a prompt; if the representative inheritor still fails to perform the obligations thereof without justifiable reasons, the representative inheritor may be disqualified.

Article 27 The municipal and district departments for culture and tourism may determine the item protection units for representative items.

The item protection units shall meet the following conditions:

- (1) having relatively complete materials or representative inheritors of the items;
- (2) having the ability to formulate and implement the protection plans for the representative items; and
- (3) having the place and conditions for carrying out inheritance and exhibition activities.

This Municipality shall encourage enterprises, institutions and social organizations that meet the conditions as prescribed in the preceding paragraph and are willing to undertake the responsibilities of protecting a representative item to apply to become item protection units.

The municipal and district departments for culture and tourism shall, with reference to the relevant provisions of the Regulations on the evaluation of representative items, identify and announce the item protection units.

Article 28 An item protection unit shall perform the following duties:

- (一) 制定并实施该代表性项目保护计划;
- (二) 收集、整理代表性项目的资料、实物并建档;
- (三) 保护代表性项目的资料、实物、建筑物、构筑物和场所;
- (四) 开展代表性项目的研究、宣传、展示、交流等活动;
- (五) 为代表性项目的传承及相关活动提供必要条件;
- (六) 向市、区文化和旅游主管部门报告项目保护情况。

项目保护单位开展非物质文化遗产保护工作,市、区文化和旅游主管部门应当通过补助、奖励等方式予以资金支持。

第二十九条 市、区文化和旅游主管部门应当建立评估制度,组织对项目保护单位履行职责的情况进行评估。项目保护单位无正当理由不履行职责的,文化和旅游主管部门可以取消其项目保护单位资格,重新认定项目保护单位,并将原项目保护单位不履行职责情况纳入本市公共信用信息服务平台。

第三十条 教育、文化和旅游、人力资源和社会保障主管部门应当采取下列措施,培养非物质文化遗产后继人才:

- (一) 在高等学校和中等职业学校间的贯通培养项目中增加非物质文化遗产相关专业;
- (二) 对高等学校和中等职业学校开设的非物质文化遗产相关专业,按照规定实施学费减免等优惠政策;
- (三) 支持代表性传承人与高等学校或者中等职业学校合作,鼓励代表性传承人到学校兼任任教、建立工作室。

第三十一条 市、区文化和旅游主管部门应当会同有关部门,组织代表性传承人、后继人才及相关从业者等参加相关研修、研习和培训,提高其文化艺术素养、技能水平、项目运营管理能力等。

第三十二条 本市对代表性项目按照存续状态和项目类别实行分类保护。

第三十三条 对濒临消失、传承困难的代表性项目,市文化和旅游主管部门应当建立本市急需保护的非物质文化遗产项目目录,会同有关部门制定抢救保护方案,并

- (1) formulating and implementing the protection plan for the representative item;
- (2) collecting, sorting out and establishing archives for the materials and objects of the representative item;
- (3) protecting the materials, objects, buildings, structures and places of the representative item;
- (4) carrying out research, publicity, exhibition, exchange and other activities of the representative item;
- (5) providing necessary conditions for the inheritance of the representative item and related activities; and
- (6) reporting the protection of the item to the municipal and district departments for culture and tourism.

The municipal and district departments for culture and tourism shall provide financial support through subsidies, awards and other means for the protection of intangible cultural heritages by the item protection units.

Article 29 The municipal and district departments for culture and tourism shall establish an evaluation system and organize the evaluation of the item protection units' performance of responsibilities. If an item protection unit fails to perform its duties without justifiable reasons, the competent departments for culture and tourism may cancel its qualification as an item protection unit, identify another one to replace it, and incorporate the failure of the previous item protection unit to perform its responsibilities into the public credit information service platform of this Municipality.

Article 30 The competent departments for education, culture and tourism, human resources and social security shall take the following measures to train successor talents for intangible cultural heritages:

- (1) adding majors related to intangible cultural heritages to the run-through cultivation project between institutions of higher learning and secondary vocational schools;
- (2) implementing preferential policies such as tuition reduction and exemption as prescribed for the majors related to intangible cultural heritages established by institutions of higher learning and secondary vocational schools; and
- (3) supporting the cooperation between the representative inheritors and the institutions of higher learning or secondary vocational schools, and encouraging the representative inheritors to teach part-time in the schools and establish studios.

Article 31 The municipal and district departments for culture and tourism shall, together with relevant departments, organize representative inheritors, successor talents and relevant practitioners to participate in relevant research, study and training, so as to improve their cultural and artistic quality, skill level, project operation and management ability, etc.

Article 32 This Municipality shall implement classified protection for representative items according to their survival status and item category.

Article 33 For the representative items that are on the verge of disappearing and

根据需要采取下列措施实行抢救性保护：

- （一）及时补充完善记录，收集相关资料和实物；
- （二）协助招收学徒，并对学徒给予资助；
- （三）改善、提供传承场所及其他传承条件；
- （四）修缮与其密切相关的建筑物、构筑物。

急需保护的非物质文化遗产项目认定和保护的具体办法，由市文化和旅游主管部门制定。

第三十四条 对具有生产性质和社会需求，能够借助创作、生产、流通、销售等手段转化为文化产品和文化服务的代表性项目，市、区文化和旅游主管部门会同有关部门采取认定生产性保护示范基地，协助宣传、展示、推介产品和服务等措施，实行生产性保护。

认定生产性保护示范基地的具体办法，由市文化和旅游主管部门制定。

第三十五条 对代表性项目集中、形式和内涵保持完整、彰显古都文化和京味文化的特定区域，市文化和旅游主管部门应当会同有关部门和区人民政府制定专项保护规划，结合历史文化街区、名镇名村和传统村落保护，对代表性项目及其所依存的自然和人文生态环境实行区域性整体保护。

第三十六条 对老字号企业符合条件的传统技艺，市、区文化和旅游主管部门应当提出列入代表性项目名录的建议。

市、区人民政府及其有关部门应当支持老字号企业挖掘传统技艺的文化内涵，开发北京特色产品和服务。

第三十七条 市、区文化和旅游主管部门应当会同经济信息化、财政等部门，根据历史文化名城保护的需要，将具有历史传承和地方特色、与古都文化和京味文化联系紧密的传统工艺代表性项目列入传统工艺振兴目录，在扩大传承人队伍、提高产品整体品质、拓宽销售渠道等方面予以重点支持。

hard to pass on, the municipal department for culture and tourism shall establish a list of intangible cultural heritage items that are in urgent need of protection in this Municipality, work out rescue and protection plans together with relevant departments, and take the following measures to implement rescue and protection as needed:

- (1) supplementing and improving the records in time, and collecting relevant materials and objects;
- (2) assisting in the recruitment of apprentices and providing financial assistance to apprentices;
- (3) improving and providing places and other conditions for inheritance; and
- (4) repairing buildings and structures closely related to them.

The specific measures for the determination and protection of intangible cultural heritage items in urgent need of protection shall be formulated by the municipal department for culture and tourism.

Article 34 For representative items that have the nature of production and social needs and can be transformed into cultural products and cultural services by means of creation, production, circulation and sales, the municipal and district departments for culture and tourism shall, together with relevant departments, take measures to identify the demonstration bases for productive protection, which assist in publicity, display and promotion of products and services, so as to implement productive protection.

The specific measures for identifying the demonstration bases for productive protection shall be formulated by the municipal department for culture and tourism.

Article 35 For the specific areas where representative items are concentrated, the form and content remain intact, and ancient capital culture and Beijing-style culture are manifested, the municipal department for culture and tourism shall, together with relevant departments and the district people's governments, formulate special protection plans, and combine the protection of historical and cultural blocks, famous towns and villages, and traditional villages to protect the representative items and the underlying natural and human ecological environment of the area as a whole.

Article 36 For the traditional skills of time-honored enterprises that meet the requirements, the municipal and district departments for culture and tourism shall put forward suggestions for inclusion in the list of representative items.

The municipal and district people's governments and the relevant departments thereof shall support time-honored enterprises to excavate the cultural content of traditional skills and develop products and services with Beijing characteristics.

Article 37 The municipal and district departments for culture and tourism shall, together with the departments for information-based economy and finance, according to the needs of the protection of historical and cultural cities, include the representative items of traditional crafts with historical inheritance and local characteristics which are closely related to the ancient capital culture and Beijing-style culture into the catalogue of traditional crafts, and provide major support to expand the team of inheritors, improve the overall quality of products and broaden the distribution channel.

第三十八条 市、区人民政府应当将具有地方特色、适宜普及推广的传统音乐、舞蹈、戏剧、曲艺、体育、杂技等代表性项目纳入基本公共文化服务目录。

市、区文化和旅游、财政等部门应当统筹本市的剧场资源，通过安排演出场所和演出时段、提供场租补贴、售票补贴等方式，支持传统音乐、舞蹈、戏剧、曲艺、体育、杂技等代表性项目展示展演。

第三十九条 本市加强对与代表性项目密切相关的珍稀矿产、植物、动物等天然原材料的保护，严禁乱采、滥挖或者盗猎、盗卖。鼓励依法种植、养殖与代表性项目密切相关的植物、动物。鼓励在保持传统工艺流程和核心技艺的前提下，使用与代表性项目密切相关的天然原材料的替代品。

第四十条 市、区人民政府应当加强对属于代表性项目组成部分的建筑物、构筑物、场所、遗迹及其附属物的保护，设立保护标志，并建立档案。属于文物和历史建筑的，按照相关法律法规的规定予以保护。

第五章 传播与发展

第四十一条 市、区人民政府应当结合国家文化和自然遗产日，传统节庆、庙会等民俗活动以及国际交往活动，对代表性项目和保护成果进行宣传、展示。

第四十二条 市、区人民政府应当根据需要，合理利用不可移动文物、历史建筑、工业遗址等，或者建设非物质文化遗产展示场馆，为代表性项目的保存、研究、宣传、展示、交流等提供场所。

第四十三条 非物质文化遗产保护机构、研究机构，文化馆、博物馆、图书馆、科技馆等公共文化设施的运营管理机构，应当根据各自的业务范围，有计划地开展代表性项目的宣传、展示、研究、交流等活动。

公园、广场、旅游景区和公共交通等候区域等具有展示空间和条件的公共场所，应当为代表性项目的宣传、展示给予支持、提供便利。

Article 38 The municipal and district people's governments shall include in the catalogue of basic public cultural services such representative items as traditional music, dance, drama, folk art forms, sports and acrobatics with local characteristics and suitable for popularization.

The municipal and district departments for culture and tourism, finance, etc. shall coordinate the theater resources of this Municipality, and support the exhibition and performance of traditional music, dance, drama, folk art forms, sports, acrobatics and other representative items by arranging performance venues and time, providing subsidies for rents and ticket sales, etc.

Article 39 This Municipality shall strengthen the protection of rare minerals, plants, animals and other natural raw materials closely related to representative items, prohibit unauthorized mining, indiscriminate excavation, poaching or stealing and selling, encourage the cultivation and breeding of plants and animals closely related to representative items according to law, and encourage the use of substitutes for natural raw materials closely related to representative items, while maintaining traditional craft processes and core skills.

Article 40 The municipal and district people's governments shall strengthen the protection of the buildings, structures, places, relics and their appurtenances that are part of the representative items, and set up protection signs and establish archives; those identified as cultural relics and historical buildings shall be protected in accordance with relevant laws and regulations.

Chapter V Dissemination and Development

Article 41 The municipal and district people's governments shall publicize and display representative items and protection achievements by taking advantage of national cultural and natural heritage days, traditional festivals, temple fairs and other folk activities, as well as international exchanges.

Article 42 The municipal and district people's governments shall, as required, make rational use of immovable cultural relics, historical buildings, industrial sites, etc., or build exhibition venues for intangible cultural heritages, so as to provide places for the preservation, research, publicity, display and exchange of representative items.

Article 43 Institutions for the protection and research of intangible cultural heritages, as well as units for the operation and management of public cultural facilities such as cultural centers, museums, libraries and science and technology centers, shall, in accordance with their respective business scopes, carry out activities such as publicity, exhibition, research and exchange of representative items in a planned way.

Public places with exhibition space and conditions, such as parks, squares, tourist attractions and public transport waiting areas, shall support and facilitate the publicity and display of representative items.

第四十四条 报刊、广播、电视和互联网媒体等应当通过专题专栏、公益广告等形式，宣传代表性项目，普及非物质文化遗产相关知识。

市文化和旅游、科技、经济信息化、新闻出版、广播电视等有关部门应当支持新技术、新媒体在非物质文化遗产传播中的开发、应用。

第四十五条 学校和其他教育机构应当按照教育主管部门的有关规定，将非物质文化遗产纳入相关教育教学活动。

本市鼓励和支持代表性传承人、项目保护单位和专家参与学校开展的非物质文化遗产知识教育和实践活动。

第四十六条 市、区人民政府及其有关部门应当支持社区将非物质文化遗产保护融入社区建设，打造社区特色文化。

区人民政府应当将非物质文化遗产保护及相关文化产品和文化服务纳入基层综合文化中心（室）服务项目目录，鼓励有条件的基层综合文化中心（室）通过提供展示设施、设立工作室、组织活动、建立合作平台等方式，为非物质文化遗产的宣传、展示、交流等提供条件。

本市鼓励行业协会等社会组织、项目保护单位在社区开展非物质文化遗产宣传、展示、交流等活动。

本市鼓励将保护本地区的代表性项目纳入居民公约、自治章程、村规民约。

第四十七条 市、区人民政府及其有关部门应当采取措施，建立非物质文化遗产与科技、文化创意、健康等产业融合发展的合作平台，推动项目保护单位、高校和研究机构开展产学研融合和校企合作。

第四十八条 市、区人民政府及其有关部门应当建立非物质文化遗产相关文化产品和文化服务的消费促进机制，通过协助宣传推介、补贴消费等方式，引导消费者购买、体验相关文化产品和文化服务。

第四十九条 本市鼓励公民、法人和其他组织通过举办活动、资助项目、提供场所、

Article 44 Newspapers, magazines, radio, television and Internet media shall publicize representative items and popularize knowledge about intangible cultural heritages through special columns, public service advertisements and other forms.

The municipal departments for culture and tourism, science and technology, information-based economy, press and publication, radio and television, etc. shall support the development and application of new technologies and new media in the dissemination of intangible cultural heritages.

Article 45 Schools and other educational institutions shall, in accordance with the relevant provisions of the competent departments for education, incorporate intangible cultural heritages into relevant educational and teaching activities.

This Municipality shall encourage and support representative inheritors, item protection units and experts to participate in the educational and practical activities for intangible cultural heritage knowledge carried out by schools.

Article 46 The municipal and district people's governments and the relevant departments thereof shall support the communities to integrate the protection of intangible cultural heritages into the construction of the communities and create the characteristic culture of the communities.

The district people's governments shall include intangible cultural heritage protection and related cultural products and cultural services into the catalogue of service items of grass-roots comprehensive cultural centers (rooms), and encourage the qualified grass-roots comprehensive cultural centers (rooms) to provide conditions for the publicity, display and exchange of intangible cultural heritages by providing exhibition facilities, setting up studios, organizing activities, establishing cooperation platforms, etc.

This Municipality shall encourage social organizations such as industry associations and item protection units to carry out publicity, exhibition, exchange and other activities of intangible cultural heritages in communities.

This Municipality shall encourage the inclusion of the protection of the representative items in this Municipality in residents' conventions, autonomous statutes, village regulations and non-governmental agreements.

Article 47 The municipal and district people's governments and the relevant departments thereof shall take measures to establish a cooperation platform for the integration and development of intangible cultural heritages, science and technology, cultural creativity, health and other industries, so as to promote item protection units, universities and research institutions to carry out the integration of production, learning and research, and the cooperation between schools and enterprises.

Article 48 The municipal and district people's governments and the relevant departments thereof shall establish a consumption promotion mechanism for cultural products and services related to intangible cultural heritages, and guide consumers to purchase and experience related cultural products and services by means of assisting in publicity and promotion and granting subsidies for consumption.

Article 49 This Municipality shall encourage citizens, legal persons and other organizations to participate in the dissemination, rational utilization and development of intangible cultural heritages by holding activities, funding items, providing places,

开展研究、提供中介服务、参加志愿服务、提供法律服务等方式，参与非物质文化遗产的传播、合理利用和发展；市、区人民政府及其有关部门采取购买服务、提供信息、政策培训等方式予以支持。

第五十条 本市鼓励公民、法人和其他组织合理利用非物质文化遗产资源，开发文化产品和文化服务；政府有关部门对符合规定的项目，优先给予资金支持。

本市鼓励旅游业经营者利用非物质文化遗产资源开发旅游线路、旅游项目和旅游商品。

本市鼓励和引导金融机构通过创新金融产品等方式，为开发利用代表性项目提供金融支持。

第五十一条 本市鼓励公民、法人和其他组织将其所有的非物质文化遗产相关资料、实物捐赠给本市的收藏研究机构、公共文化机构等，或者委托其收藏、保管、展出。

第五十二条 市文化和旅游主管部门应当会同科技、经济信息化等部门，组织开展与非物质文化遗产有关的科学技术研究；鼓励非物质文化遗产相关行业组织以及公民、法人、其他组织开展非物质文化遗产保护、保存方法和发展研究，对符合科研课题立项的，给予优先支持。

第五十三条 开发利用非物质文化遗产，应当尊重其内涵及表现形式，不得有歪曲、贬损等行为，不得进行虚假或者误导性宣传。

第五十四条 本市依法保护非物质文化遗产涉及的知识产权。

市文化和旅游主管部门应当会同有关部门支持、指导代表性传承人、项目保护单位等，将涉及知识产权的传统技艺、生产工具、艺术表现方法等申请商标注册、专利、著作权登记。

本市支持非物质文化遗产相关行业组织依法为代表性传承人、项目保护单位的知识产权保护提供指导、咨询、信息等服务。

第五十五条 本市鼓励非物质文化遗产交流互鉴，支持举办、参加国内外非物质文化遗产宣传、展示、传播和交流活动。

conducting research, providing intermediary services, participating in voluntary services, providing legal services, etc.; the municipal and district people's governments and the relevant departments thereof shall render support in the forms of purchasing services, information provision, policy training, etc.

Article 50 This Municipality shall encourage citizens, legal persons and other organizations to make rational use of intangible cultural heritage resources and develop cultural products and services; the relevant government departments shall give priority to financial support for items that meet the requirements.

This Municipality shall encourage tourism operators to use intangible cultural heritage resources to develop tourism routes, tourism projects and tourism commodities.

This Municipality shall encourage and guide financial institutions to provide financial support for the development and utilization of representative items through innovative financial products and other means.

Article 51 This Municipality shall encourage citizens, legal persons and other organizations to donate the materials and objects related to intangible cultural heritages they own to collection and research institutions and public cultural institutions of this Municipality, or entrust the collection, custody and exhibition by the latter.

Article 52 The municipal department for culture and tourism shall, together with the departments for science and technology, information-based economy, etc., organize and carry out scientific and technological research related to intangible cultural heritages; encourage industrial organizations related to intangible cultural heritages, as well as citizens, legal persons and other organizations, to carry out research on the protection and preservation methods and development of intangible cultural heritages, and give priority to the support for those in line with scientific research tasks.

Article 53 Both of the forms and contents shall be respected in the development and utilization of intangible cultural heritages, and there shall be no distortion or derogation, or false or misleading publicity.

Article 54 This Municipality shall protect the intellectual property rights involved in intangible cultural heritages according to law.

The municipal department for culture and tourism shall, together with relevant departments, support and guide representative inheritors, item protection units, etc. to apply for trademark, patent and copyright registration for traditional techniques, production tools and artistic expression methods involving intellectual property rights.

This Municipality shall support industry organizations related to intangible cultural heritages to provide guidance, consultation, information and other services for intellectual property protection of representative inheritors and item protection units according to law.

Article 55 This Municipality shall encourage the exchange and mutual learning of intangible cultural heritages, and support the holding of and participation in publicity, exhibition, dissemination and exchange activities of intangible cultural heritages at home and abroad.

本市推动建立健全京津冀非物质文化遗产保护协同发展机制，在跨区域调查研究、宣传展示、传承发展等方面开展深度合作。

第五十六条 本市鼓励其他地区代表性项目在本市传承、传播。符合首都城市战略定位、能够促进文化融合发展的其他地区省级以上代表性项目，可以按照规定享受本市代表性项目的相关优惠政策。

第六章 法律责任

第五十七条 文化和旅游主管部门及其他有关部门的工作人员在非物质文化遗产保护、保存工作中有下列行为之一的，依法予以处分；构成犯罪的，依法追究刑事责任：

（一）违反法定条件和程序，评审、认定代表性项目、代表性传承人或者项目保护单位的；

（二）侵犯公民、法人和其他组织的合法权益，造成严重后果的；

（三）截留、挪用、贪污非物质文化遗产保护、保存经费的；

（四）其他玩忽职守、滥用职权、徇私舞弊的行为。

第五十八条 违反本条例规定，在建议、申请、推荐代表性项目、代表性传承人、项目保护单位中弄虚作假的，由文化和旅游主管部门取消参评资格。已列入代表性项目名录的，由公布该名录的人民政府予以撤销；已认定为代表性传承人、项目保护单位的，由文化和旅游主管部门予以撤销，并责令其退还传承经费补助、项目保护资金。

第五十九条 违反本条例第五十三条规定，开发利用非物质文化遗产，有歪曲、贬损等行为的，由文化和旅游主管部门责令停止违法行为，消除影响；进行虚假或者误导性宣传，构成不正当竞争、虚假广告、侵犯消费者权益等行为的，按照国家有关法律、法规的规定处罚。

第六十条 违反本条例规定，《中华人民共和国非物质文化遗产法》及其他有关法律、法规已有处罚规定的，从其规定。

This Municipality shall promote the establishment and improvement of the coordinated development mechanism for the protection of intangible cultural heritages in Beijing, Tianjin and Hebei, so as to carry out in-depth cooperation in cross-regional investigation and research, publicity and display, inheritance and development, etc.

Article 56 This Municipality shall encourage the inheritance and dissemination of the representative items from other regions in this Municipality. Representative items of other regions at or above the provincial level that are in line with the urban strategic positioning of the capital and can promote cultural integration and development can enjoy the relevant preferential policies of the representative items in this Municipality as prescribed by relevant regulations.

Chapter VI Legal Liability

Article 57 Any functionary of the competent departments for culture and tourism and other relevant departments who commits any of the following acts in the protection and preservation of intangible cultural heritages shall be subject to disciplinary actions according to law; if a crime is constituted, he/she shall be investigated for criminal responsibility according to law:

- (1) reviewing and determining representative items, representative inheritors or item protection units in violation of legal conditions and procedures;
- (2) infringing upon the lawful rights and interests of citizens, legal persons and other organizations, resulting in serious consequences;
- (3) withholding, misappropriating or embezzling funds for the protection or preservation of intangible cultural heritages; or
- (4) other acts of dereliction of duty, abuse of power or malpractice for personal gain.

Article 58 Whoever, in violation of the provisions of the Regulations, practices fraud in proposing, applying for or recommending representative items, representative inheritors or item protection units, shall be disqualified from participating in the evaluation by the competent departments for culture and tourism. Those already in the list of representative items shall be delisted by the people's government that published the list; those already identified as representative inheritors or item protection units shall be cancelled by the competent departments for culture and tourism and be ordered to return the subsidies for inheritance and funds for item protection.

Article 59 Whoever, in violation of the provisions of Article 53 of the Regulations, exploits and utilizes intangible cultural heritages in the form of distortion, derogation, etc. shall be ordered by the competent departments for culture and tourism to stop the illegal act and undo the impact; whoever conducts false or misleading propaganda, which constitutes unfair competition, false advertising, infringement of the rights and interests of consumers, etc., shall be punished in accordance with the relevant laws and regulations of the state.

Article 60 Where the Intangible Cultural Heritage Law of the People's Republic of China and other relevant laws and regulations have provided for the punishment for violation of the provisions of the Regulations, such laws and regulations shall be followed.

第七章 附 则

第六十一条 本条例自 2019 年 6 月 1 日起施行。

Chapter VII Supplementary Provisions

Article 61 The Regulations shall come into force as of June 1, 2019.

北京市传统工艺美术保护办法

(2002年8月9日北京市人民政府第103号令公布)

第一条 为了保护本市传统工艺美术,促进传统工艺美术事业的繁荣与发展,根据国务院《传统工艺美术保护条例》,结合本市实际情况,制定本办法。

第二条 在本市行政区域内从事传统工艺美术保护和发展工作的单位和个人,适用本办法。

第三条 本办法所称传统工艺美术,是指具有百年以上历史,技艺精湛,拥有完整的工艺流程,采用天然原材料制作,具有鲜明的民族风格和地方特色,在国内外享有声誉的手工艺品种和技艺。

第四条 市人民政府经济行政主管部门(以下简称市经济主管部门)负责本市传统工艺美术的保护和发展及其相关工作。

公安、工商行政管理、质量技术监督、劳动和社会保障、旅游、文物等部门,应当按照各自的职责,做好本市传统工艺美术保护和发展的相关工作。

第五条 北京工艺美术行业协会(以下简称工艺美术协会)协助市经济主管部门做好传统工艺美术的保护和发展工作,可以接受有关部门委托,办理传统工艺美术保护和发展相关工作的具体事务。

第六条 本市对传统工艺美术品种、技艺和工艺美术珍品及工艺美术大师、民间工艺大师实行认定制度。

市经济主管部门设立传统工艺美术评审委员会(以下简称评审委员会),负责评审工作。评审的日常工作由工艺美术协会承担。评审委员会委员由工艺美术协会推荐,市经济主管部门审核同意后予以聘任。

第七条 申请北京传统工艺美术品种、技艺认定的,申请人应当向评审委员会提

Measures of Beijing Municipality on Protecting Traditional Arts and Crafts

(Promulgated by Decree No. 103 of the People's Government of Beijing Municipality on August 9, 2002)

Article 1 These Measures are formulated for the purposes of protecting traditional arts and crafts in this Municipality and promoting their prosperity and development in accordance with the Regulations on Protecting Traditional Arts and Crafts promulgated by the State Council and in light of the actual conditions of this Municipality.

Article 2 These Measures shall apply to the work units and individuals involved in the protection and development of traditional arts and crafts within the administrative areas of this Municipality.

Article 3 For the purpose of these Measures, traditional arts and crafts refer to those with a history of more than one hundred years, an integrated technological process and a distinct national style and local characteristics, made of natural raw materials, and enjoying a reputation home and abroad.

Article 4 The competent department of economy administration under the Municipal People's Government (hereinafter referred to as the "MEA") shall be responsible for the protection and development of traditional arts and crafts of this Municipality and other related work.

Other departments, such as Public Security, Industrial and Commercial Administration, Quality and Technology Supervision, Labor and Social Security, Tourism, Cultural Relics, shall conscientiously conduct the related work for the protection and development of traditional arts and crafts of this Municipality in accordance with their respective duties and functions.

Article 5 Beijing Arts and Crafts Industry Association (hereinafter referred to as the "Arts and Crafts Association") shall assist the MEA in protecting and developing traditional arts and crafts and may handle concrete affairs entrusted with by relevant department.

Article 6 A confirmation system shall apply to the varieties, skills and curiosities of traditional arts and crafts as well as the masters of industrial arts and folk crafts.

The Municipal economic administration department shall set up an evaluation and examination commission of traditional arts and crafts (hereinafter to as the "Evaluation Commission" to undertake the examination and examination work. The Arts and Crafts Association shall do the day-to-day work of evaluation and examination. Members of the Evaluation Commission shall be recommended by the Arts and Crafts Association and appointed by the Municipal economic administration department after its examination and approval.

Article 7 To apply for the confirmation of Beijing traditional arts and crafts varieties

交申请报告和以下材料：

- （一）已有百年以上历史的证明；
- （二）风格、特色的说明；
- （三）采用传统、天然原材料的证明。

第八条 申请北京工艺美术珍品认定的，申请人应当向评审委员会提交申请报告和以下材料：

- （一）作品实物照片及采用特有、珍贵、稀有原材料制作的证明；
- （二）作品创作思想和艺术价值的说明；
- （三）参加国内外有影响的展览会取得的荣誉证书；
- （四）评审委员会认为应当提交的其他材料。

第九条 申请北京工艺美术大师认定的，申请人应当向评审委员会提交申请报告和以下材料：

- （一）从事工艺美术专业的经历及相关证明；
- （二）代表作品照片及说明；
- （三）代表作品在国内外评比中的获奖证书；
- （四）专业技艺论述或者论文。

申请北京民间工艺大师认定的，申请人应当向评审委员会提交申请报告及前款规定的（一）、（二）、（三）项材料。

第十条 评审委员会应当将申请人提交评审的传统工艺美术品种、技艺和工艺美术珍品目录及拟评工艺美术大师、民间工艺大师名单预先公告，公告期为 30 日。公告期内，任何单位和个人有权提出异议。

评审委员会应当在公告期满后 30 日内，对异议进行处理；不能及时处理完毕的申请材料，不列入评审范围，并由评审委员会向申请人说明。

第十一条 评审委员会应当自公告期满或者异议处理终结之日起 3 个月内，分别

and skills, an application and the following documents shall be submitted to the Evaluation Commission:

- (1) evidence of a history over one hundred years;
- (2) instruction of its style and characteristics; and
- (3) evidence for the use of traditional and natural materials.

Article 8 To apply for the confirmation of Beijing arts and crafts curiosities, an application and the following documents shall be submitted to the Evaluation Commission:

- (1) photograph of the work and evidence for the use of the distinctive, valuable and rare materials;
- (2) instruction of the ideas guiding its creation and its artistic value;
- (3) honorary Certificates obtained in influential exhibitions home and abroad; and
- (4) other documents demanded by the Evaluation Commission.

Article 9 To apply for the confirmation of Beijing industrial arts master, an application and the following documents shall be submitted to the Evaluation Commission:

- (1) professional experience of engaging in the arts and crafts and relevant evidence;
- (2) photograph as well as its explanation of representative works;
- (3) prize-winning certificates of the representative works in expositions and competitions home and abroad;
- (4) presentations or papers on craftsmanship.

To apply for the confirmation of Beijing folk crafts master, the applicant shall submitted to the Evaluation Commission an application and the documents mentioned in Items (1)-(3) of the preceding paragraph.

Article 10 The Evaluation Commission shall issue in advance a proclamation of the list of traditional arts and crafts varieties, skills and curiosities, as well as industrial arts and folk crafts masters and the period for such proclamation shall be 30 days. During this period, any work unit or individual can raise objections.

The Evaluation Commission shall deal with the objections within 30 days after the expiration of proclamation period. Applications remained unfinished shall not qualify for the evaluation, and the Evaluation Commission shall let the applicants know the reasons.

Article 11 Evaluation works of the traditional arts and crafts varieties, skills and curiosities as well as masters in industrial arts and folk crafts shall be started within three months after the expiration of proclamation period or from the date when the objections have been dealt with.

对申请传统工艺美术品种、技艺和工艺美术珍品及工艺美术大师、民间工艺大师认定的材料进行评审。

第十二条 经评审委员会评为传统工艺美术品种、技艺和工艺美术珍品及工艺美术大师、民间工艺大师的，由市经济主管部门认定后颁发证书并予以公布。

本市传统工艺美术品种、技艺和工艺美术珍品及工艺美术大师、民间工艺大师的认定办法，由市经济主管部门另行制定。

第十三条 市经济主管部门可以从认定的本市传统工艺美术品种、技艺和工艺美术珍品及工艺美术大师、民间工艺大师中，择优推荐申请国家级传统工艺美术品种、技艺和中国工艺美术珍品及国家级工艺美术大师认定。

被评为中国工艺美术珍品的作品，市人民政府对其设计制作人员予以奖励。

第十四条 市经济主管部门认定为传统工艺美术品种、技艺的产品或者作品，可以使用北京传统工艺美术证标。北京传统工艺美术证标由市经济主管部门统一印制。

北京传统工艺美术证标的具体使用管理办法由市经济主管部门另行制定。

未被市经济主管部门认定为传统工艺美术品种、技艺的产品或者作品，不得使用北京传统工艺美术证标。

第十五条 工艺美术大师、民间工艺大师可以在其作品上签署自己的姓名，使用个人标识，但不得在他人创作的作品上签署本人姓名。

任何单位和个人不得假冒使用工艺美术大师或者民间工艺大师的署名。

第十六条 本市设立传统工艺美术保护和发展专项资金，主要用于：

- （一）建立传统工艺美术保护基地；
- （二）征集、收藏、展示优秀工艺美术代表作品；
- （三）挖掘、整理传统工艺美术资料，建立档案，保护、抢救濒临失传的传统工艺美术品种和技艺；
- （四）支持传统工艺美术的科学研究和产品开发；
- （五）组织工艺美术大师创作优秀作品；

Article 12 After confirmation, the Municipal Economic Administration Department shall provide certificates to those traditional arts and crafts varieties, skills, and curiosities as well as masters in industrial arts and folk crafts evaluated and approved by the Evaluation Commission and make them public.

Measures for the evaluation and confirmation of traditional arts and crafts varieties, skills, and curiosities as well as masters in industrial arts and folk crafts shall be formulated by the MEA separately.

Article 13 The MEA may select the better from among the confirmed traditional arts and crafts varieties, skills and curiosities, as well as masters in industrial arts and folk crafts of this Municipality and recommend them to apply for the confirmation of state-level traditional arts and crafts varieties, skills and curiosities, as well as masters in industrial arts and folk crafts.

The Municipal People's Government shall reward the persons whose works are chosen and confirmed as Chinese arts and crafts curiosities.

Article 14 Those that have been confirmed by the Municipal economic administration department as traditional arts and crafts varieties, skill and curiosities, as well as masters in industrial arts and folk crafts, may use the certificates and marks of Beijing traditional arts and crafts. Those certificates and marks shall be printed exclusively by the Municipal economic administration department.

Specific measures for the use and administration of Beijing traditional arts and crafts certificates and marks shall be formulated by the Municipal economic administration department separately.

The products or works that have not been confirmed by the Municipal economic administration department as traditional arts and crafts shall not use Beijing traditional arts and crafts certificates and marks.

Article 15 Masters in industrial arts or folk crafts are entitled to sign on their works. Use personal symbols on their work, but shall not sign on other's works.

Any work unit or individual shall not forge the signatures of masters in industrial arts or folk crafts.

Article 16 This Municipality shall establish the traditional arts and crafts protection and development funds for the following purposes:

- (1) establishing bases for protecting traditional arts and crafts;
- (2) collecting, storing and displaying excellent arts and crafts works;
- (3) classifying traditional arts and crafts, keeping a file, protecting and saving endangered varieties and skills;
- (4) supporting scientific research and development on traditional arts and crafts;
- (5) encouraging masters of industrial arts to create excellent works; and

(六) 培养传统工艺美术人才。

第十七条 拥有传统工艺美术技艺的单位和个人，应当依法履行保密义务，采取保密措施，不得泄露传统工艺美术技艺秘密。有关部门应当加强对传统工艺美术技艺秘密保密工作的监督管理。

任何单位和个人不得窃取传统工艺美术技艺秘密。

第十八条 鼓励工艺美术大师、民间工艺大师创办企业或者建立个人工作室，并可以享受国家和本市有关中小企业等方面的优惠政策。

工艺美术大师所在单位应当为工艺美术大师设立大师工作室，在工作、生活方面对其给予照顾，并为其到艺术院校进修提供便利条件。

第十九条 鼓励单位和个人对传统工艺美术开展理论研究和学术交流，收藏传统工艺美术珍品和建立传统工艺美术收藏展示场馆。

第二十条 市政府有关部门和区、县人民政府应当在资金、信贷担保、进出口、信息、技术服务和人才等方面对拥有北京传统工艺美术品种、技艺的单位或者个人给予支持。

第二十一条 本市建立传统工艺美术保护品种、技艺目录。被列入传统工艺美术保护品种、技艺目录的产品，纳入政府采购目录，政府予以优先采购。

被评为北京工艺美术珍品的作品，政府优先收购；经评审委员会专家认定后政府列为收藏对象的珍品，不得出口。

第二十二条 市政府有关部门和区、县人民政府应当采取措施，积极支持工艺美术协会、企业和工艺美术大师、民间工艺大师开展国内外交流活动，宣传民族文化，开拓国际市场。

第二十三条 工艺美术院校应当重视对传统工艺美术专业技术人才的培养。工艺美术大师和民间工艺大师可以直接从工艺美术院校在校生中择优带徒。

第二十四条 传统工艺美术生产企业可以直接从外省市引进具有省级工艺美术大师以上称号的专业技术人才，有关部门应当给予支持，协助办理相关手续。

(6) training talents of traditional arts and crafts.

Article 17 The work units and individuals possessing traditional arts and crafts skills shall assume obligations of keeping them secret according to relevant laws and take effective measures to prevent them from leaking. Relevant department shall strengthen the supervision on and management of the work for keeping secret the traditional arts and crafts skills.

Any work unit or individual shall not steal the secrets of traditional arts and crafts skills.

Article 18 Masters in industrial arts and folk crafts are encouraged to set up or personal studios and enjoy preferential treatments provided by the State and this Municipality to small and medium-sized enterprises.

The work units shall help their masters of industrial arts in setting up studios, give consideration to their work and life and offer them opportunities for training in art academic.

Article 19 Work units and individuals are encouraged to carry out theoretical researches and academic exchanges in respect of traditional arts and crafts, store up arts and crafts curiosities and set up exhibition rooms.

Article 20 Relevant department of the Municipal Government as well as district and county governments shall support those work units and individuals that possess Beijing traditional arts and crafts varieties and skills in the terms of capital, credit guarantee, import and export, information, technology as well as personnel.

Article 21 This Municipality shall establish a catalogue of traditional arts and crafts varieties and skills. The products that are included in that catalogue shall be entered in the government procurement list and shall be given priority in government procurement.

The works that have been confirmed as Beijing arts and crafts curiosities are given priority in government procurement, but those enlisted as storing-up works after confirmation by the experts of the Evaluation Commission shall not be exported.

Article 22 Relevant departments of the Municipal Government as well as district and county governments shall take measures to encourage arts and crafts association, enterprises as well as masters of industrial arts and folk crafts to conduct national and international exchange activities, make known our national culture and explore international markets.

Article 23 Arts and crafts academies and schools shall attach importance to the training of traditional arts and crafts talents. Masters of industrial and folk crafts may choose prentices directly from the students of arts and crafts academies and schools.

Article 24 Traditional arts and crafts enterprises may directly bring in professional talents with the title of industrial arts or folk crafts master at a provincial level or above from other provinces. Relevant departments shall give them support and assist them to go through

外省市工艺美术人才来京创办企业或者建立个人工作室的，政府有关部门应当为其提供方便，做好服务工作。来京创办企业或者建立个人工作室的外省市工艺美术人才，符合条件的可以申请参加北京工艺美术大师、民间工艺大师的认定。

第二十五条 市政府有关部门和区、县人民政府应当对为传统工艺美术保护和发展工作做出突出贡献的单位和个人给予表彰和奖励。

第二十六条 拥有北京传统工艺美术保护品种和技艺的生产单位和个人不履行保护职责的，由市经济主管部门责令限期改正；逾期不改的，责令停止使用北京传统工艺美术证标，并收回认定证书。

第二十七条 违反本办法第十四条规定，伪造或者假冒使用北京传统工艺美术证标的，由市经济主管部门责令限期改正，并视情节轻重，对违反规定使用证标的单位处 3 万元以下罚款；对违反规定使用证标的个人处 1000 元以下罚款。

第二十八条 提供虚假材料骗取北京传统工艺美术品种、技艺或者工艺美术珍品证书的，由市经济主管部门收回认定证书，并处 1000 元以上 1 万元以下罚款。

第二十九条 对提供虚假证明材料骗取北京工艺美术大师、民间工艺大师资格的，由市经济主管部门取消其资格，收回资格证书，并处 1000 元罚款。

第三十条 工艺美术大师、民间工艺大师违反本办法第十五条规定为他人创作的作品署名的，由市经济主管部门予以警告，责令改正。

第三十一条 评审委员会成员滥用职权、徇私舞弊或者违反保密规定的，由市经济主管部门予以解聘，并由其所在单位或者上级主管部门给予行政处分。

第三十二条 工艺美术协会和工艺美术大师、民间工艺大师对于本市的传统工艺美术保护和发展工作，可以向政府有关部门提出建议。有关部门在接到建议后，应当及时处理，并将处理结果答复建议人。

第三十三条 本办法自 2002 年 9 月 10 日起施行。

relevant formalities.

Relevant departments shall help and provide services those arts and crafts artisans of other provinces who come to Beijing to establish enterprises or studios. Those arts and crafts artisans that have met the requirements for Beijing industrial arts or folk crafts masters may apply for such confirmation.

Article 25 Relevant departments of the Municipal Government as well as district and county governments shall give honors and rewards to the enterprises and individuals that have made great contributions in protecting and promoting traditional arts and crafts.

Article 26 Where any enterprise or individual with Beijing traditional arts and crafts varieties and skills failed to perform their obligations, it shall be ordered to make corrections by the Municipal economic administration department within a given time. Where it fails to do so overdue, it shall be ordered to discontinue using Beijing traditional arts and crafts certificates and marks, and the confirmation certificates shall be withdrawn.

Article 27 Where anyone forges or counterfeits, in violation of Article 14 of these Measures, Beijing traditional arts and crafts certificates and marks, he shall be ordered to make corrections by the Municipal economic administration department within a given time. And according to the degree of seriousness, a fine of not more than RMB 30,000 yuan shall be imposed upon an enterprise that uses certificates and marks in violations of relevant provisions, while a fine of not more than RMB1,000 yuan shall be imposed upon an individual that uses certificates and marks in violations of relevant provisions.

Article 28 Where certificates of Beijing traditional arts and crafts varieties, skills and curiosities are obtained by presenting untrue materials, those certificates shall be withdrawn by the Municipal economic administration department and a fine of not less than RMB 1,000 yuan but not more than RMB 10,000 yuan shall be imposed.

Article 29 Where qualifications of masters of Beijing industrial arts and folk crafts are obtained by presenting untrue material, those qualifications shall be repealed and qualifications certificates shall be withdrawn by the Municipal economic administration department and a fine of RMB1,000 yuan shall be imposed.

Article 30 Where a master of industrial arts or folk crafts, in violation of Article 15 of these Measures, sign on the works created by others, he shall be warned and ordered to make corrections by the Municipal economic administration department.

Article 31 Where a member of the Evaluation Commission abuse his power, bend the measures or violate provisions for keeping secrets, he shall be dismissed by the Municipal economic administration department and be given administrative sanctions by their work units or superior administration department.

Article 32 Arts and Crafts Association, Beijing industrial arts or folk crafts masters may put forward proposals to relevant departments of government about the protection and development of traditional arts and crafts in this Municipality. After receiving such proposals, relevant departments shall handle them in time and inform those of the results.

Article 33 These Measures shall enter into force as of September 10, 2002.

北京市实施《地方志工作条例》办法

(2007年7月5日北京市人民政府第191号令公布)

第一条 为了实施《地方志工作条例》，结合本市实际情况，制定本办法。

第二条 本市行政区域内地方志的组织编纂、管理、开发利用工作，适用《地方志工作条例》和本办法。

第三条 本办法所称地方志，包括市和区、县编纂的地方志书、地方综合年鉴。

第四条 市和区、县人民政府领导本行政区域的地方志工作，将地方志工作纳入国民经济和社会发展规划，地方志工作所需经费列入本级财政预算。

第五条 市和区、县人民政府地方志工作机构主管本行政区域的地方志工作，履行下列职责：

- (一) 组织、指导、督促和检查地方志工作；
- (二) 拟定地方志工作规划和编纂方案；
- (三) 组织编纂地方志书和地方综合年鉴；
- (四) 收集、整理、保存地方志文献和资料，组织整理旧志；
- (五) 组织开发利用地方志资源；
- (六) 推动地方志理论研究和学术交流，组织开展业务培训。

第六条 市和区、县人民政府制定本行政区域地方志工作规划和编纂方案。区、县地方志工作规划和编纂方案报市人民政府地方志工作机构备案。

第七条 以市和区、县行政区域名称冠名的地方志书、地方综合年鉴，分别由本级人民政府地方志工作机构组织编纂，其他组织和个人不得编纂。

第八条 按照地方志工作规划和编纂方案承担地方志编纂任务的单位（以下简称

Measures of Beijing Municipality for Implementing the Regulations on Local Records

(Promulgated by Decree No. 191 of the People's Government of Beijing Municipality on July 5, 2007)

Article 1 These Measures are formulated for the purpose of implementing the Regulations on Local Records and by taking into account the particular situation of this Municipality.

Article 2 The Regulations on Local Records and these Measures shall apply to the making of arrangements for compilation, management, development, and utilization of local records within the administrative region of this Municipality.

Article 3 The term “local records” in these Measures includes gazetteers and local comprehensive almanacs compiled by this Municipality and its districts and counties.

Article 4 The municipal, district and county people's governments shall exercise leadership in the local records work within their respective administrative regions, incorporate the local records work into their plans for national economic and social development, and include the funds needed for local records work into their financial budgets respectively.

Article 5 Local records departments of the municipal, district and county people's governments shall take charge of the local records work within their respective administrative regions and perform the following functions and duties:

- (1) Organizing, directing, urging and examining the local records work;
- (2) drawing up plans for the local records work and programs for compiling local records;
- (3) organizing the compilation of gazetteers and local comprehensive almanacs;
- (4) collecting, sorting out and preserving documents and materials related to local records, and organizing the sorting out of past local records;
- (5) organizing the development and utilization of local records resources; and
- (6) promoting theoretical researches on and academic exchanges of local records, and organizing professional training.

Article 6 The municipal, district and county people's governments shall work out the plans for the local records work and the programs for compilation of local records within their respective administrative regions. The plans for the local records work and the programs for compilation of local records worked out by the district and county people's governments shall be reported to the local records department of the municipal people's government for record.

Article 7 The compilation of a gazetteer or local comprehensive almanac preceded with the name of the administrative area of this Municipality or of a district or county shall be organized by the local records department of the people's government at the corresponding level, and no other organization or individual may compile such gazetteer or local comprehensive almanac.

Article 8 The unit undertaking the task to compile local records in accordance

承编单位），应当明确具体承担地方志编纂工作的机构和人员，保障经费和办公条件，按时完成编纂任务。

第九条 市和区、县人民政府地方志工作机构以及承编单位应当建立地方志资料征集制度，通过查阅、摘抄、复制、购买等方式收集地方志资料，有关单位和个人应当提供支持。涉及国家机密、商业秘密和个人隐私以及不符合档案开放条件的，按照国家和本市有关规定办理。

地方志资料所有人或者持有人提供有关资料，可以获得适当报酬。地方志资料所有人或者持有人不得故意提供虚假资料。

第十条 以市和区、县行政区域名称冠名、列入规划的地方志书，由市人民政府地方志工作机构组织有关专家依法进行全面审查，出具审查验收报告；审查验收合格的，方可以公开出版。

第十一条 市综合年鉴经市人民政府地方志工作机构批准，方可以公开出版；区、县综合年鉴经区、县人民政府批准，方可以公开出版。

第十二条 已通过审查验收的地方志书和经批准的地方综合年鉴，未经原审查验收或者批准的机关同意不得擅自修改。

第十三条 市和区、县人民政府地方志工作机构集中统一管理地方志资料和地方志文稿；承编单位应当指定专人妥善保存在地方志编纂过程中收集到的地方志资料以及形成的地方志文稿，不得损毁；编纂工作完成后，依法及时移交本级国家档案馆或者方志馆保存、管理，个人不得据为己有或者出租、出让、转借。

第十四条 市和区、县人民政府地方志工作机构应当积极开拓社会用志途径，可以通过网站、地情资料库等方式，加强地方志工作的信息化建设，为经济社会全面发展服务。

第十五条 公民、法人和其他组织可以通过查询、阅览、摘抄等方式利用方志馆收藏、展示的地方志文献和资料。

with the plan for the local records work and the program for compilation of local records (hereinafter referred to as the compiling unit) shall make clear the institution and personnel responsible for the specific work of compiling the local records, ensure the funds needed and working conditions and complete the compilation on time.

Article 9 Local records departments of the municipal, district and county people's governments and compiling units shall establish a system for the collection of materials related to local records, and such materials may be collected by means of consultation, extraction, duplication or purchase and the units and individuals concerned shall offer support. Where any materials contain State secrets, business secrets or personal privacy, or do not conform to the conditions for making the relevant archives open to the public, the matter shall be handled pursuant to the relevant regulations of the State and this Municipality.

The owners or holders of any materials related to local records may receive appropriate remunerations for providing such materials, and they shall not provide falsified materials intentionally.

Article 10 With respect to a gazetteer that is preceded with the name of the administrative area of this Municipality or of a district or county and is included into the plan for the local records work, the local records department of the municipal people's government shall arrange the specialists concerned to conduct an overall examination over the said gazetteer according to law and issue a report on examination for acceptance. The gazetteer may be openly published only after it has passed the examination for acceptance.

Article 11 The comprehensive almanac of this Municipality may be openly published only after it has been approved by the local records department of the municipal people's government; the comprehensive almanac of a district or county may be openly published only after it has been approved by the district or county people's government.

Article 12 Gazetteers that have passed the examination for acceptance and comprehensive almanacs that have been approved may not be revised without the authorization of the organs which have conducted the examination for acceptance or granted the approval.

Article 13 The local records departments of the municipal, district and county people's governments shall have the materials related to local records and the local records manuscripts managed in a concentrated and unified manner. The compiling units shall appoint full-time personnel to properly preserve the materials related to local records that have been collected in the process of compiling local records as well as the local records manuscripts created in the said process and shall not have them damaged or destroyed. Upon completion of the compilation work, these materials and manuscripts shall be timely transferred for preservation and management to State archives or local records centers at the corresponding level in accordance with the law, and no individual may take them into one's own possession, nor lease out, assign or transfer them to another party.

Article 14 Local records departments of the municipal, district and county people's governments shall actively develop channels to allow the public to make use of local records and strengthen informatization construction in the local records work by setting up websites or local situation databases, so as to serve the overall development of the economy and the society.

Article 15 Citizens, legal persons and other organizations may, by means of making inquiries, reading or making extracts, make use of the documents and materials related to local records collected and displayed in local records centers.

方志馆应当将服务范围、开放时间等服务事项进行公示。

鼓励单位和个人向方志馆捐赠地方志资料。

第十六条 对违反本办法第八条规定，未按工作规划和编纂方案完成编纂任务的，或者违反本办法第九条规定，有关单位拒绝提供资料或者故意提供虚假资料的，由市或者区、县人民政府地方志工作机构责令限期改正；逾期不改的，由市或者区、县人民政府地方志工作机构提请有关行政主管部门依法对直接责任人给予行政处分。

第十七条 部门志、行业志、乡镇志、街道志的编纂，可以参照本办法执行。编纂方案报市或者区、县人民政府地方志工作机构备案的，市或者区、县人民政府地方志工作机构应当提供必要的指导、服务。

第十八条 本办法自 2007 年 9 月 1 日起施行。

Local records centers shall make public such service issues as the service scope and opening hours.

Units and individuals are encouraged to donate materials related to local records to local records centers.

Article 16 Where a compiling unit, in violation of the provisions of Article 8 of these Measures, fails to complete the compilation task in accordance with the plan for the local records work and the program for compilation of local records, or where a unit, in violation of the provisions of Article 9 of these Measures, refuses to provide the materials related to local records or intentionally provides false materials, the local records department of the municipal, district or county people's government shall order it to make corrections within a prescribed time limit; where the unit fails to make corrections upon the expiration of the time limit, the said department shall request the relevant competent administrative department to give an administrative sanction to the person directly responsible for the violation according to law.

Article 17 The compilation of departmental records, trade records, township or town records, and urban subdistrict records may be carried out with reference to these Measures. Where the program for the compilation of any of these records has been submitted for record to the local records department of the municipal, district or county people's government, the said department shall provide necessary guidance and service.

Article 18 These Measures shall be effective as of September 1, 2007.

北京市文化市场综合行政执法办法

(2011年10月26日北京市人民政府第241号令公布)

第一条 为了规范文化市场综合行政执法工作，促进依法行政，维护公民、法人和其他组织的合法权益，根据《中华人民共和国行政处罚法》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 市文化市场综合行政执法部门负责本市文化市场综合行政执法工作的统筹、规划、组织、协调，监督指导区、县文化市场综合行政执法工作，并依照《中华人民共和国行政处罚法》相对集中行政处罚权的规定和本办法履行查处文化市场违法行为的职责。

区、县文化行政管理部门依据法律、法规、规章和本办法的规定负责本行政区域内文化市场综合行政执法工作。

公安、工商行政管理、通信管理、城市管理等行政部门应当按照各自职责做好文化市场相关执法工作。

第三条 市文化市场综合行政执法部门和区、县文化行政管理部门（以下统称文化市场综合执法部门）行使下列行政处罚权：

（一）娱乐场所、营业性演出、互联网上网服务营业场所、互联网文化、网络游戏等文化行政管理领域的行政处罚权；

（二）著作权、出版、印刷、音像制品、互联网出版等新闻出版（版权）行政管理领域的行政处罚权；

（三）电影、广播电视、互联网视听节目、卫星地面接收设施等广播电影电视行政管理领域的行政处罚权；

Measures of Beijing Municipality for Comprehensive Administrative Law Enforcement in Cultural Markets

(Promulgated by Decree No. 241 of the People's Government of Beijing Municipality on October 26, 2011)

Article 1 These Measures are formulated for the purposes of regulating the comprehensive administrative law enforcement in cultural markets, promoting the law-based administration 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 Administrative Penalty and other relevant laws and regulations and in light of the actual circumstances of this Municipality.

Article 2 The department for comprehensive administrative law enforcement in cultural markets at the municipal level shall be responsible for overall consideration, planning, organization and coordination of the comprehensive administrative law enforcement in cultural markets in this Municipality, carry out supervision over and given guidance to the comprehensive administrative law enforcement in cultural markets in districts or counties and perform the duties of investigating and punishing violations of law in cultural markets in accordance with the provisions of the Law of the People's Republic of China on Administrative Penalty concerning relatively concentrated administrative penalty powers and these Measures.

The administrative departments for culture at the district or county level shall be responsible for the comprehensive administrative law enforcement in cultural markets within their respective administrative areas in accordance with the provisions of laws, regulations, rules and these Measures.

The departments for public security, industrial and commercial administration, communications, urban administration, etc. shall, according to their respective duties, bring success to the law enforcement related to cultural markets.

Article 3 The department for comprehensive administrative law enforcement in cultural markets at the municipal level and the administrative departments for culture at the district or county level (hereinafter collectively referred to as the departments for comprehensive law enforcement in cultural markets) shall exercise the following administrative penalty powers:

(1) the administrative penalty powers in the field of cultural administration, such as entertainment places, commercial performances, business premises for Internet access services, Internet culture, and network games;

(2) the administrative penalty powers in the field of administration in press and publication (copyright), such as copyright, publication, printing, audio-visual products, and Internet publication;

(3) the administrative penalty powers in the field of administration in radio, film and television, such as film, radio and television, Internet audio-visual programmes, and ground satellite receiving facilities;

（四）违法购销文物等文物行政管理领域的行政处罚权；

（五）市人民政府决定由文化市场综合执法部门行使的其他行政处罚权。

第四条 市文化市场综合行政执法部门负责依法应当由本部门实施的行政处罚事项，对社会造成或者可能造成重大影响的行政处罚事项及其他应当由本部门实施的行政处罚事项。

文化市场综合执法部门应当根据法律、法规、规章的规定，按照管理重心下移的原则合理划分市和区、县职责范围，明确各自负责的行政处罚事项，并向社会公布。

第五条 文化市场综合执法部门职权范围的确定和调整，由市人民政府根据文化市场管理的需要，按照精简、统一、效能和权责一致的原则决定。确定由市文化市场综合行政执法部门行使的职权，市文化、广播电影电视、新闻出版（版权）、文物等原职能部门不再行使。

市文化、广播电影电视、新闻出版（版权）、文物等行政部门依照有关法律、法规、规章和本办法的规定做好文化市场管理工作。

第六条 文化市场综合执法部门在行使有关行政处罚权时，可以实施法律、法规规定的与行政处罚权有关的行政强制措施。

第七条 公民、法人或者其他组织违反文化市场管理规定，按照权限范围应当由文化市场综合执法部门予以行政处罚的，由违法行为发生地的区、县文化行政管理部门管辖。两个以上区、县文化行政管理部门都有权管辖的，由首先发现违法行为的区、县文化行政管理部门处罚；对管辖权有争议的，由市文化市场综合行政执法部门指定管辖。

第八条 文化市场综合执法部门及其执法人员应当坚持公正、文明执法，坚持处罚与教育相结合，教育公民、法人或者其他组织自觉守法。

文化市场综合执法部门作出行政处罚决定应当以事实为根据，与违法行为的事实、性质、情节及社会危害程度相当。违法行为轻微且当事人及时改正，没有造成危害后

(4) the administrative penalty powers in the field of relics administration, such as illegal purchase and sales of relics; and

(5) other administrative penalty powers to be exercised by the departments for comprehensive law enforcement in cultural markets according to the decisions of the Municipal People's Government.

Article 4 The department for comprehensive administrative law enforcement in cultural markets at the municipal level shall be responsible for the matters of administrative penalty that should be implemented by itself in accordance with law, the matters of administrative penalty that cause or may cause great influences to the society and other matters of administrative penalty that should be implemented by itself.

The departments for comprehensive administrative law enforcement in cultural markets shall, in accordance with the provisions of laws, regulations and rules and the principle of delegating administration to lower levels, reasonably divide the scope of duties between the municipal and the district or county level, specify the matters of administrative penalty under their respective responsibility and make them public to the society.

Article 5 The determination and adjustment of the scope of the powers of the departments for comprehensive law enforcement in cultural markets shall be decided by the Municipal People's Government according to the principles of simplification, unification, efficiency and consistence between powers and responsibilities based on the needs in the administration of cultural markets. The original functional departments for culture, radio, film and television, press and publication (copyright) relics, etc. at the municipal level shall no longer exercise the powers that are decided to be exercised by the department for comprehensive administrative law enforcement in cultural markets at the municipal level.

The administrative departments for culture, radio, film and television, press and publication (copyright), relics, etc. at the municipal level shall bring success to the administration of cultural markets in accordance with relevant laws, regulations, rules and the provisions of these Measures.

Article 6 When exercising relevant administrative penalty powers, the departments for comprehensive law enforcement in cultural markets may implement the compulsory administrative measures related to the administrative penalty powers stipulated by laws and regulations.

Article 7 Where any citizen, legal person or other organization, in violation of the provisions on administration of cultural markets, shall be given an administrative penalty by the department for comprehensive law enforcement in cultural markets in accordance with the scope of powers, the administrative department for culture at the district or county level in the place where the violation is committed shall have the jurisdiction. Where more than two administrative departments for culture at the district or county level have the jurisdiction, the penalty shall be given by the administrative department for culture at the district or county level which first discovers the violation of law; where any disagreement arise over jurisdiction, the department for comprehensive administrative law enforcement in cultural markets at the municipal level shall determine the jurisdiction.

Article 8 The departments for comprehensive law enforcement in cultural markets and their law-enforcement personnel shall stick to law enforcement in an impartial and civilized manner, adhere to the integration of penalty and education, and educate citizens, legal persons and other organizations to abide by laws consciously.

The departments for comprehensive law enforcement in cultural markets making-decisions of administrative penalty shall base on facts and correspond with the facts, nature

果的，不予行政处罚。

第九条 文化市场综合执法部门应当建立健全执法人员培训和资格管理、执法标准和规范、重大事项法律论证、行政执法协调、案件督办督察等制度，加强法制宣传教育工作，落实行政执法责任制。

本市建立文化市场行政执法监管信息系统，对文化市场经营活动及其管理进行动态监测，提高执法监管保障水平。

第十条 文化市场综合行政执法人员应当经过法律知识和业务知识培训，并经行政执法资格考试合格，取得市人民政府统一制发的行政执法证件后方可从事执法工作。

文化市场综合行政执法人员依法实施监督检查，应当佩戴文化市场综合行政执法标志，出示执法证件，不得妨碍当事人正常的生产经营活动，不得索取或者非法收受当事人的财物，不得谋取其他利益。

第十一条 文化市场综合行政执法人员进行执法检查，可以依法采取下列措施：

- （一）进入被检查单位或者现场进行调查、检查；
- （二）制止和纠正正在发生的违法行为；
- （三）查阅、调阅、复制、拍摄、录制有关证据材料，抽样取证或者先行登记保存有关证据；
- （四）法律、法规、规章规定的其他措施。

第十二条 文化市场综合执法部门对依法查封、扣押的场所、设施或者财物应当妥善保管，不得使用或者损毁。

文化市场综合执法部门采取查封、扣押措施后，对违法事实清楚的，在规定期限内按照下列规定作出处理决定：

- （一）依法应当予以没收的，依法没收；
- （二）依法应当予以销毁的，依法销毁；
- （三）无法确定当事人或者当事人拒不接受调查的，文化市场综合执法部门向社

and seriousness of the violations of law and damage done to the society. Where the violation of law is minor and the party concerned makes timely corrections without causing damages, the administrative penalty may not be given.

Article 9 The departments for comprehensive law enforcement in cultural markets shall set up and perfect the systems for training and qualification administration of law-enforcement personnel, law-enforcement standards and norms, legal argumentation of major matters, coordination of administrative law enforcement, supervision of case handling, etc., strengthen the publicity and education of legal systems and implement the responsibility system for administrative law enforcement.

This Municipality shall establish the information system for supervising the administrative law enforcement in cultural markets to carry out the dynamic monitoring of business activities and administration in cultural markets and improve the level of safeguarding the supervision of law enforcement.

Article 10 The personnel for comprehensive administrative law enforcement in cultural markets may only engage in law enforcement after receiving trainings in knowledge of law and professional knowledge, passing the exams on the qualification for administrative law enforcement and acquiring the certificates for administrative law enforcement uniformly made and issued by the Municipal People's Government.

The personnel for comprehensive administrative law enforcement in cultural markets shall carry out supervision and inspection in accordance with law, wear the symbols for comprehensive administrative law enforcement in cultural markets and show their certificates for law enforcement. They shall not hamper the normal production and business activities of the parties concerned, and neither seek for or illegally take properties of the parties concerned, nor seek for other benefits.

Article 11 When carrying out inspection for law enforcement, the personnel for comprehensive administrative law enforcement in cultural markets may take the following measures in accordance with law:

- (1) entering the inspected units or spots for investigation and inspection;
- (2) stopping or correcting the ongoing violations of law;
- (3) looking up, referring to copying, shooting or recording relevant evidencing materials, obtaining evidences through sampling, or registering relevant evidences for preservation beforehand; and
- (4) other measures stipulated by laws, regulations or rules.

Article 12 The departments for comprehensive law enforcement in cultural markets shall take good care of the places, facilities or properties sealed up or detained in accordance with law, and not use or damage them.

After taking the sealing up or detention measures, with respect to the violations of law whose facts are clear, the departments for comprehensive law enforcement in cultural markets shall make the disposal decisions within the specified time limit in accordance with the following provisions:

- (1) to confiscate, in accordance with law, those things that should be confiscated in accordance with law;
- (2) to destroy, in accordance with law, those things that should be destroyed in accordance with law; or
- (3) where the party concerned cannot be confirmed or the party concerned refuses to accept the investigation, the departments for comprehensive law enforcement in cultural markets may make the decision of confiscating or destroying the things beyond 60 days after

会公告六十日后，可以依法作出没收、销毁决定。

文化市场综合执法部门解除查封、扣押措施的，应当将财物退还当事人。对无法通知当事人或者当事人接到通知后拒不认领的，文化市场综合执法部门应当向社会公告六十日，公告期满仍未认领的，可以依法处置。

第十三条 法律、法规、规章规定应当送达当事人的法律文书，文化市场综合执法部门应当在法定期限内送达当事人。

当事人拒绝接收法律文书的，执法人员应当邀请有关基层组织或者所在单位的代表到场，说明情况，在送达回证上记明拒收事由和日期，由执法人员、见证人签名或者盖章，把法律文书留在当事人的住所，即视为送达。

因当事人无联系方式、联系方式不真实等原因无法采用其他法定送达方式送达当事人的，应当公告送达。公告期限不得少于六十日。公告期限届满即视为送达。

第十四条 文化市场综合执法部门应当加强对行政管理相对人违法信息的采集和管理，并按照规定将企业违法信息记入企业信用信息系统。

第十五条 本市建立文化市场综合行政执法协调机制，加强文化市场综合执法部门与有关行政部门之间的执法协调，研究、处理文化市场综合行政执法工作重要事项。

第十六条 文化市场综合执法部门在执法工作中需要本市相关部门提供鉴定结论或者其他专业意见的，应当送交样本。相关部门应当在十五个工作日内作出鉴定结论或者出具专业意见；情况复杂确需延长的，经本部门负责人批准，可以延长，但是延长期限不得超过十五个工作日。法律、法规、规章另有规定的除外。鉴定时间不计入办案期限。

第十七条 文化市场综合执法部门依法开展执法检查，涉及文化、广播电影电视、新闻出版（版权）、文物等行政部门行政许可事项的，应当及时将执法情况通报作出行政许可的行政部门；作出吊销行政许可处罚决定的，应当自作出决定之日起十五个工作日内通知作出行政许可的行政部门办理注销手续。

making an announcement to the society.

Where the departments for comprehensive law enforcement in cultural markets release the sealing up or detention measures, the properties shall be returned to the party concerned. Where it is unable to notify the party concerned or the party concerned refuses to claim such properties after receiving the notice, the departments for comprehensive law enforcement in cultural markets shall make an announcement to the society with a period of 60 days; where the properties are still not claimed at the expiry of the period of announcement, the departments for comprehensive law enforcement in cultural markets may deal with such properties in accordance with law.

Article 13 As to the legal documents that should be served to the party concerned as provided for in laws, regulations and rules, the departments for comprehensive law enforcement in cultural markets shall serve them to the party concerned within the statutory time limit.

Where the party concerned refuses to accept the legal document, the law-enforcement personnel shall ask representatives from the relevant grass-roots organization or the unit where the party concerned works appear on the scene, explain the situation to them, record on the receipt the reasons of the refusal and the date of it, leave the legal document at the place where the party concerned lived after the law enforcement personnel and the witnesses have affixed their signatures or seals to it, and the service shall be deemed completed.

Where the legal document cannot be served to the party concerned by other statutory methods due to such reasons as there is no contact information of the party concerned or the contact information of the party concerned is untrue, the document shall be served by public announcement. The period of announcement shall not be less than 60 days. At the expiry of the period of announcement, the legal document shall be deemed to have been served.

Article 14 The departments for comprehensive law enforcement in cultural markets shall strengthen the collection and management of the information about the violations of law by administrative counterparts, and incorporate the information about the violations of law by enterprises into the enterprise credit information system in accordance with relevant provisions.

Article 15 This Municipality shall establish the coordination mechanism for comprehensive administrative law enforcement in cultural markets, strengthen the co-ordination in law enforcement between the departments for comprehensive law enforcement in cultural markets and relevant administrative departments, and study and deal with the important matters in the comprehensive administrative law enforcement in cultural markets.

Article 16 Where the departments for comprehensive law enforcement in cultural markets need relevant departments of this Municipality to provide authentication conclusions or other professional opinions in their law enforcement, they shall submit the samples. The relevant departments shall make the authentication conclusions or produce the professional opinions within 15 working days; where the time limit really needs to be extended due to complex situations, the time limit may be extended with the approval of the persons in charge of the corresponding departments, but the extended period shall not be more than 15 working days, unless there are otherwise provisions in laws, regulations or rules. The time of authentication shall not be included in the time limit for handling the cases.

Article 17 Where the inspection for law enforcement carried out by the departments for comprehensive law enforcement in cultural markets in accordance with law involves the administrative licensing matters of the administrative departments for culture, radio, film and television, press and publication (copyright) relics, etc. the departments for comprehensive law enforcement in cultural markets shall timely notify the situation of law enforcement to the administrative departments granting the administrative licenses; where the decisions

文化、广播电影电视、新闻出版（版权）、文物等行政部门应当建立健全行政许可实施的监督检查制度，依法履行对被许可人从事行政许可事项活动的监督检查等文化市场监管职责，办理行政许可的检验、变更、延续、撤销、注销等事项，并自办结有关事项之日起十五个工作日内将有关情况通报文化市场综合执法部门。

第十八条 文化市场综合执法部门在执法工作中需要公安、工商行政管理、通信管理、城市管理等有关行政部门协助、配合的，应当将协助、配合事项通报有关行政部门，有关行政部门应当按照有关规定办理。

第十九条 文化市场综合执法部门应当与司法机关建立案件移送等行政执法与刑事司法衔接工作机制，建立健全案件移送标准和程序。

第二十条 文化市场综合执法部门等行政部门工作人员依法执行公务，有关单位和个人应当予以协助、配合。

拒绝、阻碍文化市场综合执法部门等行政部门工作人员依法执行公务的，由公安机关依照《中华人民共和国治安管理处罚法》的有关规定处理；构成犯罪的，依法追究刑事责任。

第二十一条 文化市场综合执法部门依法作出行政处罚决定，当事人应当在行政处罚决定的期限内予以履行。当事人逾期不履行行政处罚决定的，文化市场综合执法部门可以依法实施行政强制执行或者申请人民法院强制执行。

第二十二条 文化市场综合执法部门应当建立健全文化市场违法行为举报制度，向社会公布统一受理举报的通信地址、电话和电子邮箱等。

文化市场综合执法部门接到举报应当登记并及时核实处理。举报人要求回复的，应当将处理结果回复举报人。文化市场综合执法部门应当对举报人的有关信息保密。

举报人提供的线索对文化市场综合执法部门查处违法行为发挥重要作用并经查证属实的，文化市场综合执法部门可以依照有关规定表彰奖励。

of penalty on revoking the administrative licenses, the departments for comprehensive law enforcement in cultural markets shall, within 15 working days as of the date of making the decision, notify the administrative departments granting the administrative licenses to handle the revocation procedures.

The administrative departments for culture, radio, film and television, press and publication (copyright), relics, etc. shall set up and perfect the system of supervision and inspection of the implementation of administrative licensing, exercise such duties in supervision and administration of cultural markets as supervising and inspecting the engagement of the licensees in the administrative licensed matters, handle the examination, alteration, extension, revocation and cancellation procedures of the administrative licenses and notify the relevant information to the departments for comprehensive law enforcement in cultural markets within 15 working days as of the completion of handling relevant matters.

Article 18 Where the departments for comprehensive law enforcement in cultural markets need the assistance or cooperation of the departments for public security, industrial and commercial administration, communications and urban administration in law enforcement, they shall notify the matters for assistance or cooperation to the relevant administrative departments, and the relevant administrative departments shall handle such matters in accordance with relevant provisions.

Article 19 The departments for comprehensive law enforcement in cultural markets shall establish the working mechanism for connection of administrative law enforcement and criminal justice with the judicial organs for such matters as the transfer of cases, and set up and perfect the standards and procedures for the transfer of cases.

Article 20 Where the staff members of the departments for comprehensive law enforcement in cultural markets and other administrative departments are performing their duties in accordance with law, relevant units and individuals shall render their assistance and cooperation.

Whoever refuses or hinders the performance of duties in accordance with law by the staff members of the departments for comprehensive law enforcement in cultural markets and other administrative departments shall be dealt with by the public security organ in accordance with the relevant provisions of the Law of the People's Republic of China on Penalties for Administration of Public Security; where a crime is constituted, criminal liability shall be investigated for in accordance with law.

Article 21 Where the department for comprehensive law enforcement in cultural markets makes a decision of administrative penalty in accordance with law, the party concerned shall execute the decision within the time limit stipulated in the decision of administrative penalty. Where the party concerned fails to execute the decision of administrative penalty, the department for comprehensive law enforcement in cultural markets may carry out the compulsory administrative enforcement in accordance with law or apply to the people's court for compulsory enforcement.

Article 22 The departments for comprehensive law enforcement in cultural markets shall set up and perfect the reporting system on violations of law in cultural markets, and promulgate the mail address, telephone number and e-mail address for uniform reception of reports to the society.

When receiving reports, the departments for comprehensive law enforcement in cultural markets shall make registration and timely check and dispose of them. Where the reporters require replies, the departments for comprehensive law enforcement in cultural markets shall reply the disposal results to the reporters. The departments for comprehensive law enforcement in cultural markets shall keep relevant information about the reporters' secret.

Where the clues reported by the reporters play an important role in the investigation

第二十三条 文化市场综合执法部门应当主动将职责范围、执法依据、执法程序、处罚标准等执法管理信息向社会公开，接受社会监督。

公民、法人和其他组织发现文化市场综合执法部门执法人员在执法活动中有违法或者不当行为的，有权向其所在单位、上级行政机关或者监察机关检举、控告、申诉，接到检举、控告、申诉的部门应当及时核实处理，并反馈处理意见。

第二十四条 文化市场综合执法部门及其执法人员有下列行为之一的，由其所在单位、上级行政机关或者监察机关对负责的主管人员和其他责任人员依法追究行政责任；构成犯罪的，依法追究刑事责任：

- （一）没有法定依据或者不遵守法定程序实施行政处罚的；
- （二）无法定事由或者违反法定程序擅自改变已作出的行政处罚决定的；
- （三）使用或者损毁先行登记保存、查封、扣押的场所、设施或者财物的；
- （四）实施监督检查向当事人索取、非法收受财物或者谋取其他利益的；
- （五）违反规定泄露举报人信息的；
- （六）其他违法执法行为。

第二十五条 本办法自 2012 年 1 月 1 日起施行。

and punishment of violations of law by the departments for comprehensive law enforcement in cultural markets and are proved to be true, the departments for comprehensive law enforcement in cultural markets may commend or reward the reporters in accordance with relevant provisions.

Article 23 The departments for comprehensive law enforcement in cultural markets shall initiatively promulgate such administration information about law enforcement as the scopes of duties, bases of law enforcement, procedures of law enforcement and standards of penalty to the society and accept the supervision from the public.

The citizens, legal persons and other organizations which discover the violations of law or improper acts committed by the law-enforcement personnel of the departments for comprehensive law enforcement in cultural markets in law enforcement activities have the right to report, accuse or complain to the units of the personnel, the administrative agencies at the superior levels or the supervisory organs; and the departments receiving the reports, accusations or complaints shall timely check and dispose of them, and feedback the disposal opinions.

Article 24 Where the departments for comprehensive law enforcement in cultural markets and their law-enforcement personnel commit any one of the following acts, the units of the personnel, the administrative agencies at the superior levels or the supervisory organs shall investigate the persons in charge with direct responsibility and other responsible persons for administrative liability; where a crime is constituted, criminal liability shall be investigated for in accordance with law:

- (1) imposing administrative penalties without legal bases or in incompliance with statutory procedures;
- (2) changing the decisions of administrative penalty already been made without statutory causes or in violation of statutory procedures without authorization;
- (3) using or damaging the places, facilities or properties registered for preservation beforehand, sealed up or detained;
- (4) seeking for or illegally taking properties from the relevant parties concerned, or seeking other benefits when carrying out the supervision and inspection;
- (5) disclosing the information about reporters in violation of relevant provisions; or
- (6) other illegal acts of law enforcement.

Article 25 These Measures shall be effective as of January 1, 2012.

（五）文物保护

北京市实施《中华人民共和国文物保护法》办法

（2004年9月10日北京市第十二届人民代表大会常务委员会第十四次会议通过 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 为了加强对文物的保护，根据《中华人民共和国文物保护法》等有关法律、法规，结合本市实际情况，制定本办法。

第二条 本市行政区域内的文物保护工作适用本办法。

第三条 市和区人民政府负责本行政区域内的文物保护工作。

市和区人民政府文物部门对本行政区域内的文物保护实施监督管理。

规划和自然资源、住房和城乡建设、园林绿化、市场监督管理、公安、发展改革、文化和旅游、宗教等有关部门应当在各自的职责范围内依法做好文物保护工作。

第四条 市和区人民政府应当将文物保护事业纳入本级国民经济和社会发展规划，所需经费列入本级财政预算。本市用于文物保护的财政拨款随着财政收入增长而增加。

市和区人民政府应当根据本行政区域内文物保护工作的实际需要，设立文物保护专项经费，用于文物保护。

本市鼓励自然人、法人和其他组织对文物保护事业进行捐赠。市文物保护基金会、文物保护单位及其他受赠人接受的捐赠，专门用于文物保护，任何单位和个人不得擅自、挪用。

第五条 本市鼓励和支持文物保护的科学技术研究。

市文物部门应当制定文物保护的科学技术研究规划，促进文物保护科技成果的推

v. Cultural Relics Protection

Measures of Beijing Municipality for the Implementation of the Law of the People's Republic of China on the Cultural Relics Protection

(Adopted at the 14th Meeting of the Standing Committee of the 12th Municipal People's Congress of Beijing on September 10, 2004, 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 These Measures are formulated with a view to strengthening the protection of cultural relics in accordance with the Law of the People's Republic of China on Protection of Cultural Relics and in line with the actual situation of this Municipality.

Article 2 These Measures are applicable to the protection of cultural relics within the administrative region of this Municipality.

Article 3 People's governments at the municipality, district and county levels are responsible for the cultural relics protection of this administrative region.

The administrative departments for cultural relics of the people's governments at the municipality, district and county levels shall supervise and manage the protection of cultural relics within the administrative region of this Municipality.

The administrative departments for planning, construction, gardening, homeland resources, industry and commerce, public security, development and reform, tourism, religion shall make efforts to protect cultural relics in accordance with law within their own jurisdiction.

Article 4 The people's governments at the municipality, district and county levels shall integrate cultural relics protection into the national economic and social development plan at corresponding level, and the necessary expenses shall be listed in the budgets of respective people's governments at all levels. The financial allocation for cultural relics protection shall grow with the increase of the municipal financial revenue.

People's governments at the municipality, district and county levels shall set up special fund for cultural relics protection in light of the situation of cultural relics protection of their respective administrative regions.

Donations from natural person, legal person and other organizations are encouraged in this Municipality. The donation received by the municipal cultural relics protection fund, cultural relics protection units and donation, receiving parties shall be used exclusively for cultural relics protection and any other unit or individual shall not seize or embezzle the donations for other purposes.

Article 5 Scientific and technological research for cultural relics protection are encouraged and supported by this Municipality.

The municipal administrative departments for cultural relics shall work out a plan

广和应用，提高文物保护的科学技术水平。

市和区文物部门负责组织文物和博物馆专业人才的培训工作。

第六条 本市建立文物普查制度。市人民政府定期组织开展文物普查工作，区人民政府负责定期对本行政区域内的不可移动文物进行普查登记，并向市文物部门备案。

第七条 区人民政府应当对本行政区域内未核定为文物保护单位的不可移动文物建立档案；定期对其历史、艺术、科学价值进行鉴定，根据鉴定结果，对核定为区级文物保护单位的，每三年公布一次。

第八条 市文物部门负责组织制定市级以上文物保护单位的具体保护措施，并公告施行。

区文物部门负责组织制定区级文物保护单位和未核定为文物保护单位的不可移动文物的具体保护措施，并公告施行。

保护措施包括不可移动文物的修缮、安全、利用、环境整治等内容。

第九条 不可移动文物的管理人、使用人，应当制定文物的保养、修缮计划以及自然灾害和突发事件的预防、处置方案。未制定保护计划、方案的，由文物部门责令改正。

第十条 文物保护单位核定公布后，应当依法划定保护范围和建设控制地带。地处两个以上行政区域的区级文物保护单位，其保护范围和建设控制地带的划定工作，由相关的区人民政府共同负责；对保护范围和建设控制地带的划定有争议的，由市人民政府指定的区人民政府负责。

第十一条 两个以上文物保护单位的保护范围、建设控制地带相互重合的，规划和自然资源部门审批该区域内的建设工程项目时，应当按照其中较为严格的建设控制标准执行。

第十二条 建设工程选址，应当尽可能避开不可移动文物。因特殊情况不能避开的，对文物保护单位应当尽可能实施原址保护；无法实施原址保护，必须迁移异地保护或者拆除的，建设单位应当报市文物部门，由市人民政府批准；迁移全国重点文物

for the scientific and technological research for cultural relics protection, promote the application of the results of scientific and technological research for cultural relics protection and improve the scientific and technological level for cultural relics protection.

The administrative departments for cultural relics at the municipality, district and county levels shall be responsible for organizing the training of professionals for cultural relics and museums.

Article 6 This Municipality establishes general survey system for cultural relics. The municipal people's government organizes general survey for cultural relics on a regular basis, and people's governments at the district and county levels shall be responsible for conducting general survey and keeping record of the immovable cultural relics within their own administrative regions on a regular basis, and shall report for record to the municipal administrative department for cultural relics.

Article 7 People's governments at the district and county levels shall set up archive for immovable cultural relics which haven't been examined and ratified as cultural relics protection units; regular evaluation shall be conducted for the historical, artistic and scientific value of these cultural relics and in light of the evaluation results, those which are ratified as district, county level cultural relics protection units shall be publicized every three years.

Article 8 The municipal administrative department for cultural relics shall be responsible for formulating specific protection measures for cultural relics protection units above municipal level and promulgating these measures for implementation.

The administrative departments for cultural relics at the district and county levels shall be responsible for formulating specific protection measures for cultural relics protection units of district and county levels and immovable cultural relics which haven't been ratified as cultural relics protection units and promulgating these measures for implementation.

Protection measures shall cover the aspects of the repair, maintenance, safety, use and environment treatment of immovable cultural relics and so on.

Article 9 The custodians and users of immovable cultural relics shall work out plans for the maintenance and repair of cultural relics, as well as plans for the prevention and disposal of natural disasters and emergencies. If no protection plan or scheme is formulated, the departments for cultural relics shall order them to make corrections.

Article 10 After publicizing the ratification of cultural relics protection units, protection range and areas of construction control shall be designated in accordance with law.

Cultural relics protection units at the district and county levels which stretch over two administrative regions, the relevant people's governments at district and county levels shall be responsible for the designation of protection range and areas of construction control; the municipal people's government shall be responsible for settling the disputes over the designation of protection range and areas of construction control.

Article 11 If two or more than two protection range and areas of construction control overlap, the administrative department for planning shall take the stricter standards of construction control when approving construction projects within this region.

Article 12 The selection of site for construction shall avoid the immovable cultural relics as much as possible. If the immovable cultural relics can not be avoided under particular circumstances, the cultural relics protection units shall be protected at the original place as much as possible; if the cultural relics protection units can not be protected at the original place, but have to be moved to another place or dismantled, the construction unit shall report to the municipal administrative department for cultural relics and acquire the

保护单位的，由市人民政府报国务院批准。

未核定为文物保护单位的不可移动文物迁移、拆除的，建设单位应当报区文物部门，由区人民政府批准。区人民政府批准前应当征得市文物部门同意。

第十三条 修缮不可移动文物，应当按照批准的修缮方案施工。修缮方案变更的，不可移动文物的管理人、使用人应当报原批准的文物部门重新批准。

对文物建筑进行装修，应当符合文物建筑装修标准，不得对文物建筑造成破坏。文物建筑装修标准市文物部门制定。

第十四条 文物建筑的管理人、使用人应当按照规定加强火源、电源的管理，配备必要的灭火设备。在重点要害部位根据实际需要，安装自动报警、灭火、避雷等设施。安装、使用设施不得对文物建筑造成破坏。

遇有危及文物安全的重大险情，文物建筑的管理人、使用人应当及时采取措施，并向建筑物所在地的区文物部门报告。

第十五条 核定为文物保护单位的国有纪念建筑物、古建筑向社会开放的，其管理人、使用人应当保证建筑物的正常开放。市或者区文物部门发现管理人、使用人的行为造成建筑物有碍开放的，可以责令管理人、使用人进行整治。

第十六条 本市严格控制利用文物保护单位拍摄电影、电视以及举办展销和其他大型活动。确需利用文物保护单位拍摄电影、电视或者举办展销和其他大型活动的，拍摄单位或者举办者应当征得文物管理人、使用人同意，并提出活动计划。举办展销和其他大型活动，利用全国重点文物保护单位或者市级文物保护单位的，报市文物部门审批；利用区级文物保护单位的，报区文物部门审批。更改活动计划的，应当报原批准的文物部门重新批准。

拍摄单位和举办者应当制定文物保护预案，落实保护措施。文物部门应当对举办者的活动进行监督。

利用文物保护单位拍摄电影、电视以及举办展销和其他大型活动，文物保护单位所得收益应当用于文物保护。

approval of the municipal people's government; the removal of state key cultural protection units shall be reported by the municipal people's government to the State Council for approval.

The removal, dismantling of immovable cultural relics which have not been ratified as cultural relics protection units shall be reported by the construction units to the administrative department for cultural relics at the district and county levels for approval. The people's governments at the district and county levels shall secure the agreement of the municipal administrative department for cultural relics before the approval.

Article 13 The repair of immovable cultural relics shall be conducted in accordance with the approved plan. In case of any alteration of the repair plan, the manager and user of the immovable cultural relics shall report to the administrative department which approves the original repair plan for another round of approval.

The renovation of cultural relics shall be conducted in accordance with the renovation standards for cultural relics and architectures, and no damage on cultural relics and architectures is allowed. The renovation standards for cultural relics and architectures shall be formulated by the municipal administrative department.

Article 14 The manager and user of cultural relics and architecture shall strengthen the management of fire source and electricity, and install necessary fire extinguishing equipment in accordance with regulations. In light of actual needs, automatic alarm, fire extinguisher, and lightening protection facilities shall be installed at some crucial places. The installation and application of these facilities shall not damage the cultural relics and architectures.

In case of major emergency endangering the safety of cultural relics, the manager and user of cultural relics and architectures shall take prompt measures and shall report to the administrative departments for cultural relics at the district and county levels where the architectures are located.

Article 15 The managers and users of state-owned memorial architectures and ancient architectures ratified as cultural relics protection units which are open to the public shall ensure the normal opening of these architectures. The administrative departments for cultural relics at the municipality, district level can ordered the managers and users to make rectification if their behaviors are discovered to be obstructive to the normal opening of these architectures.

Article 16 This Municipality shall strictly control the use of cultural relics protection units for film and TV drama production, as well as the holding of exhibitions and other large-scale activities. If it is really necessary to make use of cultural relics protection units to shoot films, TV dramas or hold exhibitions and other large-scale activities, the shooting units or sponsors shall obtain the consent of the custodians and users of cultural relics and put forward an activity plan. The use of national key cultural relics protection units or municipal cultural relics protection units to hold exhibitions and other large-scale activities shall be reported to the municipal department for cultural relics for examination and approval; the use of district cultural relics protection units shall be reported to the district department for cultural relics for examination and approval. The change of an activity plan shall be reported to the department for cultural relics that originally approved the plan for re-approval.

The shooting units and sponsors shall formulate plans for the protection of cultural relics and implement protective measures. The departments for cultural relics shall supervise the activities of the sponsors.

The proceeds of cultural relics protection units from the use thereof for film and TV

第十七条 核定为文物保护单位的国有纪念建筑物或者古建筑，除建立博物馆、保管所或者辟为参观游览场所以外，如果必须作其他用途的，应当依法经过审批；并且不得改变文物原状、不得危害文物安全。

第十八条 市文物部门应当会同市规划和自然资源部门，根据史料、普查资料等对本市行政区域内有可能集中埋藏文物的地区划定地下文物埋藏区，报市人民政府核定并公布。

第十九条 在地下文物埋藏区进行建设工程的，建设单位应当在施工前报请市文物部门组织考古调查、勘探。

在旧城区进行建设用地一万平方米以上建设工程的，建设单位应当在施工前报请市文物部门组织在工程范围内有可能埋藏文物的地方进行考古调查、勘探。

市文物部门应当自收到申请之日起五日内组织考古调查、勘探。考古调查、勘探中发现文物的，由市文物部门根据文物保护的要求会同建设单位共同商定保护措施。在发现重要文物的区域，市文物部门可以会同市规划和自然资源部门划定临时禁止建设区。

第二十条 博物馆、图书馆和其他文物收藏单位对收藏的文物，应当按照国家有关规定区分等级，设置藏品档案。藏品档案应当报与批准其设立的行政部门级别相应的文物部门备案。馆藏文物等级区分不准确、文物藏品档案不完整的，文物部门责令其改正。

第二十一条 博物馆、图书馆和其他文物收藏单位应当对馆藏文物科学分类，妥善保管。馆藏文物应当设立专库保管，馆藏一级文物应当单独设立专库或者专柜保管。无条件设立专库或者专柜保管国有馆藏珍贵文物的，市文物部门指定有保管条件的单位代为保管。

第二十二条 博物馆、图书馆和其他文物收藏单位应当建立馆藏文物核查制度，对馆藏文物定期进行检查。

第二十三条 已经建立完整藏品档案的国有博物馆、图书馆和其他文物收藏单位，申请交换馆藏文物的，交换双方应当向市文物部门提出书面申请，申请内容包括交换

drama production, exhibitions and other large-scale activities shall be used for the protection of cultural relics.

Article 17 Except for the establishment of museums, storeroom and sightseeing places, the use of state-owned memorial architectures and ancient architectures ratified as cultural relics protection units for other purposes shall be approved in accordance with law; the original looks of cultural relics shall not be changed and the safety of cultural relics shall not be jeopardized.

Article 18 The municipal administrative department shall, in coordination with the municipal administrative department for planning, designate the burial area of underground cultural relics where cultural relics may concentrate within the administrative region of this Municipality in accordance with historical materials and survey data, and report the designation to the municipal people's government for approval and promulgation.

Article 19 For construction projects in the burial area of underground cultural relics, the constructing units shall report to the municipal administrative department for cultural relics for archaeological survey and exploration before the commencement of the construction.

For construction projects covering a land area over ten thousands square meters within old city proper, the constructing unit shall report to the municipal administrative department for cultural relics for archaeological survey and exploration at the places where underground cultural relics may be found before the commencement of the construction.

The municipal administrative department for cultural relics shall organize archaeological survey and exploration within five days of the receipt of application. If cultural relics are discovered during the archaeological survey and exploration process, the municipal administrative department for cultural relics shall discuss with the constructing units about the protection measures over the discovered relics in accordance with the requirements for cultural relics protection. In areas where important cultural relics are discovered, the municipal administrative department can, in coordination with the municipal administrative department for planning, designate the area as the temporary construction prohibition area.

Article 20 Museums, libraries and other units for cultural relics collection shall differentiate the levels of cultural relics collected in accordance with relevant state regulations, and set up collection archives. Collection archives shall be reported for record to the administrative departments for cultural relics at the corresponding level of the administrative departments which approves the setting up of the archives. If the differentiation of cultural relics levels is inexact and cultural collection archives are incomplete, corrections shall be ordered by the administrative departments for cultural relics.

Article 21 Museums, libraries and other units for cultural relics collection shall make scientific categorization and take good care of cultural relics collected. Special storerooms shall be given for the preservation of cultural relics collected. Unique storerooms or cases shall be set for the preservation of the first grade cultural relics collected. The municipal administrative department for cultural relics shall designate units with the conditions for preservation to preserve the state precious cultural relics for the units which lack the condition for preservation.

Article 22 Museums, libraries and other units for cultural relics collection shall establish checking system for cultural relics collection to check the cultural relics collection regularly.

Article 23 Where state-owned museums, libraries and other cultural relics collection units that have established complete archives of their collection apply for the exchange of

馆藏文物的名称、价值，交换的原因、用途、补偿方式，交换单位的背景资料、协议书草案。经市文物部门批准后方可交换。

馆藏文物交换双方应当对文物交换情况予以记录，对藏品档案作相应变更。

第二十四条 交换馆藏文物不得破坏原有馆藏文物正常序列，不得破坏已经形成的展览体系。

第二十五条 非国有文物收藏单位和其他单位举办展览借用国有馆藏二级以下文物的，出借方应当向市或者区文物部门提出书面申请，申请内容包括出借馆藏文物的名称、价值，借用的原因、用途，借用单位的背景资料，协议书副本。经文物部门批准后方可出借。

第二十六条 修复、复制、拓印馆藏二级文物和馆藏三级文物的，文物收藏单位应当报市文物部门依法批准。

第二十七条 市文物部门应当建立文物购销、拍卖信息与信用管理系统。文物商店购买、销售文物，拍卖企业拍卖文物，应当按照国家有关规定作出记录，并于销售、拍卖文物后三十日内报市文物部门备案。

拍卖文物时，委托人、买受人要求对其身份保密的，文物部门应当为其保密；但是，法律、行政法规另有规定的除外。

第二十八条 有下列行为之一的，由市或者区文物部门责令改正，造成严重后果的，处五万元以上五十万元以下的罚款：

（一）违反本办法第十三条第一款规定，擅自变更修缮方案修缮不可移动文物，明显改变文物原状的；

（二）违反本办法第十三条第二款规定，对文物建筑进行装修，不符合文物建筑装修标准，对文物建筑造成破坏的；

（三）违反本办法第十四条第一款规定，安装、使用自动报警、灭火、避雷等设施对文物建筑造成破坏的；

（四）违反本办法第十四条第二款规定，遇有危及文物安全的重大险情，未及时采取措施或者未向文物部门报告的。

their collection of cultural relics, the exchange parties shall submit a written application to the municipal department for cultural relics, which shall specify the name and value of the cultural relics to be exchanged, the reason, purpose and compensation method for the exchange, background information of the exchange parties, and the agreement draft. The cultural relics can only be exchanged with the approval of the municipal department for cultural relics.

The exchange parties of cultural relics shall record the exchange of cultural relics and make corresponding changes to the archives of their collections.

Article 24 The exchanged cultural relics collection shall not disrupt the order of the original cultural relics collection, and shall not disturb the existing exhibition system.

Article 25 If non-state-owned cultural relics collecting units or other units borrow state-owned cultural relics below second grade cultural relics collection for exhibition, the lending party shall submit a written application to the municipal, or district, county administrative department for cultural relics and the application shall include the name and value of the lent cultural relics collection, the reason for lending, use, the background information of the borrowing unit and the copy of the agreement. The lending can only be conducted with the approval of the administrative departments for cultural relics.

Article 26 The cultural relics collection units shall report the restoration, reproduction and rubbing of the collection of second grade cultural relics and third grade cultural relics to the municipal department for cultural relics for approval according to law.

Article 27 The municipal department for cultural relics shall establish an information and credit management system for the purchase, selling and auction of cultural relics. Cultural relics stores, in the purchase and selling of cultural relics, and auction enterprises, in the auction of cultural relics, shall keep records in accordance with the relevant provisions of the state, and shall report to the municipal department for cultural relics for the record within 30 days after the selling and auction of cultural relics.

If required by the client or the buyer in the auction of cultural relics to keep their identities secret, the departments for cultural relics shall do so; except as otherwise provided by laws and administrative regulations.

Article 28 Any one who performs any of the following activities shall be ordered to make corrections by the municipal or district, county administrative department for cultural relics; if serious consequences are caused, a fine no less than 50,000 yuan and no more than 500,000 yuan shall be imposed:

(1) in violation of the provision of item 1 of Article 13 of these Measures, voluntarily altering repair plan for the repair of immovable cultural relics, resulting in the obvious change of the looks of cultural relics;

(2) in violation of the provision of item 2 of Article 13 of these Measures, renovating cultural relics and architectures against the renovation standards for cultural relics and architectures, resulting in damages of the cultural relics and architectures;

(3) in violation of the provision of item 1 of Article 14 of these Measures, installing, using automatic alarm, fire extinguishing and lightening-protection facilities which results in the damages of the cultural relics and architectures;

(4) in violation of the provision of item 2 of Article 14 of these Measures, failing to take prompt measures or failing to report to the administrative department for cultural relics in

第二十九条 违反本办法第十六条的规定，举办者擅自举办活动或者更改活动计划，由原批准的文物部门责令改正，没收违法所得，并处十万元以上二十万元以下的罚款。

第三十条 本办法自 2004 年 10 月 1 日起施行。

1987 年 6 月 23 日市第八届人民代表大会常务委员会第三十七次会议通过、1997 年 10 月 16 日市第十届人民代表大会常务委员会第四十次会议修改的《北京市文物保护管理条例》以及 1993 年 5 月 4 日市人民政府批准、1993 年 10 月 23 日市文物事业管理局发布、1997 年 12 月 31 日市政府第十二号令修改的《北京市馆藏文物管理规定》同时废止。

case of major emergency endangering the safety of cultural relics.

Article 29 The sponsors, in violation of the provisions of Article 16 of the Measures, holding activities or changing activity plans without authorization shall be ordered to make corrections by the department for cultural relics that originally granted the approval, confiscated of illegal gains and imposed a fine of not less than 100,000 yuan but not more than 200,000 yuan.

Article 30 These Measures shall take effect as of October 1, 2004.

The Regulations of Beijing Municipality on the Management of Cultural Relics Protection adopted at the 37th Session of the Eighth Standing Committee of the People's Congress on June 23, 1987, amended at the 40th Session of the Tenth Standing Committee of the People's Congress on October 16, 1997, and the Regulations of Beijing Municipality on the Management of Cultural Relics Collection approved by the Municipal People's Government on May 4, 1993, promulgated by the Municipal Administrative Bureau for Cultural Relics on October 23, 1993 and amended by the twelfth Decree of the Municipal Government on December 31, 1997 shall be annulled at the same time.

北京历史文化名城保护条例

(2005年3月25日北京市第十二届人民代表大会常务委员会
第十九次会议通过)

第一章 总 则

第一条 为了加强对北京历史文化名城的保护,根据国家城乡规划、文物保护等有关法律、法规,结合本市实际情况,制定本条例。

第二条 北京历史文化名城的保护,适用本条例。其中文物、古树名木的保护,法律、法规已有规定的,依照有关法律、法规的规定执行。

第三条 北京历史文化名城保护工作,应当坚持统筹规划、统一管理、保护为主、合理利用的原则。

第四条 市人民政府统一领导北京历史文化名城的保护工作。

区、县人民政府负责本辖区内有关北京历史文化名城保护的具体工作。

市规划行政主管部门负责北京历史文化名城保护的规划管理工作。

市文物行政主管部门应当按照本条例规定的职责,负责具有保护价值的建筑的保护工作,参与北京历史文化名城保护规划的编制、保护措施制定、历史文化街区的认定等工作。

发展改革、财政、建设、国土资源、水务、市政管理、园林、旅游、宗教事务和区县文物等行政主管部门,应当按照各自职责,负责北京历史文化名城保护的相关工作。

第五条 本市应当统筹协调国民经济和社会发展与北京历史文化名城保护工作,

Regulations on the Protection of Historical and Cultural City of Beijing

(Adopted at the 19th Meeting of the Standing Committee of the 12th People's Congress of Beijing Municipality on March 25, 2005)

Chapter I General Provisions

Article 1 The Regulations are formulated for the purpose of strengthening the protection of the historical and cultural city of Beijing in accordance with relevant laws and regulations of the State on urban and rural planning, protection of cultural relics, etc. and in light of actual circumstances of this Municipality.

Article 2 The Regulations shall apply to the protection of the historical and cultural city of Beijing. Where laws and regulations have provided for the protection of cultural relics and ancient and rare trees, such provisions shall prevail.

Article 3 For the protection of the historical and cultural city of Beijing, the principles of overall planning, unified management, protection first and rational utilization shall be adhered to.

Article 4 The Municipal People's Government shall exercise unified leadership over the protection of the historical and cultural city of Beijing.

The district or county people's governments shall be responsible for the specific work concerning the protection of the historical and cultural city of Beijing within their respective administrative areas.

The municipal competent department for planning shall be responsible for the planning and management of the protection of the historical and cultural city of Beijing.

The municipal competent department for cultural relics shall, based on the functions and duties stipulated in the Regulations, be responsible for the protection of architectural structures of protective value, and shall participate in preparation of the planning for protection of historical and cultural city of Beijing, formulation of protective measures, identification of blocks with historical and cultural features, etc.

The competent departments for development and reform, finance, construction, land and resources, water affairs, municipal administration, gardens, tourism, religious affairs, district or county cultural relics, etc. shall, within the scope of their respective functions and duties, be responsible for the work concerning the protection of the historical and cultural city of Beijing.

Article 5 This Municipality shall make overall plans for coordinating the national economic and social development and the protection of the historical and cultural city of

将北京历史文化名城保护纳入国民经济和社会发展规划和年度计划。

第六条 市和区、县人民政府应当在本级财政预算中安排北京历史文化名城保护资金，并将其纳入政府投资管理程序执行。

第七条 本市鼓励单位和个人以捐赠、资助、提供技术服务或者提出建议等方式参与北京历史文化名城的保护工作。

本市支持与北京历史文化名城保护相关的科学研究、技术创新和专业人才的培养。

第八条 任何单位和个人都有保护北京历史文化名城的义务，并有权对保护规划的制定和实施提出建议，对破坏北京历史文化名城的行为进行劝阻、检举和控告。

第九条 对保护北京历史文化名城做出突出贡献的单位和个人，市和区、县人民政府或者有关行政主管部门应当予以表彰和奖励。

第二章 保护内容

第十条 北京历史文化名城的保护内容包括：旧城的整体保护、历史文化街区的保护、文物保护单位的保护、具有保护价值的建筑的保护。

第十一条 旧城，是指明清时期北京城护城河及其遗址以内（含护城河及其遗址）的区域。

旧城的保护内容包括：历史河湖水系、传统中轴线、皇城、旧城“凸”字形城廓、传统街巷胡同格局、建筑高度、城市景观线、街道对景、建筑色彩、古树名木等。

旧城保护应当坚持整体保护的原则，针对不同区域采取不同的方式进行保护。

第十二条 皇城保护应当完整、真实地保持以紫禁城为核心，以皇家宫殿、衙署、坛庙建筑群、皇家园林为主体，以四合院为衬托的历史风貌、规划布局和建筑风格。

第十三条 对具有特定历史时期传统风貌或者民族地方特色的街区、建筑群、村镇等，应当认定为历史文化街区。

Beijing, and incorporate the protection of the historical and cultural city of Beijing into the plans for national economic and social development and annual plans.

Article 6 The municipal, district and county people's governments shall appropriate funds for the protection of the historical and cultural city of Beijing from the financial budgets at the corresponding levels, and incorporate them into the government investment management procedures for implementation.

Article 7 This Municipality shall encourage organizations and individuals to participate in protection of the historical and cultural city of Beijing by means of donations, subsidies, provision of technical services or suggestions.

This Municipality shall support the scientific research, technological innovation and training of professionals related to the protection of the historical and cultural city of Beijing.

Article 8 All organizations and individuals shall have the obligation to protect the historical and cultural city of Beijing, and shall have the right to make suggestions on the formulation and implementation of protection plans, and to deter, report and make charges against acts destroying the historical and cultural city of Beijing.

Article 9 The municipal, district and county people's governments or relevant administrative departments shall commend and reward organizations and individuals that have made outstanding contributions to the protection of the historical and cultural city of Beijing.

Chapter II Protected Sites

Article 10 The protection of the historical and cultural city of Beijing shall include: the overall protection of the Old City, the protection of blocks with historical and cultural features, the protection of protected cultural relic sites, and the protection of architectural structures of protective value.

Article 11 Old City refers to the area within the moat of Beijing City during the Ming and Qing Dynasties and its ruins (including the moat and its ruins).

The protection of the Old City shall cover: historical river and lake water systems, traditional central axis, Imperial City, narrower-north and wider-south (shaped layout) walls of the Old City, traditional lane pattern, architectural height, urban landscape line, opposite street sceneries, architectural colors, ancient and rare trees, etc.

For the Old City protection, the principle of overall protection shall be adhered to, and different ways shall be taken to protect different areas.

Article 12 For Imperial City protection, the historical features, planning layout and architectural style with the Forbidden City as the core, surrounded by royal palaces, dynasty government offices, temple complexes and royal gardens as the main part and studded with quadrangle courtyards (Siheyuan), shall be completely and truly maintained.

Article 13 Blocks, architectural complexes, villages and towns with traditional features or local ethnic characteristics of or relating to a specific historical period shall be recognized as historical and cultural blocks.

历史文化街区的范围应当包括核心保护区和建设控制区。建设控制区的划定应当符合核心保护区的风貌保护和视觉景观的要求。

第十四条 对尚未列为不可移动文物、反映一定时代特征、具有保护价值、承载真实和相对完整历史信息的四合院和其他建筑，应当认定为具有保护价值的建筑。具体认定标准和程序，由市人民政府制定并公布。

第十五条 历史文化街区的名单及其核心保护区和建设控制区的范围，由市规划行政主管部门会同市文物行政主管部门提出，报市人民政府批准并公布。

具有保护价值的建筑、城市景观线、对景建筑的名单，由市文物行政主管部门会同市规划行政主管部门提出，报市人民政府批准并公布。

历史河湖水系的名单，由市水行政主管部门会同市文物行政主管部门提出，报市人民政府批准并公布。

第三章 保护规划

第十六条 市人民政府应当根据北京历史文化名城保护工作的要求，组织编制北京历史文化名城保护规划，并将其纳入北京城市总体规划。

市规划行政主管部门应当根据北京历史文化名城保护规划及市人民政府公布的名单和保护范围，组织编制城市地理环境、城市中轴线、旧城、皇城、历史文化街区等专项保护规划和旧城、历史文化街区修建性详细规划，报市人民政府批准并公布。

编制北京历史文化名城保护规划、专项保护规划、修建性详细规划（以下统称保护规划），应当广泛征求社会公众意见，并组织专家论证。

保护规划应当按照统一的标准和要求编制。

本市其他各类城市专项规划和详细规划应当符合保护规划。

第十七条 北京历史文化名城保护规划的内容应当包括：保护的总体目标、保护

Historical and cultural blocks shall include a core protection area and a construction control area. The designation of the construction control area shall meet the requirements on feature preservation and visual landscape for the core protection area.

Article 14 Quadrangle courtyards and other architectural structures that have not been listed as immovable cultural relics but reflect certain characteristics of the times, have protective value, and carry true and relatively complete historical information shall be recognized as architectural structures of protective value. The specific recognition standards and procedures shall be formulated and announced by the Municipal People's Government.

Article 15 The list of historical and cultural blocks and the scope of their core protection areas and construction control areas shall be proposed by the competent municipal department for planning together with the competent municipal department for cultural relics, which shall be submitted to the Municipal People's Government for approval and announcement.

The list of architectural structures of protective value, urban landscape lines and opposite scenery structures shall be proposed by the competent municipal department for cultural relics together with the competent municipal department for planning, which shall be submitted to the Municipal People's Government for approval and announcement.

The list of historical river and lake water systems shall be proposed by the competent municipal department for water affairs together with the competent municipal department for cultural relics, which shall be submitted to the Municipal People's Government for approval and announcement.

Chapter III Protection Planning

Article 16 The Municipal People's Government shall, in accordance with the requirements of the protection of the historical and cultural city of Beijing, organize preparation of the planning for the protection of the historical and cultural city of Beijing, and incorporate it into the overall urban planning of Beijing.

The competent municipal department for planning shall, in accordance with the planning for the protection of the historical and cultural city of Beijing and the list and scope of protection announced by the Municipal People's Government, organize preparation of the special protection planning for urban geographical environment, urban central axis, Old City, Imperial City and historical and cultural blocks, as well as detailed planning for construction of Old City and historical and cultural blocks, which shall be submitted to the Municipal People's Government for approval and announcement.

In preparation of the planning for the protection of the historical and cultural city of Beijing, special protection planning and detailed construction planning (hereinafter referred to as protection planning), public opinions shall be extensively solicited and expert argumentation shall be organized.

The protection planning shall be formulated in accordance with uniform standards and requirements.

Other types of special urban planning and detailed planning of this Municipality shall be consistent with the protection planning.

Article 17 The protection planning for the historical and cultural city of Beijing shall include: the overall objective of protection, content and scope of protection, protection

内容、保护范围、保护标准、保护规划的实施保障措施等。

专项保护规划和修建性详细规划的内容应当包括：保护范围，保护原则，需要保护的建筑物、构筑物和其他设施，保持传统风貌的建筑高度、体量、色彩等控制指标，土地使用功能，人口密度，市政基础设施的改善，不同建筑的分类保护和整治措施，保证保护规划实施的具体措施以及其他应当纳入专项保护规划和修建性详细规划的内容。

第十八条 保护规划经依法批准公布后，不得违法调整；确因公共利益需要调整的，应当广泛征求社会公众意见，并组织专家论证后，报原批准机关批准并公布。

第四章 保护措施

第十九条 建设单位在保护规划范围内进行建设，应当符合修建性详细规划的要求，依法取得市规划行政主管部门的批准。设计单位应当按照保护规划中规定的设计要求进行设计。

第二十条 在保护规划范围内不得有下列行为：

- （一）违反保护规划进行拆除或者建设；
- （二）改变保护规划确定的土地使用功能；
- （三）突破建筑高度、容积率等控制指标，违反建筑体量、色彩等要求；
- （四）破坏历史文化街区内保护规划确定的院落布局和胡同肌理；
- （五）其他不符合保护规划的行为。

第二十一条 市和有关区人民政府应当根据保护规划的要求，制定调整旧城城市功能和疏解旧城居住人口的政策和措施，降低旧城人口密度，逐步改善旧城居民的居住条件。

第二十二条 市人民政府应当按照保护规划的要求，调整旧城路网规划，统筹兼顾交通出行、市政设施、城市景观和生态环境等各项功能的需要。

第二十三条 本市鼓励采用新材料、新技术，按照保护要求和技术规范，统筹改

standards, and guarantee measures for the implementation of the protection planning.

The special protection plans and detailed construction plans shall include: protection scope, protection principle, buildings, structures and other facilities to be protected, architectural height, volume, color and other control indicators to maintain traditional features, land use function, population density, improvement of municipal infrastructure, classified protection and improvement measures for different architectural structures, specific measures for implementation of the protection planning, as well as other contents to be included in the special protection plans and the detailed construction plans.

Article 18 No illegal adjustment shall be made to the protection plans after they have been approved and announced according to law; if it is really necessary to make any adjustment for public interests, public opinions shall be widely solicited and expert argumentation shall be organized before the adjustment is submitted to the original approval authority for approval and announcement.

Chapter IV Protective Measures

Article 19 Construction organizations, when conducting construction within the scope of the protection planning, shall meet the requirements of the detailed construction planning and obtain the approval of the competent municipal department for planning according to law. Design organizations shall work in accordance with the design requirements specified in the protection plans.

Article 20 The following acts shall be prohibited within the scope of the protection planning:

- (1) conducting demolition or construction in violation of the protection planning;
- (2) changing the land use function determined by the protection planning;
- (3) exceeding the control indicators such as architectural height and plot ratio, and violating the requirements on architectural volume, color, etc.;
- (4) destroying the courtyard layout and alley texture in historical and cultural blocks determined by the protection planning; or
- (5) other acts in violation of the protection planning.

Article 21 The municipal and district people's governments concerned shall, in accordance with the requirements of the protection planning, formulate policies and measures to adjust the urban function of the Old City and relocate the residents in the Old City, so as to lower the population density in the Old City and gradually improve the living conditions of the residents in the Old City.

Article 22 The Municipal People's Government shall, in accordance with the requirements of the protection planning, adjust the road network planning of the Old City and take into account the needs of various functions such as transportation, municipal facilities, urban landscape and ecological environment.

Article 23 This Municipality shall encourage the use of new materials and technologies to make overall plans for improving the road traffic, fire-fighting facilities and

善旧城和历史文化街区内的道路交通、消防设施和市政基础设施条件。

第二十四条 市规划行政主管部门对旧城内的建设项目进行审批时，应当就建设项目用地范围内现存建筑是否具有保护价值，征求市文物行政主管部门和专家的意见。

第二十五条 市规划行政主管部门对历史文化街区内的建设项目、历史文化街区外具有保护价值的建筑的保护范围内的建设项目和旧城内历史文化街区外重点道路及其两侧的建设项目进行规划审批时，应当对建设项目进行有关北京历史文化名城风貌影响的评估。未经评估，或者未通过评估的，市规划行政主管部门不得批准。

重点道路的具体范围由市人民政府划定并公布。

第二十六条 对历史文化街区内的建筑，应当按照下列规定进行分类保护和整治：

- （一）不可移动文物依照文物保护法律、法规的规定进行保护；
- （二）具有保护价值的建筑按照本条例的有关规定进行保护；
- （三）其他建筑应当按照历史文化街区保护规划的要求进行整治。

历史文化街区内建筑的具体分类标准、保护和整治的具体要求由市人民政府制定并公布。

第二十七条 市规划行政主管部门应当将历史文化街区内各类建筑 and 历史文化街区外具有保护价值的建筑的基本情况向社会公布。

第二十八条 区、县人民政府应当对历史文化街区和具有保护价值的建筑，自市人民政府公布之日起 30 日内设置保护标志。保护标志的设置标准由市人民政府统一确定。

任何单位和个人不得损毁或者非法移动、拆除保护标志。

第二十九条 历史文化街区内的消防设施、通道应当按照有关的消防技标准和规范设置。因保护的需要无法达到规定的标准和规范的，公安消防机构和市规划行政主管部门应当协商制定相应的防火安全措施。

第三十条 在城市景观线和街道对景保护规划范围内进行建设，应当符合视觉景观的要求，禁止建设对景观保护有影响的建筑。

municipal infrastructure conditions in the Old City and historical and cultural blocks in accordance with the protection requirements and technical specifications.

Article 24 The competent municipal department for planning, when examining and approving the construction projects in the Old City, shall seek opinions of the competent municipal department for cultural relics and experts on whether existing architectural structures within the range of land use of the construction projects have the protective value.

Article 25 When examining and approving the plans for the construction projects within historical and cultural blocks, the construction projects within the scope of protection of architectural structures of protective value outside historical and cultural blocks, and the construction projects on key roads and both sides thereof outside historical and cultural blocks in the Old City, the competent municipal department for planning shall assess the impact of the construction projects on the features of the historical and cultural city of Beijing. Those without assessment or failing to pass the assessment shall not be approved by the competent municipal department for planning.

The specific range of key roads shall be determined and announced by the Municipal People's Government.

Article 26 Architectural structures in historical and cultural blocks shall be subject to classified protection and improvement according to the following provisions:

- (1) Immovable cultural relics shall be protected in accordance with the provisions of laws and regulations on the protection of cultural relics;
- (2) Architectural structures of protective value shall be protected in accordance with relevant provisions of the Regulations; and
- (3) Other architectural structures shall be improved in accordance with the requirements of the protection planning for historical and cultural blocks.

The specific classification standards and specific protection and improvement requirements for architectural structures in historical and cultural blocks shall be formulated and announced by the Municipal People's Government.

Article 27 The competent municipal department for planning shall make known to the public the basic information of all kinds of architectural structures in historical and cultural blocks and architectural structures of protective value outside historical and cultural blocks.

Article 28 The district or county people's governments shall, within 30 days from the date of announcement by the Municipal People's Government, set up protective signs for historical and cultural blocks and architectural structures of protective value. The standards for setting up protective signs shall be determined by the Municipal People's Government in a unified way.

No organization or individual may damage or illegally move or remove protective signs.

Article 29 Fire-fighting facilities and passages in historical and cultural blocks shall be established in accordance with relevant technical standards and norms for fire control. If the required standards and norms cannot be met due to the need of protection, fire departments and the competent municipal department for planning shall negotiate corresponding fire safety measures.

Article 30 The construction within the scope of the protection planning for urban landscape lines and street landscape shall meet the requirements on visual landscape, and architectural structures that have an impact on landscape protection shall be prohibited.

对景建筑周围建筑的高度、体量、造型和色彩，应当与对景建筑相协调。

第三十一条 具有保护价值的建筑不得违法拆除、改建、扩建。

建设工程选址，应当避开具有保护价值的建筑；确因公共利益需要不能避开的，应当对具有保护价值的建筑采取迁移异地保护等保护措施。

迁移异地保护的，建设单位应当提供迁移的可行性论证报告、迁移新址的资料以及其他资料，市规划行政主管部门会同市文物行政主管部门进行审查后，报市人民政府批准。

第三十二条 城市建设中发现具有保护价值而尚未确定为具有保护价值的建筑的，任何单位和个人都可以向市文物行政主管部门或者市规划行政主管部门提出保护建议。市文物行政主管部门会同市规划行政主管部门应当按照本条例第十四条规定的标准和程序进行初步确认，经初步确认具有保护价值的，应当采取临时保护措施，并按照本条例第十五条的规定向市人民政府报告。

第三十三条 具有保护价值的建筑的所有人、管理人、使用人，应当按照有关保护规划的要求和保护修缮标准履行管理、维护、修缮的义务。保护修缮标准由市规划行政主管部门会同市建设、市文物行政主管部门制定。

所有人和管理人、使用人对维护、修缮义务有约定的，从其约定。

对于所有人和管理人、使用人确不具备管理、维护、修缮能力的具有保护价值的建筑，市人民政府应当采取措施进行保护。

第三十四条 任何单位和个人不得违法更改具有保护价值的建筑、传统街巷胡同、区域等的历史名称。确因特殊情况需要更名的，地名行政主管部门在审批时应当征求市文物行政主管部门的意见。

The height, volume, shape and color of the surrounding architectural structures of opposite scenery structures shall be consistent with those of opposite scenery structures.

Article 31 Architectural structures of protective value shall not be demolished, rebuilt or expanded illegally.

While choosing a place for a construction project, the construction organization shall get around architectural structures of protective value; if it is impossible to do so for public interests, architectural structures of protective value shall be moved to another place for protection.

Where architectural structures of protective value are moved to another place for protection, the construction organization shall provide a feasibility study report, data on the new site and other materials, which shall be examined by the competent municipal department for planning together with the competent municipal department for cultural relics, and submitted to the Municipal People's Government for approval.

Article 32 For any architectural structure found in urban construction to be of protective value but has not been determined so, any organization or individual may put forward protection suggestions to the competent municipal department for cultural relics or to the competent municipal department for planning. The competent municipal department for cultural relics shall, together with the competent municipal department for planning, make preliminary confirmation in accordance with the standards and procedures stipulated in Article 14 of the Regulations, and, for those of protective value upon preliminary confirmation, shall take temporary protective measures and report to the Municipal People's Government in accordance with the provisions of Article 15 of the Regulations.

Article 33 The owners, managers and users of an architectural structure of protective value shall perform their duties of management, maintenance and repair in accordance with the requirements of relevant protection planning and the standards for protection and repair. The standards for protection and repair shall be formulated by the competent municipal department for planning together with the competent municipal departments for construction and cultural relics.

Where the owners, managers and users have any agreement on the maintenance and repair obligations, such agreement shall prevail.

Where the owners, managers and users are incapable of managing, maintaining or repairing the architectural structure of protective value, the Municipal People's Government shall take protective measures.

Article 34 No organization or individual may illegally change the historical names of architectural structures of protective value and traditional lanes, alleys and areas. If it is really necessary to change the names under special circumstances, the competent departments for toponymy shall consult the competent municipal department for cultural relics during examination and approval.

第五章 法律责任

第三十五条 依法负有保护北京历史文化名城职责的国家机关及其工作人员，违反本条例规定，有下列情形之一的，由其上级行政机关或者监察机关依法追究直接负责的主管人员和他直接责任人员的行政责任；构成犯罪的，依法追究刑事责任：

- （一）违法调整保护规划的；
- （二）违法调整历史文化街区范围的；
- （三）违反本条例第二十条、第三十条的规定进行审批的；
- （四）不按照本条例的规定和保护规划的要求履行审批和其他保护职责的；
- （五）其他滥用职权、徇私枉法、玩忽职守的。

第三十六条 对违反本条例第十九条规定，未经规划行政主管部门批准进行建设的，由城市管理综合执法组织依法处理；未按照规划批准的要求进行建设的，由市规划行政主管部门依法处理。

第三十七条 对违反本条例第二十八条第二款规定，损毁或者非法移动、拆除保护标志的，由城市管理综合执法组织责令改正，可以并处200元以上500元以下的罚款。

第三十八条 对违反本条例第三十一条第一款的规定，违法拆除、改建、扩建具有保护价值的建筑的，由市规划行政主管部门责令恢复原状，并处10万元以上20万元以下的罚款。

第三十九条 对违反本条例第三十三条规定，未按照有关保护规划的要求和风貌修缮标准履行管理、维护、修缮义务的，由市规划行政主管部门责令改正，可以并处10万元以上20万元以下的罚款。

第四十条 对违反本条例的行为，法律、法规已经规定法律责任的，依照其规定追究法律责任。

Chapter V Legal Liability

Article 35 Where a state organ responsible for the protection of the historical and cultural city of Beijing according to law or any of its functionaries, in violation of the provisions of the Regulations, commits any of the following acts, the person directly in charge thereof and other persons directly responsible therefor shall be held administratively responsible by the administrative organ at the next higher level or the supervisory organ according to law; if a crime is constituted, criminal responsibility shall be investigated for according to law:

- (1) illegally adjusting the protection planning;
- (2) illegally adjusting the scope of historical and cultural blocks;
- (3) conducting examination and approval in violation of the provisions of Articles 20 and 30 of the Regulations;
- (4) failing to perform examination and approval and other protection duties in accordance with the provisions of the Regulations and the requirements of the protection planning; or
- (5) other acts of abusing the power, bending the law for personal gains, or neglecting the duties.

Article 36 Any construction without the approval of the competent department for planning in violation of the provisions of Article 19 of the Regulations shall be dealt with by the department for city management and law enforcement according to law; any construction not conducted in accordance with the requirements as approved by the planning shall be dealt with by the competent municipal department for planning according to law.

Article 37 Whoever, in violation of the provisions of Paragraph 2, Article 28 of the Regulations, damages or illegally moves or removes protective signs shall be ordered to make corrections by the department for city management and law enforcement, and may also be fined not less than RMB 200 yuan but not more than RMB 500 yuan.

Article 38 Whoever, in violation of the provisions of Paragraph 1, Article 31 of the Regulations, illegally demolishes, rebuilds or expands architectural structures of protective value shall be ordered by the competent municipal department for planning to restore the original state and be fined not less than RMB 100,000 yuan but not more than RMB 200,000 yuan.

Article 39 Whoever, in violation of the provisions of Article 33 of the Regulations, fails to perform the obligations of management, maintenance and repair in accordance with the requirements of the relevant protection planning and the standards for landscape restoration shall be ordered to make corrections by the competent municipal department for planning, and may also be fined not less than RMB 100,000 yuan but not more than RMB 200,000 yuan.

Article 40 Where laws and regulations have provided for the legal liability for acts violating the Regulations, such provisions shall prevail.

第六章 附 则

第四十一条 本条例自 2005 年 5 月 1 日起施行。

Chapter VI Supplementary Provisions

Article 41 The Regulations shall come into force as of May 1, 2005.

北京市利用文物保护单位 拍摄电影、电视管理暂行办法

(1986年2月14日北京市人民政府京政发22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
2001年8月27日北京市人民政府第82号令第二次修改 根据
2007年11月23日北京市人民政府第200号令第三次修改 根据
2018年2月12日北京市人民政府第277号令第四次修改)

第一条 为加强利用文物保护单位拍摄电影、电视工作的管理，制定本办法。

第二条 市文物行政部门对利用本市行政区域范围内的文物保护单位拍摄电影、电视实施监督，公安机关消防机构对拍摄现场消防安全工作实施监督。文物保护单位的管理使用单位（以下简称文物管理使用单位）是利用文物保护单位拍摄电影、电视的第一责任人。凡在本市各级文物保护单位拍摄电影、电视的单位和个人（以下简称拍摄单位），均应遵守国家有关规定和本办法，服从管理和监督。

第三条 国家级文物保护单位的古建筑（包括古建筑、古墓葬、石窟寺和革命纪念建筑物等，下同）室内，市级文物保护单位有壁画、彩塑、悬雕、浮雕、雕龙柱、楠木殿房等重要文物的古建筑室内，不得拍摄故事片（包括电视剧，下同）。

第四条 在本办法第三条规定范围以外拍摄电影、电视的，拍摄单位应当遵守下列规定：

（一）征得文物管理使用单位同意；

（二）制定拍摄计划（包括分镜头剧本、拍摄项目、拍摄时间、布景、用电方案和安全防护措施），并经文物管理使用单位认可；

Interim Measures of Beijing Municipality for Administration of Use of Protected Cultural Relic Sites to Shoot Films and Television Programmes

(Promulgated by Document Jing Zheng Fa No. 22 of the People's Government of Beijing Municipality on February 14, 1986, revised for the first time in accordance with Decree No. 12 of the People's Government of Beijing Municipality on December 31, 1997, revised for the second time in accordance with Decree No. 82 of the People's Government of Beijing Municipality on August 27, 2001, revised for the third time in accordance with Decree No. 200 of the People's Government of Beijing Municipality on November 23, 2007, and revised for the fourth time 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 strengthening the administration of use of protected cultural relic sites to shoot films and television programmes.

Article 2 The municipal administrative department of cultural relics shall exercise supervision over the use of protected cultural relic sites within the administrative area of this Municipality to shoot films and television programmes, and the fire control division of the public security department shall exercise supervision over the fire safety work at the shooting site. The management and use unit of a protected cultural relic organization (hereinafter referred to as cultural relic management and use unit) shall be the first person responsible for the use of the protected cultural relic site to shoot films and television programmes. All organizations and individuals that intend to shoot films or television programmes (hereinafter referred to as shooting organizations) at protected cultural relic sites at various levels in this Municipality shall abide by relevant provisions of the State and the Measures, and shall be subject to administration and supervision.

Article 3 No shooting of feature films (including TV plays, the same below) is allowed inside ancient architectural structures that are state-level protected cultural relic sites (including ancient architectural structures, ancient tombs, cave temples and revolutionary memorial buildings, the same below), or inside ancient architectural structures that are municipal-level protected cultural relic sites wherein important cultural relics such as frescoes, painted sculptures, over-hanging sculptures, reliefs, pillars with dragon sculptures and halls or rooms furnished by phoebe nanmu are exhibited.

Article 4 Where the shooting of films or television programmes is to be done beyond the scope prescribed in Article 3 of the Measures, shooting organizations shall comply with the following provisions:

- (1) obtaining consent from the cultural relic management and use organizations;
- (2) developing shooting plans (including shooting scripts, shooting items, shooting

（三）与文物管理使用单位签订利用文物保护单位拍摄电影、电视的协议，明确约定双方权利义务；

（四）与文物管理使用单位共同制定防火安全计划，落实防火安全措施，确保文物保护单位的安全。

第五条 拍摄单位在拍摄活动中，须遵守下列规定：

（一）严格按照经文物管理使用单位认可的计划拍摄，负责保护现场和文物的安全，服从文物管理使用单位的管理和监督；

（二）禁止在拍摄场地吸烟，禁止携入火种及其他易燃易爆物品；

（三）电器设备须有专人看护，照明灯具应避开易燃物，易爆灯具须有防爆装置，工作人员离开现场时，应立即切断电源；

（四）配备必要的消防、给水设备；

（五）安装道具、布景和其他器械，不得碰、擦伤文物，用毕及时拆除；

（六）不得以古建筑屋顶、墙体、古塔、碑刻等作为演员表演格斗、攀登、跳跃时的道具；

（七）不得随意移动文物；

（八）在有壁画、彩塑、彩绘等文物的古建筑室内拍摄纪录片，不得使用强光灯；

（九）书画、纺织品、漆器等易损文物，不准拍摄，必要时得用仿制品。

第六条 文物管理使用单位要指派管理人员在现场监督管理，并协助拍摄单位做好拍摄工作。对违反本规定的行为，管理人员应予劝阻。对不听劝阻的，文物管理使用单位有权停止其拍摄，并向文物行政部门和公安机关消防机构报告。

第七条 对违反本办法的，视情节轻重，分别给予下列处罚：

（一）不遵守本办法拍摄管理规定、不服从管理的，由文物行政部门责令停止拍摄，并处以 100 元以上 1000 元以下罚款；

（二）违反消防管理规定的，由公安机关消防机构依照相关规定予以处罚。

time, backdrops, electricity schemes and safety protection measures), and submitting the plans to the cultural relic management and use organizations for approval;

(3) concluding an agreement on use of protected cultural relic sites to shoot films and television programmes with the cultural relic management and use organizations to define the rights and obligations of both parties; and

(4) joining hands with the cultural relic management and use organizations to develop fire safety plans and implement fire safety measures so as to ensure the security of protected cultural relic sites.

Article 5 Shooting organizations shall observe the following provisions in the shooting process:

(1) They shall strictly implement the shooting plans approved by the cultural relic management and use organizations, ensure the safety of the site and cultural relics, and be subject to the administration and supervision of the cultural relic management and use organizations;

(2) Smoking is forbidden at the shooting site, and kindling materials and other inflammables or explosives shall be prohibited from being carried onto the site;

(3) There shall be a special person to guard electric equipment, lighting installations shall be put away from inflammables, and explosive lamps shall be equipped with explosion-proof devices. The power shall be switched off immediately when shooting staff leave the site;

(4) Necessary fire control and water supply equipment shall be provided;

(5) Cultural relics shall not be touched or rubbed while putting up stage properties, backdrops and other equipment, which shall be removed promptly when they are not necessary;

(6) Roofs and walls of ancient architectural structures, ancient pagoda and stele shall not be used as stage properties for actors to perform fighting, climbing and jumping;

(7) No cultural relics may be moved at will;

(8) No strong lights may be used in shooting documentary films inside ancient architectural structures wherein cultural relics such as frescoes, painted sculptures and colored drawings are exhibited; and

(9) No shooting is allowed to those cultural relics that are easy to be damaged such as calligraphy, paintings, textiles and lacquerware. Imitations shall be used when necessary.

Article 6 The cultural relic management and use organizations shall send management personnel to the shooting site to conduct supervision and management, and assist shooting organizations in accomplishing their work. The management personnel shall preclude acts violating the Measures. Where a shooting organization defies the preclusion, the cultural relic management and use organizations shall have the right to suspend the shooting, and shall report to the administrative department of cultural relics and the fire control division of the public security department.

Article 7 Violations of the Measures shall be dealt with in accordance with the following provisions in light of the seriousness of the circumstances:

(1) Where a shooting organization fails to comply with the provisions of the Measures on shooting or fails to subject itself to the administration, the administrative department of cultural relics shall order it to suspend the shooting, and impose a fine of not less than RMB 100 yuan but not more than RMB 1,000 yuan; or

(2) Where the provisions on fire control are violated, the fire control division of the public security department shall impose punishments in accordance with relevant provisions.

拍摄单位损毁文物的，文物管理使用单位有权要求赔偿损失。拍摄单位损毁文物构成犯罪的，依法追究责任人的刑事责任。

第八条 本办法自 1986 年 3 月 1 日起施行。

Where cultural relics are damaged by a shooting organization, the cultural relic management and use organization shall be entitled to compensation; if a crime is constituted, the person responsible shall be investigated for criminal responsibility according to law.

Article 8 The Measures shall come into force as of March 1, 1986.

北京市文物保护单位保护范围 及建设控制地带管理规定

(1987 年 11 月 13 日北京市人民政府京政发 144 号文件发布

根据 2007 年 11 月 23 日北京市人民政府第 200 号令修改)

第一条 为加强文物保护单位保护范围及建设控制地带的管理，制定本规定。

第二条 本市行政区域内的全国重点文物保护单位、市级文物保护单位和区、县级文物保护单位（以下统称文物保护单位）的保护范围及建设控制地带，均须依照本规定管理。

第三条 凡已核定的文物保护单位，均应根据保护文物古迹的格局、安全、环境和景观的需要，划出保护范围和建设控制地带。

各级文物保护单位的保护范围及建设控制地带的划定和公布，按照《中华人民共和国文物保护法》和《中华人民共和国文物保护法实施条例》的有关规定执行。

第四条 在文物保护单位的保护范围内，依照文物保护法律、法规、规章的有关规定进行管理。

第五条 文物保护单位周围的建设控制地带分为五类：

一类地带：为非建设地带。地带内只准进行绿化和修筑消防通道，不得建设任何建筑和地上附属建筑物。地带内现有建筑，应创造条件拆除，一时难以拆除的，须制定拆除计划和年限。

二类地带：为可保留平房地带。地带内现有的平房应加强维护，不得任意改建添建。不符合要求的建筑或危险建筑，应创造条件按传统四合院形式进行改建，经批准改建、新建的建筑物，高度不得超过 3.3 米，建筑密度不得大于 40%。

Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites

(Promulgated by Document Jing Zheng Fa No. 144 of the People's Government of Beijing Municipality on November 13, 1987, and revised in accordance with Decree No. 200 of the People's Government of Beijing Municipality on November 23, 2007)

Article 1 The Provisions are formulated for the purpose of strengthening the administration of the scope of protection and construction control areas for protected cultural relic sites.

Article 2 The Provisions shall apply to the scope of protection and construction control areas for state-level major protected cultural relic sites, municipal-level protected cultural relic sites, and district or county-level protected cultural relic sites (hereinafter referred to as protected cultural relic sites) within the administrative area of this Municipality.

Article 3 The scope of protection and a construction control area shall be determined for all protected cultural relic sites that have been recognized in accordance with the needs for the protection of the pattern, safety, environment and landscape of cultural relics and historic sites.

The scope of protection and construction control areas for protected cultural relic sites at all levels shall be determined and announced in accordance with relevant provisions of the Law of the People's Republic of China on the Protection of Cultural Relics and the Implementing Regulations on the Law of the People's Republic of China on the Protection of Cultural Relics.

Article 4 Within the scope of protection for protected cultural relic sites, administration shall be conducted in accordance with relevant provisions of the laws, regulations and rules governing the protection of cultural relics.

Article 5 Construction control areas around protected cultural relic sites shall be divided into five categories:

Category 1: non-construction areas. Only greening and fire-fighting accesses may be allowed in such areas, and no architectural structure or above-ground auxiliary building may be built. Conditions shall be created for demolishing existing architectural structures in such areas. If prompt demolition is impossible, a demolition plan shall be worked out, and the years required shall be determined.

Category 2: areas wherein bungalows may be preserved. Maintenance shall be strengthened for existing bungalows in such areas, and no arbitrary reconstruction or additional construction is allowed. For unsatisfactory or dangerous architectural structures,

三类地带：为允许建筑高度 9 米以下的地带。地带内的建筑形式、体量、色调都必须与文物保护单位相协调；建筑楼房时，建筑密度不得大于 35%。

四类地带：为允许建筑高度 18 米以下的地带。地带内靠近文物保护单位一侧的建筑物和通向文物保护单位的道路、通视走廊两侧的建筑物，其形式、体量、色调应与文物保护单位相协调。

五类地带：为特殊控制地带。地带内针对有特殊价值和特殊要求的文物保护单位的情况实行具体管理。

第六条 建设控制地带允许建筑的高度，指建筑物和构筑物的最高点（包括电梯间、楼梯间、水箱、烟囱等）；中国传统大屋顶形式的，其高度按檐口计算。成片建设（包括改建）的地区，经市文物行政部门同意，市规划行政主管部门批准，个别建筑物可提高建筑高度。

第七条 文物保护单位周围未划一类建设控制地带或所划一类建设控制地带小于防火规范规定的防火间距的，在其周围建房时，应按《建筑设计防火规范》办理。

第八条 因特殊情况，必须更改文物保护单位的保护范围及建设控制地带时，须按本规定第三条程序办理。

第九条 在保护范围及建设控制地带内未经批准或违反本规定要求进行建设工程的，由文物行政部门或规划行政主管部门责令停工，并由规划行政主管部门按违法建筑处理。

第十条 本规定经市人民政府批准，自 1987 年 12 月 1 日起施行。市人民政府 1984 年 11 月 20 日以京政发〔1984〕128 号文件批转的《关于文物保护单位的保护范围及建设控制地带的说明》同时废止。

conditions shall be created for reconstruction in the form of traditional quadrangle courtyards. For reconstruction or new construction of buildings upon approval, the height shall not exceed 3.3 meters, and the building density shall not exceed 40%.

Category 3: areas wherein architectural structures that are 9 meters or below in height may be allowed. In such areas, the architectural form, volume and color must be consistent with those of protected cultural relic sites; where buildings are to be built, the building density shall not exceed 35%.

Category 4: areas wherein architectural structures that are 18 meters or below in height may be allowed. In such areas, the form, volume and color of the buildings close to protected cultural relic sites, and the buildings on both sides of the roads leading to protected cultural relic sites and of inter-visible corridors shall be consistent with those of protected cultural relic sites.

Category 5: special control areas. In such areas, specific administration shall be conducted in light of the situation of protected cultural relic sites of special value and with special requirements.

Article 6 In construction control areas, the allowable architectural height refers to the apex of a building or a structure (including elevator room, staircase, water tank, chimney); where a traditional Chinese roof is adopted, the height shall be calculated according to the cornice. In vast stretches of construction (including reconstruction) areas, with the consent of the municipal administrative department of cultural relics and approval of the municipal competent department for planning, the height of individual buildings may be increased.

Article 7 Where no Category 1 construction control areas are determined around protected cultural relic sites, or the distance of the determined Category 1 construction control areas from protected cultural relic sites is less than the fire separation distance specified in the fire prevention code, the construction around protected cultural relic sites shall be handled in accordance with the Code of Design on Building Fire Protection and Prevention.

Article 8 If, due to special circumstances, it is necessary to change the scope of protection and construction control areas for protected cultural relic sites, the procedures in Article 3 of the Provisions shall be followed.

Article 9 Where construction projects are carried out within the scope of protection and construction control areas without approval or in violation of the requirements of the Provisions, the administrative department of cultural relics or the competent department for planning shall order the suspension of construction, and the construction shall be dealt with by the competent department for planning as illegal construction.

Article 10 The Provisions shall come into force as of December 1, 1987 upon the approval of the Municipal People's Government. The Explanations on the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites approved and forwarded by the Municipal People's Government in Document Jing Zheng Fa [1984] No. 128 on November 20, 1984 shall be repealed simultaneously.

北京市文物保护单位巡视检查报告制度暂行规定

(1989年5月31日北京市人民政府批准 1989年7月1日北

京市文物事业管理局发布 根据2010年11月27日北京市人民政

府第226号令修改)

第一条 为加强本市文物保护单位的经常性保护和管理，及时发现和处理违法违章行为，根据《中华人民共和国文物保护法》、《北京市实施〈中华人民共和国文物保护法〉办法》等法律、法规、规章，制定本规定。

第二条 本市行政区域内的全国重点文物保护单位、市级文物保护单位和区、县文物保护单位（以下简称文物保护单位），必须按本规定实行巡视检查和报告制度。

第三条 文物保护单位的日常巡视检查，由各该文物保护单位的管理使用单位（以下简称管理使用单位）负责；没有管理使用单位的，由市、区、县文物行政管理部门指定机构或人员负责。

园林、宗教、房管、教育部门，应督促本系统的管理使用单位做好巡视检查工作。

第四条 管理使用单位的巡视检查职责：

（一）检查文物建筑及其附属文物（包括由其保管和陈列的文物）的保管、使用状况；检查文物保护单位的保护范围和建设控制地带（以下简称保护范围和控制地带）内文物建筑的原有格局、环境景观和风貌的保护状况。

（二）制止损毁文物建筑及其附属文物的行为；制止破坏保护范围和控制地带内文物建筑的原有格局和环境景观、风貌的行为；制止擅自移动、拆除、污损、破坏文物保护单位标志及其他违法违章行为。

Interim Provisions of Beijing Municipality on the Inspection and Reporting System for Protected Cultural Relic Sites

(Approved by the People's Government of Beijing Municipality on May 31, 1989, promulgated by the Beijing Municipal Administration of Cultural Relics on July 1, 1989, and revised in accordance with Decree No. 226 of the People's Government of Beijing Municipality on November 27, 2010)

Article 1 The Provisions are formulated for the purposes of strengthening the regular protection and management of protected cultural relic sites in this Municipality and discovering and dealing with violations of laws and regulations in a timely manner in accordance with the Law of the People's Republic of China on the Protection of Cultural Relics, the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on the Protection of Cultural Relics as well as other laws, regulations and rules.

Article 2 The inspection and reporting system must be implemented in accordance with the Provisions for major protected cultural relic sites at the national level, protected cultural relic sites at the municipal level and protected cultural relic sites at the district or county level (hereinafter referred to as protected cultural relic sites) within the administrative area of this Municipality.

Article 3 The routine inspection of a protected cultural relic site shall be undertaken by the management and use organization thereof (hereinafter referred to as management and use organization); if there is no management and use organization, it shall be undertaken by an institution or a person designated by the municipal, district or county administrative department of cultural relics.

The departments of gardens, religion, housing management and education shall urge the management and use organizations in their respective systems to do a good job in the inspection.

Article 4 The management and use organizations shall perform the following inspection duties:

(1) to inspect the safekeeping and use of architectural structures of historical and cultural value and their affiliated cultural relics (including the cultural relics kept and exhibited therein); and to inspect the protection of the original pattern, environmental landscape and features of architectural structures of historical and cultural value within the scope of protection and construction control areas for protected cultural relic sites (hereinafter referred to as the scope of protection and control areas);

(2) to stop the acts of damaging architectural structures of historical and cultural value and their affiliated cultural relics; to stop the acts of destroying the original pattern, environmental landscape and features of architectural structures of historical and cultural value within the scope of protection and control areas; and to stop the acts of moving, removing, defacing or destroying protective signs for cultural relics without authorization and other violations of laws and regulations; and

（三）发现文物建筑和附属文物自然损坏或有自然损坏隐患的，及时采取妥善的保护措施。

管理使用单位应定期向当地文物行政管理机关报告巡视检查情况；发现违法违章行为和文物损坏的，须及时报告文物行政管理机关。

第五条 市文物局应每年有计划地组织对本市各级文物保护单位进行重点检查，并对管理使用单位保管使用文物的情况进行监督。

全国重点文物保护单位，由市文物局每半年巡视检查一次。

市级文物保护单位，由所在区、县的文物行政管理机关每半年巡视检查一次，市文物局进行重点抽查。

区、县级文物保护单位，由区、县文物行政管理机关每年有计划地进行重点检查。

文物行政管理机关的巡视检查结果，应报同级人民政府和上级文物行政管理机关备案。

第六条 文物行政管理机关的工作人员对文物保护单位进行巡视检查和对管理使用单位进行监督时，应出示专用检查证件，被监督检查的单位应积极配合，不得阻挠。

第七条 各级文物行政管理机关应在文物保护单位公布举报电话和通信地址，方便群众监督。

第八条 对执行巡视检查制度好、为保护文物作出显著成绩或有突出贡献的，由市文物局给予表彰和奖励。

对不按规定执行巡视检查制度的，由文物行政管理机关依照有关法规、规章处罚。

文物行政管理机关及其工作人员严重失职，造成文物损毁重大后果的，由上级机关追究直接责任人和负责人的行政责任。

第九条 本规定由市文物局负责组织并监督实施。

第十条 本规定经市人民政府批准，自公布之日起施行。

(3) in case of any natural damage or hidden danger of natural damage to architectural structures of historical and cultural value and affiliated cultural relics, to promptly take appropriate protective measures.

The management and use organizations shall report the inspection results to local administrative departments of cultural relics on a regular basis; in case of any violation of laws and regulations or damage to cultural relics, the matter shall be promptly reported to the administrative departments of cultural relics.

Article 5 The Municipal Bureau of Cultural Relics shall organize key inspections on protected cultural relic sites at all levels of this Municipality each year in a planned way, and exercise supervision over the safekeeping and use of cultural relics by the management and use units.

The Municipal Bureau of Cultural Relics shall carry out inspection once every 6 months on major protected cultural relic sites at the national level.

The district or county administrative departments of cultural relics shall carry out inspection once every 6 months on protected cultural relic sites at the municipal level in the respective districts or counties, and the Municipal Bureau of Cultural Relics shall carry out key spot checks.

The district or county administrative departments of cultural relics shall carry out key inspections on protected cultural relic sites at the district or county level each year in a planned way.

The inspection results of the administrative departments of cultural relics shall be reported to the people's governments at the corresponding levels and to the administrative departments of cultural relics at a higher level for archival recording.

Article 6 The staff of the administrative departments of cultural relics shall show their special inspection certificates when carrying out inspections on protected cultural relic sites and exercising supervision over the management and use organizations, and the organizations under supervision and inspection shall cooperate actively and shall not hinder their work.

Article 7 The administrative departments of cultural relics at all levels shall make known to the public the informants' hot-line telephone and mailing address in protected cultural relic sites for the convenience of supervision by the public.

Article 8 The Municipal Bureau of Cultural Relics shall commend and reward those that have made outstanding achievements in or outstanding contributions to the implementation of the inspection system and the protection of cultural relics.

Where any organization fails to implement the inspection system as stipulated, it shall be punished by the administrative department of cultural relics in accordance with relevant laws and regulations.

In case of serious negligence of duty on the part of an administrative department of cultural relics or any of its staff, resulting in major consequences of damage to cultural relics, the person directly responsible therefor and the person in charge thereof shall be held administratively liable by the department at the next higher level.

Article 9 The Municipal Bureau of Cultural Relics shall be responsible for organizing and supervising the implementation of the Provisions.

Article 10 The Provisions shall come into force as of the date of promulgation upon the approval of the Municipal People's Government.

北京市人民政府关于严格控制 颐和园、圆明园地区建设工程的规定

(1991年7月13日北京市人民政府第20号令发布)

第一条 为保护颐和园、圆明园地区的良好景观，维护本市古都风貌，根据国家和本市有关文物保护、城市规划的法律、法规、规章，制定本规定。

第二条 本规定所称颐和园、圆明园地区，系指玉泉山（静明园）、颐和园、圆明园、燕园（燕京大学未明湖区）、清华园及其周围的街区。

第三条 在颐和园、圆明园地区内的下列地带，按照《北京市文物保护单位保护范围及建设地带管理规定》中二类建设控制地带进行管理：

（一）玉泉山东路规划道路以东、以北50米范围以内。

（二）颐和园北路与香山路之间的京密水渠西规划河道隔离带以西50米范围以内；
东规划河道隔离带以

东，颐和园北路东段、香山路及其北延线（中央党校北围墙至圆明园西路段）规划道路以东、以北各50米范围以内。

（三）圆明园西南角（一亩园）地区和颐和园路与西苑中路之间。

（四）颐和园路（万泉河路道路隔离带至清华园西路西口段）规划道路以南50米范围以内。

（五）清华园西路（北京大学东围墙至清华南路段）规划道路以南50米范围以内。

（六）圆明园东路南段规划道路与清华大学留学生宿舍东围墙南北延线之间。

（七）圆明园东路（清华大学北围墙以北至公路环段）规划道路以东25米范围以内。

第四条 在颐和园、圆明园地区规划建设用地范围内进行建设，必须遵守以下规

Provisions of Beijing Municipal People's Government on the Strict Control of Construction Projects in the Summer Palace-Yuanmingyuan Imperial Garden Area

(Promulgated by Decree No. 20 of the People's Government of Beijing
Municipality on July 13, 1991)

Article 1 The Provisions are formulated for the purposes of protecting the good landscape of the Summer Palace-Yuanmingyuan Imperial Garden Area and maintaining the ancient style and features of this Municipality in accordance with the laws, regulations and rules of the State and this Municipality on the protection of cultural relics and urban planning.

Article 2 The Summer Palace-Yuanmingyuan Imperial Garden Area as mentioned in the Provisions refers to Yuquanshan Mountain (Jingmingyuan Park), Summer Palace, Yuanmingyuan Imperial Garden, Yanyuan (Weiminghu Campus of Yenching University), Tsinghua Campus and surrounding blocks.

Article 3 The following zones in the Summer Palace-Yuanmingyuan Imperial Garden Area shall be managed in accordance with the provisions on Category 2 construction control areas in the Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Areas for Protected Cultural Relic Sites:

- (1) within 50 meters east and north of the planned road on Yuquanshan East Road;
- (2) within 50 meters west of the protective belt of the west planned river way of Jingmi Canal between Summer Palace North Road and Xiangshan Road; within 50 meters east of the protective belt of the east planned riverway, and east and north of the planned road on the east section of Summer Palace North Road, Xiangshan Road and its north extension (the section from the north wall of the Party School of the CPC Central Committee to Yuanmingyuan West Road);
- (3) the southwest corner of Yuanmingyuan (Yimuyuan Tillage) and the zone between Summer Palace Road and Xiyuan Middle Road;
- (4) within 50 meters south of the planned road on Summer Palace Road (the section from the protective belt of Wanquanhe Road to the west entrance of Tsinghua Campus West Road);
- (5) within 50 meters south of the planned road on Tsinghua Campus West Road (the section from the east wall of Peking University to Tsinghua South Road);
- (6) between the planned road on the south section of Yuanmingyuan East Road and the north-south extension of the east wall of the dormitory for international students of Tsinghua University; and
- (7) within 25 meters east of the planned road on Yuanmingyuan East Road (the section from north of the north wall of Tsinghua University to ring road).

Article 4 The construction within the range of planned land for construction in the Summer Palace-Yuanmingyuan Imperial Garden Area must conform to the following

定：

（一）新建、改建和翻建工程，严格遵守《北京市文物保护单位保护范围及建设控制地带管理规定》。建筑内容、布局和规模，符合城市规划；建筑体量、高度、材料和色彩，与环境相协调。新建建筑，在二类建设控制地带内必须采用中国传统形式；在三、四类建设控制地带内应具有中国传统风格。

（二）在二类建设控制地带内，挑顶大修、装修门墙等项目，应参照本规定中有关条款办理。

（三）道路两侧的重点景观，包括玉泉山、颐和园、圆明园和燕园的围墙、大门、影壁、牌楼等文物保护单位的保护建筑以及中央党校分院、蔚秀园的围墙，必须严格保护。

（四）新建工程应当按高标准增加绿地面积；原有的河湖绿地、绿化景观，必须保留，已被破坏的要结合建设恢复原貌。

第五条 在颐和园、圆明园地区非规划建设用地内，不得进行新建筑工程。原有建筑进行翻建时，必须参照本规定中有关条款办理。

第六条 在颐和园、圆明园地区进行工程建设和门墙装修，必须报经文物行政管理部门同意，城市规划行政管理部门批准。

第七条 未经城市规划行政管理部门批准，未取得建设工程规划许可证或不按建设工程规划许可证规定进行建设的，由城市规划行政管理部门责令停工，按违法建设严肃处理。

第八条 本规定具体执行中的问题，由市城市规划管理局会同市文物事业管理局解释。

第九条 本规定自 1991 年 8 月 1 日起施行。

provisions:

(1) New construction, reconstruction and expansion projects shall strictly conform to the Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites. The architectural content, layout and scale shall conform to the urban planning; the architectural volume, height, material and color shall harmonize with the environment. New architectural structures must adopt the traditional Chinese form in Category 2 construction control areas, and have the traditional Chinese style in Categories 3 and 4 construction control areas.

(2) In Category 2 construction control areas, projects such as general improvement and decoration of doors and walls shall be carried out by reference to relevant provisions of the Provisions.

(3) Major landscapes on both sides of roads, including the protected architectural structures of protected cultural relic sites such as the walls, gates, screen walls and decorated archways of Yuquanshan Mountain, Summer Palace, Yuanmingyuan and Yanyuan, as well as the walls of the branch of the Party School of the CPC Central Committee and Weixiuyuan Garden, must be strictly protected.

(4) The green area shall be increased according to high standards for new projects; existing rivers, lakes, green space and green landscape must be preserved, and those damaged shall be restored during the construction.

Article 5 No new construction project is allowed on the non-construction land in the Summer Palace-Yuanmingyuan Imperial Garden Area. The renovation of existing architectural structures shall be carried out by reference to relevant provisions of the Provisions.

Article 6 The construction and decoration of doors and walls in the Summer Palace-Yuanmingyuan Imperial Garden Area must be reported to the administrative departments of cultural relics for consent and to the administrative departments of urban planning for approval.

Article 7 Without the approval of the administrative departments of urban planning, the construction without a construction permit or failing to be done according to the construction permit shall be ordered by the administrative department of urban planning to stop and shall be seriously dealt with as illegal construction.

Article 8 Matters pertaining to specific implementation of the Provisions shall be interpreted by the Municipal Administration of Urban Planning together with the Municipal Administration of Cultural Relics.

Article 9 The Provisions shall come into force as of August 1, 1991.

北京市人民政府关于加强 八达岭——十三陵风景名胜区规划管理的规定

(1992 年 12 月 19 日北京市人民政府第 23 号令发布)

第一条 为保障八达岭——十三陵风景名胜区规划的实施，加强规划管理，根据国家和本市城市规划、文物保护的法律、法规，制定本规定。

第二条 凡在八达岭——十三陵风景名胜区进行建设，均须遵守本规定和《北京市文物保护单位保护范围及建设控制地带管理规定》。

本规定所称八达岭——十三陵风景名胜区，东至昌平区黑山寨沙岭，西至延庆县岔道城，南至昌平区南邵乡营坊，北至昌平区北界。

第三条 在八达岭——十三陵风景名胜区规划范围内，根据文物古迹、景点景观、古树名木等的分布状况和地形地貌等自然环境，划定一、二、三级保护区。

八达岭——十三陵风景名胜区的具体规划范围及其一、二、三级保护区的界限，按照市人民政府批准的《八达岭——十三陵风景名胜区总体规划》执行。

第四条 在八达岭——十三陵风景名胜区内进行建设，必须遵守下列规定：

(一) 各项建设必须符合《八达岭——十三陵风景名胜区总体规划》和《北京市文物保护单位保护范围及建设控制地带管理规定》的规划建设要求。

(二) 在一级保护区内，凡属《北京市文物保护单位保护范围及建设控制地带管理规定》中一类地带，除进行绿化和修筑消防通道外，不得建设任何建筑和地上附属建筑物。

(三) 在一级保护区的非一类地带和二级保护区内，建设必要的旅游服务设施，须符合景区性质的要求，其建筑布局、规模、体量、高度、材料和色彩等应当与景观

Provisions of Beijing Municipal People's Government on Strengthening the Administration of Planning for the Badaling-Ming Tombs Scenic Area

(Promulgated by Decree No. 23 of the People's Government of Beijing
Municipality on December 19, 1992)

Article 1 The Provisions are formulated for the purposes of ensuring the implementation of the planning for the Badaling-Ming Tombs Scenic Area and strengthening the administration of the planning in accordance with the laws and regulations of the State and this Municipality on urban planning and protection of cultural relics.

Article 2 All constructions in the Badaling-Ming Tombs Scenic Area shall conform to the Provisions and the Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites.

The Badaling-Ming Tombs Scenic Area as mentioned in the Provisions extend as far as Shaling Village, Heishanzhai Township, Changping County in the east, as far as Chadaocheng, Yanqing County in the west, as far as Yingfang Village, Nanshao Township, Changping County in the south, and as far as the northern boundary of Changping County in the north.

Article 3 Within the planned area of the Badaling-Ming Tombs Scenic Area, Grade 1, Grade 2 and Grade 3 protection zones shall be defined according to the distribution of cultural relics and historic sites, scenic spots, ancient and rare trees, etc., the topography and landform, and other factors of natural environment.

The specific planned area of the Badaling-Ming Tombs Scenic Area and the boundaries of its Grade 1, Grade 2 and Grade 3 protection zones shall follow the Master Plan for the Badaling-Ming Tombs Scenic Area approved by the Municipal People's Government.

Article 4 The construction in the Badaling-Ming Tombs Scenic Area shall conform to the following provisions:

(1) All constructions must meet the planning and construction requirements of the Master Plan for the Badaling-Ming Tombs Scenic Area and the Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites.

(2) Within Grade 1 protection zones, no architectural structure or above-ground auxiliary building (except for greening and fire fighting access) is allowed in Category 1 Areas defined in the Provisions of Beijing Municipality on the Administration of the Scope of Protection and Construction Control Areas for Protected Cultural Relic Sites.

(3) In areas other than Category 1 Areas within Grade 1 protection zones and within Grade 2 protection zones, the constructions of necessary tourist service facilities shall meet

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（四）在三级保护区内新建、改建、扩建和翻建建设工程，不得破坏景观和环境风貌。

（五）在一级和二级保护区内，禁止开矿采石、挖砂取土、掘坑填塘等改变地形地貌的活动。在三级保护区内进行上述活动，须经主管机关批准，并须符合规划，服从规划管理。

第五条 在八达岭——十三陵风景名胜区进行建设需要申请用地的，必须取得市城市规划管理局核发的建设用地规划许可证。

第六条 在一级保护区进行工程建设，须报市城市规划管理局批准并核发建设工程规划许可证；在二级保护区进行工程建设和三级保护区的重要工程建设，应征得市城市规划管理局同意，由县城市规划管理局批准核发建设工程规划许可证；在三级保护区内进行非重要工程建设，由县城市规划管理局批准并核发建设工程规划许可证。

在八达岭——十三陵风景名胜区进行工程建设，凡属文物保护单位保护范围或建设控制地带范围内的，均须先经文物行政主管部门同意。

第七条 未取得建设用地规划许可证、建设工程规划许可证或者违反上述许可证的规定进行建设的，由城市规划管理部门依照有关城市规划管理的法律、法规予以处罚。属于违反文物保护管理法律、法规的，由文物管理机关依法处理。

第八条 本规定执行中的具体问题，由市城市规划管理局负责解释。

第九条 本规定自 1993 年 1 月 1 日起施行。

the requirements of the nature of the scenic spots, and their architectural layout, scale, volume, height, materials and colors shall harmonize with the landscape environment.

(4) Within Grade 3 protection zones, new construction, reconstruction, expansion and renovation projects shall not damage the landscape and environmental features.

(5) Within Grade 1 and Grade 2 protection zones, activities changing the topography and landform, such as mining, stone and sand quarrying, earth burrowing, pit digging and pond filling, shall be prohibited. Such activities within Grade 3 protection zones shall be approved by the competent authority, conform to the planning, and be subject to the planning administration.

Article 5 If it is necessary to apply for land for construction in the Badaling-Ming Tombs Scenic Area, a construction land use permit shall be obtained from the Municipal Administration of Urban Planning.

Article 6 Any construction within Category 1 protection zones shall be reported to the Municipal Administration of Urban Planning for approval and for a construction permit; for constructions within Category 2 protection zones and important constructions within Category 3 protection zones, they shall obtain the approval of the Municipal Administration of Urban Planning, and construction permits from the county urban planning administrations; for unimportant constructions within Category 3 protection zones, they shall obtain the approval and construction permits from the county urban planning administrations.

For the constructions in the Badaling-Ming Tombs Scenic Area, the approval of the administrative departments of cultural relics shall be obtained in advance if it falls within the scope of protection or construction control areas for protected cultural relic sites.

Article 7 Any construction without a construction land use permit or a construction permit or in violation of the provisions of such permit shall be punished by the administrative departments of urban planning in accordance with the laws and regulations on the administration of urban planning. Violations of the laws and regulations on the protection and administration of cultural relics shall be dealt with by the administrative departments of cultural relics according to law.

Article 8 The Municipal Administration of Urban Planning shall be responsible for interpretation of specific matters pertaining to implementation of the Provisions.

Article 9 The Provisions shall come into force as of January 1, 1993.

北京市明十三陵保护管理办法

(2002 年 7 月 27 日北京市人民政府第 101 号令发布 根据
2007 年 11 月 23 日北京市人民政府第 200 号令修改)

第一条 为加强对明十三陵的保护管理,根据有关法律、法规,制定本办法。

第二条 本办法适用于本市昌平区行政区域内东起蟒山,西至虎峪山,南起石牌坊,北至灰岭口范围内明十三陵保护区的保护管理工作。

保护区划分为保护范围和建设控制地带。保护范围、建设控制地带具体范围的划定和调整,由市文物行政主管部门会同市规划行政主管部门提出,经市人民政府核定并公布。

第三条 昌平区人民政府(以下简称区政府)负责本办法的组织实施。昌平区十三陵特区办事处(以下简称特区办事处)负责指导、协调有关部门和当地人民政府,做好明十三陵的保护管理工作。

文物、规划、环境保护、林业、园林等部门和城管监察组织应当按照各自职责,依法做好对明十三陵的保护管理和监督检查工作。

第四条 明十三陵的保护管理应当坚持有效保护、合理利用的原则。

第五条 区政府负责制定明十三陵的保护规划,依据市人民政府核定公布的明十三陵保护范围和建设控制地带的边界,设立界限标志。任何单位和个人不得擅自移动、拆除、损毁界限标志。

第六条 任何单位和个人不得改变文物原状,不得损毁、改建、拆除文物建筑及其附属物;在保护范围内不得进行其他建设工程,不得在建筑物内及其附近存放易燃、易爆及其他危及文物安全的物品。

Measures of Beijing Municipality for Administration of Ming Tombs Protection

(Promulgated by Decree No. 101 of the People's Government of Beijing Municipality on July 27, 2002, and revised by Decree No. 200 of the People's Government of Beijing Municipality on November 23, 2007)

Article 1 These Measures are formulated, in accordance with the relevant laws and regulations and in light of the actual circumstances of this Municipality, for the purpose of strengthening the administration of Ming Tombs protection.

Article 2 These Measures are applicable to the administration of the protection work in the Ming Tombs protection area, with the Mang Mountain, the Huyu Mountain, the Shipaifang and Huilingkou as the boundary marks in the north, south, east and west respectively in the administrative area of Changping District of this municipality.

The protection area is divided into the protection zone and the construction control zone. The specific delimitation and readjustment of the protection zone and the construction control zone shall be proposed by the competent municipal administrative department of cultural relics jointly with the competent municipal administration department of city planning, and shall be promulgated by the Municipal People's Government after being ratified thereby.

Article 3 The People's Government of Changping District (hereinafter referred to as the District Government) shall be responsible for organizing the implementation of these Measures. The Ming Tombs Special Area Agency of Changping District (hereinafter referred to as the Special Area Agency) shall be responsible for guiding and coordinating relevant departments and the local people's governments to conscientiously conduct the administering of Ming Tombs protection.

Administrative Departments of cultural relics, city planning, environment protection, forestry, garden etc. and the supervisory organization for urban administration shall, in accordance with their respective functions and duties, conscientiously conduct the administration of Ming Tombs protection and the supervision and inspection thereon according to law.

Article 4 The administration of Ming Tombs protection shall adhere to the principle of effective protection and rational utilization.

Article 5 The District Government shall be responsible for drawing up the protection programme for Ming Tombs and set up boundary markers in accordance with the boundaries of the protection zone and the construction control zone ratified and promulgated by the Municipal People's Government. No unit or individual may move, demolish or damage the boundary markers without authorization.

Article 6 No unit or individual may change the original state of the cultural relics, damage, reconstruct or demolish the cultural relic architectures and its accessories. No construction project may be carried out within the protection zone. And no inflammables,

在建设控制地带内使用土地和进行建设，必须符合国家和本市有关文物保护和规划的要求，依法进行。

对保护区内现有的不符合规划或者影响明十三陵文物和环境风貌的非文物建筑、构筑物，区政府应当依法制定整治搬迁方案，分期组织实施。

第七条 任何单位和个人都应当严格履行环境保护义务。在保护区内不得建设或者批准建设污染环境的项目；污染物排放不得超过国家和本市规定的标准，未经处理达标的污水不得排放；开展旅游活动、进行垃圾处置和设置停车设施等，应当符合生态旅游管理规范的要求。

第八条 保护区内的山地绿化应当以松、柏等乔木为主。对古树名木和风景林木，应当依法加强保护管理；严禁砍伐古树名木，不得擅自更新、采伐风景林木。

第九条 区政府应当限定保护范围内营业摊点的数量，并统一规划和合理划定经营区域。禁止在划定区域外设立营业摊点。

第十条 在保护范围内不得设立广告。在建设控制地带内严格限制设立广告，禁止设立大型商业广告；设立其他广告的，应当符合市政管理行政主管部门会同规划、文物等行政主管部门制定并公布的广告设置规划。

设置的广告和文物、导游等标志标牌的色调、体量、造型等应当符合设计要求，不得破坏文物和环境风貌。

第十一条 在保护区内不得进行开矿采石、挖砂取土、掘坑填塘、捕猎野生动物、修建公墓等破坏地形地貌、生态环境的活动；所建电力、通讯、农田水利、种植、养殖等设施，不得危及文物安全，影响环境风貌。

第十二条 一切单位和个人都有保护明十三陵文物和环境风貌的义务。

任何单位和个人都有权对破坏明十三陵文物和环境风貌的行为予以制止和举报。

第十三条 特区办事处应当严格履行文物使用和保护管理的下列职责：

（一）保护明十三陵文物安全和环境风貌完好，做好防火、防盗、防汛、防蛀、

explosives and other articles endangering the safety of cultural relics may be stocked in the cultural relic architectures or the nearby areas.

The use of land and construction in the construction control zone must meet the requirements on cultural relics protection and city planning of the State and this Municipality and be carried out in accordance with law.

Where architectures or structures of non-cultural relics in the protection area are not in line with the city planning or spoil the cultural relics or the style and features of the environment of Ming Tombs, the District Government shall draw up rectifying and relocation plan for such cases according to law, and organize the implementation thereof by stages.

Article 7 All units and individuals shall strictly perform their duties for environment protection. No project polluting the environment may be carried out or permitted to be carried out in the protection area. The pollutant discharge shall not exceed the standards prescribed by the State and the local government. No sewage without treatment or bellow standards may be discharged. Traveling activities, waste disposals, installment of parking facilities shall meet the requirements of ecological travel management provisions.

Article 8 Arbors such as pines or cypress shall be the main species for the mountain afforestation in the protection area. The administration of protection of famous ancient trees and scenic forest shall be strengthened in accordance with law. Felling of famous ancient trees shall be strictly prohibited. No renovation and felling in scenic forest may be carried out without authorization.

Article 9 The District Government shall limit the number of business stalls in the protection zone and uniformly designated the business areas with rational planning. No business stall may be set up outside the designated areas.

Article 10 No advertisement may be installed in the protection zone. In the construction control zone, the installment of advertisement is severely restricted and the installment of large scale commercial advertisement is prohibited. The installment of other advertisements in this zone shall be subject to the advertisement installment plan formulated and promulgated by the competent administrative department of municipal administration jointly with the competent administrative department of city planning, cultural relics etc.

The color, volume, space and shape of the advertisement, the signs or marks of cultural relics and tourists guide must meet the requirements of design and shall not damage the cultural relics or spoil the style and features of the environment.

Article 11 No activities damaging the topography and landforms, such as mining, stone extraction, sand or earth excavation, pit digging, pond filling, wild life catching and hunting, cemetery construction may be carried out in the protection area. The facilities of power, communication, irrigation and water conservancy, planting and breeding etc. shall not endanger the safety of cultural relics or spoil the style and features of the environment.

Article 12 All units and individuals have the duty to protect the Ming Tombs cultural relics and the style and features of the environment.

Any unit or individual has the right to stop or report activities that damage the Ming Tombs cultural relics or spoil the style and features of the environment.

Article 13 The Special Area Agency shall strictly perform the following duties of administration of the use and protection of cultural relics:

(1)to conscientiously conduct the prevention of fire, theft, floods, moths, thunder strikes in accordance with provisions, etc. for protecting the safety of the Ming Tombs

防雷击等工作。

（二）按规定保养、修缮明十三陵文物建筑，保护明十三陵文物遗址。对明十三陵文物建筑的保养、修缮和对明十三陵文物遗址的保护应当在方案设计、施工工艺、材料选用、规制布局等各方面严格遵照传统方法，本着尊重历史、不改变历史原状的原则组织实施。

（三）建立巡查制度，对明十三陵文物和环境风貌状况进行经常性检查，发现破坏文物和环境风貌的行为应当予以制止，并提请有关部门处理。

第十四条 对违反本办法的，按照下列规定处理：

（一）对违反第五条规定，擅自移动、拆除、损毁界限标志的，由文物行政主管部门责令恢复原状，并可以处 200 元以上 500 元以下罚款。

（二）对违反第六条、第十一条规定，进行违法建设，或者违法设置电力、通讯、农田水利、种植、养殖等设施的，由规划行政主管部门或者城管监察组织依法处理。

（三）对违反第八条规定，破坏古树名木、风景林木的，由林业行政主管部门依法处理。

（四）对违反本办法其他规定的，由有关部门依法处理。

第十五条 对明十三陵保护管理负有职责的有关部门及其工作人员，应当恪尽职守，做好明十三陵的保护管理工作。对玩忽职守、滥用职权致使发生危及文物安全、影响环境风貌后果的，由其上级主管部门或者所在单位依法追究单位负责人和直接责任人员的行政责任；构成犯罪的，依法追究刑事责任。

第十六条 本办法自 2002 年 9 月 1 日起施行。

cultural relics and the good conditions of the environment style and features.

(2)to maintain and renovate the Ming Tombs cultural relic architectures and to protect the ruins of the Ming Tombs cultural relics, and in such maintenance, renovation and protection, the project design, the construction technology, the material choice, the size and shape layout and so on shall be implemented in strictly conformity with the traditional methods under the principle of respecting the history and refraining from altering the historical state and;

(3)to establish a tour inspection system to examine the state of the Ming Tombs cultural relics and the style and features of the environment regularly. Any activity that is found to damage the Ming Tombs cultural relics or spoil the style and features of the environment shall be stopped and reported to related departments for disposition.

Article 14 Any violation of these Measures shall be dealt with in accordance with the following provisions:

(1)where anyone, in violation of the provisions of Article 5 of these Measures, moves, demolishes or damages the boundary marker without authorization, the competent administrative department of cultural relics shall order the violator to recover the original state and may impose a fine not less than 200 yuan but not more than 500 yuan concurrently.

(2)anyone who, in violation of the provisions of Article 6 and Article 10 of these Measures, carries out a construction project or establishes facilities of power, communication, irrigation and water conservancy, planting and breeding etc. without conforming to the city planning shall be dealt with by the competent administrative department of city planning or the supervisory organization for urban administration according to law.

(3)anyone who, in violation of the provisions of Article 8 of these Measures, destroys famous ancient trees or the scenic forest shall be dealt with by the competent administrative department of forestry according to law.

(4)for violations of other provisions of these Measures, the relevant departments shall be responsible for dealing with them according to law.

Article 15 The administrative department for Ming Tombs protection and their staff members shall scrupulously perform their duties and conscientiously conduct the administration of Ming Tombs protection. Where any dereliction of duty or misfeasance results in consequence endangering the security of cultural relics or spoiling the style and features of the environment, the person in charge and the directly responsible person of the unit shall be investigated for administrative responsibility by the competent department at the higher level or the unit he serves according to law. If a crime is constituted, the violator shall be investigated for criminal responsibility according to law.

Article 16 The Measures shall be effective as of September 1, 2002.

北京市长城保护管理办法

(2003年6月13日北京市人民政府第126号令公布 根据
2018年2月12日北京市人民政府第277号令修改)

第一条 为了保护长城及其环境风貌，根据国家有关文物保护的法律、法规，结合本市实际情况，制定本办法。

第二条 本办法所称长城，是指本市行政区域内的长城主体和与长城主体有关的城堡、关隘、烽火台、敌楼等附属建筑及其他相关文物。

长城主体的附属建筑和相关文物的具体名录，由市文物行政主管部门确定，并向社会公布。

第三条 本市长城保护坚持原状保护、科学规划、合理利用的原则。

第四条 市文物行政主管部门负责对长城保护工作的统一管理和监督、指导。

长城沿线的区人民政府（以下简称区人民政府）负责组织实施本辖区内长城段的保护工作。区文物行政主管部门具体负责本辖区内长城段的保护管理工作。

城乡规划、林业、环境保护、旅游等行政主管部门和城市管理综合执法组织应当按照各自职责，负责相关的长城保护管理工作。

一切单位和个人都有保护长城的义务。本市鼓励单位和个人以各种形式参与长城保护工作。

第五条 市文物行政主管部门应当制定长城总体保护方案。区人民政府应当根据长城总体保护方案，制定本辖区内长城段保护工作的具体实施方案。对影响长城安全和环境风貌的建筑物、构筑物，区人民政府应当制定整治搬迁方案，分期组织实施。

Measures of Beijing Municipality for Administering the Protection of the Great Wall

(Promulgated by Decree No. 126 of the People's Government of Beijing Municipality on June 13, 2003, and revised by Decree No. 277 of the People's Government of Beijing Municipality on February 12, 2018)

Article 1 These Measures are formulated for the purposes of protecting the Great Wall and its environmental features in accordance with the relevant laws and regulations of the State on cultural relics protection, and in light of the actual circumstances of this Municipality.

Article 2 As used in these Measures, the “Great Wall” refers to the Great Wall main body, ancillary structures related to the Great Wall main body including fortresses, passes, beacon towers and watch towers as well as other relevant cultural relics within the administrative area of this Municipality.

The municipal competent administrative department for cultural relics shall decide and publicize the director of ancillary structures related to the Great Wall main body and other relevant cultural relics.

Article 3 The protection of the Great Wall in this Municipality shall adhere to the principles of preservation of original state, scientific planning and rational utilization.

Article 4 The municipal competent administrative department for cultural relics shall be responsible for the unified administration, supervision and guidance of the protection of the Great Wall.

The district people's governments along the Great Wall (hereinafter referred to as the district people's governments) shall be responsible for organizing and implementing the protection of the Great Wall within their jurisdictions. District competent administrative departments for cultural relics shall be specifically responsible for administering the protection of the Great Wall's sections within their jurisdiction.

Competent administrative departments for urban & rural planning, forestry, environmental protection and tourism as well as organizations for comprehensive law enforcement in urban management shall be responsible for administering the work related to the protection of the Great Wall according to their respective duties.

All units and individuals shall be obliged to protect the Great Wall. This Municipality encourages units and individuals to participate in the protection of the Great Wall in various forms.

Article 5 The municipal competent administrative department for cultural relics shall formulate the overall plan for protection of the Great Wall. The district people's governments shall formulate the specific implementation plans for protection of the Great Wall's sections within their jurisdiction according to the overall plan for protection of the Great Wall. The district people's governments shall formulate plans for the renovation and removal of buildings and structures affecting the Great Wall's safety and environmental features, and shall organize the implementation of such plans in stages.

第六条 市文物、城乡规划行政主管部门应当按照保护整体风貌、保留完整体系的原则，划定长城的保护范围和建设控制地带。

对急需保护的长城段，市文物、城乡规划行政主管部门应当优先划定保护范围和建设控制地带；对近期不能划定保护范围和建设控制地带的长城段，市文物行政主管部门可以会同市城乡规划行政主管部门划定临时保护区，并按照本办法及国家和本市有关文物保护单位保护范围和建设控制地带的规定管理。

第七条 区人民政府对本辖区内的长城段应当进行普查登记，设置保护标志，建立记录档案，并将记录档案报市文物行政主管部门备案。

第八条 区人民政府与长城沿线乡、镇的人民政府（以下简称乡、镇人民政府），乡、镇人民政府与长城沿线村的村民委员会，应当签订长城保护责任书，并建立相应的奖惩制度。

乡、镇人民政府应当组织本地区有关单位和个人做好长城保护管理工作。

第九条 长城管理使用单位应当负责所管理使用长城段的日常巡视检查和日常维护、修缮、抢险等保护工作，并保证保护工作的相应资金。没有管理使用单位的长城段，其日常巡视检查和日常维护、修缮、抢险等保护工作，由当地区人民政府负责。

长城管理使用单位发现所管理使用的长城段出现险情的，应当及时抢险，并向当地区文物行政主管部门报告。

长城管理使用单位对所管理使用的长城段，不按照文物行政主管部门的要求修缮，或者发现险情不及时抢险的，市文物行政主管部门可以指定具有文物保护工程资质的施工单位进行修缮、抢险，所需费用由负有修缮、抢险责任的长城管理使用单位承担。

第十条 对长城进行日常维护、修缮，应当坚持及时保护、不改变文物原状的原则；长城地面建筑已经全部被毁坏的，应当实施遗址保护。

第十一条 任何单位或者个人不得将长城转让、抵押或者折股作为企业资产经营。

Article 6 The municipal competent administrative departments for cultural relics and urban & rural planning shall delimit the scope and development control area for protection of the Great Wall according to the principles of maintaining the overall features and preserving the complete system.

The municipal competent administrative departments for cultural relics and urban & rural planning shall give priority to delimiting the scope and development control area for protection of the Great Wall's sections in urgent need of protection; as for the Great Wall's sections whose scope and development control area for protection cannot be delimited in the near future, the municipal competent administrative department for cultural relics may, together with the municipal competent administrative department for urban & rural planning, delimit the temporary protection area, and carry out the administration in accordance with these Measures and the provisions of the State and this Municipality on the scope and development control area for protection of cultural relic protection units.

Article 7 The district people's governments shall carry out the general survey and registration of the Great Wall's sections within their jurisdictions, set up protection signs, establish record files and submit the record files to the municipal competent administrative department for cultural relics for the record.

Article 8 The responsibility pledge on protection of the Great Wall shall be entered into between the district people's governments and the township/town people's governments along the Great Wall (hereinafter referred to as the township/town people's governments) as well as between the township/town people's governments and the villagers committees in villages along the Great Wall, and the corresponding reward & punishment system shall be established.

The township/town people's governments shall organize the relevant local units and individuals to bring success to the administration of the protection of the Great Wall.

Article 9 Units for the management and use of the Great Wall shall be responsible for the routine patrol and inspection of the Great Wall's sections under their management and use, be responsible for their daily maintenance, repair and risk elimination, as well as ensure the funds for their protection. The local district people's governments shall be responsible for the routine patrol and inspection as well as the daily maintenance, repair and risk elimination of the Great Wall's sections not under the management and use of any unit.

Where any unit for the management and use the Great Wall discovers any risk in the Great Wall's section under its management and use, it shall timely take risk elimination measures and report to the local district competent administrative department for cultural relics.

Where any unit for the management and use the Great Wall fails to repair the Great Wall's section under its management and use as required by the competent administrative department for cultural relics or fails to timely take risk elimination measures, the municipal competent administrative department for cultural relics may designate a construction unit with the qualification for cultural relic protection projects to carry out the repair or risk elimination, and the expenses shall be shouldered by the unit for the management and use of the Great Wall which has the responsibility for such repair or risk elimination.

Article 10 The daily maintenance and repair of the Great Wall shall adhere to the principles of timely protection and no change to the original state of cultural relics; where the surface structures of the Great Wall are completely destroyed, the ruins shall be protected.

Article 11 No unit of individual shall transfer or mortgage the Great Wall or convert

利用长城开辟参观游览场所的，应当由当地区人民政府提出利用方案和保护措施，报市文物行政主管部门审核；市文物行政主管部门审核同意后，依法报请市人民政府批准。

未经批准，任何单位或者个人不得利用长城开辟参观游览场所。

第十二条 在长城保护范围和建设控制地带内不得进行开矿采石、挖砂取土、掘坑填塘、捕猎野生动物、擅伐林木等破坏地形地貌和生态环境的活动；建设电力、通讯、农田水利、种植、养殖等设施 and 从事其他生产生活活动，不得危及长城安全，不得影响长城环境风貌。

在长城保护范围和建设控制地带内设置的文物、导游等标志标牌，其色调、体量、造型等应当与长城风貌相协调。

第十三条 长城建筑材料属于国家所有。任何单位或者个人不得非法占有长城建筑材料，不得利用长城建筑材料修建除长城以外的建筑物、构筑物。

本办法实施前利用长城建筑材料修建的建筑物、构筑物被拆除后，有关单位或者个人应当将长城建筑材料无偿移交当地的区文物行政主管部门。

第十四条 本市严格控制利用长城拍摄电影、电视和举办大型活动。

利用长城举办大型活动的，应当依法经过批准，其搭设的临时设施、活动规模等不得危及长城安全；利用长城拍摄电影、电视的，应当遵守《北京市利用文物保护单位拍摄电影、电视管理暂行办法》等本市相关规定。

第十五条 禁止从事下列危及长城安全的活动：

- （一）在长城主体上设置摊点、通讯设施；
- （二）组织游览未批准为参观游览场所的长城；
- （三）攀登未批准为参观游览场所的长城；
- （四）刻划、涂污、损坏长城；
- （五）非法移动、拆除、污损、破坏长城保护标志；
- （六）在长城上架梯、挖坑、竖杆、堆积垃圾；

the Great Wall into shares of enterprises.

Where the Great Wall is used to set up a place for sightseeing, the local district people's government shall put forward the utilization plan and the protection measures, which shall be reported to the municipal competent administrative department for cultural relics for examination, and shall be reported the Municipal People's Government for approval with the consent of the municipal competent administrative department for cultural relics.

No unit or individual shall use the Great Wall to set up a place for sightseeing without approval.

Article 12 Activities destroying the topography or ecological environment, such as mining, quarrying, sand excavation, soil taking, pitting, pond filling and wildlife hunting, unauthorized felling, are prohibited within the scope and development control area for protection of the Great Wall; the construction of facilities for electric power, communication, irrigation & water conservancy, planting and breeding as well as other activities of production and living shall not endanger the Great Wall's safety or affect the Great Wall's environmental features.

The color, size and shape of signs and marks for cultural relics and tour guide set up within the scope and development control area for protection of the Great Wall shall be in harmony with the Great Wall's features.

Article 13 Construction materials of the Great Wall belong to the State. No unit or individual shall illegally possess construction materials of the Great Wall, or use construction materials of the Great Wall to construct buildings and structures other than the Great Wall.

After the dismantlement of any building or structure constructed with construction materials for the Great Wall before the implementation of these Measures, the relevant unit or individual shall hand over construction materials for the Great Wall to the local district competent administrative department for cultural relics free or charge.

Article 14 This Municipality shall strictly control the use of the Great Wall for shooting films and TV programmes and holding large-scale activities.

Any large-scale activity using the Great Wall shall be approved in accordance with the law, and the Great Wall's safety shall not be endangered by the activity's temporary facilities and scale; those using the Great Wall to shoot films and TV programmes shall abide by the relevant provisions of this Municipality including the Interim Measures of Beijing Municipality for the Administration of Using Cultural Relic Protection Units to Shoot Films and TV Programmes.

Article 15 The following activities endangering the Great Wall's safety are prohibited:

- (1) setting up stalls or communication facilities on the Great Wall main body;
- (2) organizing trips to the Great Wall's sections not yet approved for sightseeing;
- (3) climbing the Great Wall's sections not yet approved for sightseeing;
- (4) cutting, carving, scrawling, smearing or damaging the Great Wall;
- (5) illegally moving, dismantling, smearing or damaging signs for the protection of the Great Wall;
- (6) putting up ladders, digging pits, putting up poles or piling up garbage on the Great

（七）其他危及长城安全的行为。

任何单位或者个人不得擅自利用长城设卡收费或者从事其他营利性活动。

第十六条 一切单位和个人都有权对破坏长城及其环境风貌的行为予以制止和举报。文物行政主管部门接到举报后，应当及时处理。

市文物行政主管部门对不履行长城保护职责的区人民政府和乡、镇人民政府有权予以通报。

第十七条 对违反本办法第十二条第二款规定，设置的文物、导游等标志标牌不符合要求的，由城市管理综合执法部门责令拆除或者更换，并可处 200 元以上 1000 元以下的罚款。

第十八条 对违反本办法第十三条第一款规定，非法占有长城建筑材料，或者利用长城建筑材料修建除长城以外的建筑物、构筑物的，由文物行政主管部门依法追回长城建筑材料；构成犯罪的，依法追究刑事责任。

第十九条 对违反本办法第十四条规定，利用长城拍摄电影、电视或者举办大型活动危及长城安全的，由文物行政主管部门责令停止活动；对已经造成长城损害的，依法处理。

第二十条 对违反本办法第十五条第一款第（一）项、第（二）项规定，或者违反本办法第十五条第二款规定的，由文物行政主管部门责令改正，并可处 1000 元以上 3 万元以下的罚款。

对违反本办法第十五条第一款第（三）项、第（五）项、第（六）项、第（七）项规定的，由文物行政主管部门责令改正，并可处 200 元以上 500 元以下的罚款。

对违反本办法第十五条第一款第（四）项规定的，由公安机关依照《中华人民共和国治安管理处罚法》的规定予以处罚。

第二十一条 对违反本办法的行为，其他法律、法规、规章已经规定了行政处罚的，由有关部门依法处理。

Wall; and

(7) other activities endangering the Great Wall's safety.

No unit or individual shall use the Great Wall for tolling or other profit-seeking activities without authorization.

Article 16 All units and individuals shall have the right to stop and report behaviors damaging the Great Wall and its environmental features. The competent administrative departments for cultural relics shall make timely disposal after receiving such reports.

The municipal competent administrative department for cultural relics shall have the right to make public the district people's governments and the township/town people's governments which failing to perform the duty of protecting the Great Wall.

Article 17 Those setting up disqualified signs and marks for cultural relics and tour guide in violation of Paragraph 2, Article 12 of these Measures shall be ordered by the department for comprehensive law enforcement in urban management to carry out dismantlement or replacement, and may imposed upon a fine of not less than 200 Yuan but not more than 1,000 Yuan.

Article 18 Those illegally possessing construction materials for the Great Wall or using construction materials of the Great Wall to construct buildings and structures other than the Great Wall in violation of Paragraph 1, Article 13 of these Measures shall be taken back construction materials for the Great Wall by the competent administrative department for cultural relics in accordance with the law; where a crime is constituted, the criminal liability shall be investigated in accordance with the law.

Article 19 Those endangering the Great Wall's safety by using the Great Wall for shooting films and TV programmes or holding large-scale activities in violation of Article 14 of these Measures shall be ordered by the competent administrative department for cultural relics to stop the unlawful act, and shall be punished for damages caused to the Great Wall in accordance with the law.

Article 20 Those violating Subparagraph (1) or (2), Paragraph 1, Article 15 or Paragraph 2, Article 15 of these Measures shall be ordered to make corrections by the competent administrative department for cultural relics, and may be imposed upon a fine of not less than 1,000 Yuan but not more than 30,000 Yuan.

Those violating Subparagraph (3), (5), (6) or (7), Paragraph 1, Article 15 of these Measures shall be ordered to make corrections by the competent administrative department for cultural relics, and may be imposed upon a fine of not less than 200 Yuan but not more than 500 Yuan.

Those violating Subparagraph (4), Paragraph 1, Article 15 of these Measures shall be punished by the public security organ in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 21 Acts in violation of these Measures whose administrative penalties have been stipulated in other laws, regulations and rules shall be dealt with by the relevant departments in accordance with the law.

第二十二条 对依照本办法负有长城保护管理职责的区人民政府和乡、镇人民政府及其有关工作人员，未依法尽到保护管理长城的责任，发生危及长城安全、影响长城环境风貌后果的，或者违反本办法第十一条规定，将长城转让、抵押或者折股作为企业资产经营，或者擅自利用长城开辟参观游览场所的，由其上级主管部门或者所在单位依法追究直接负责的主管人员和其他直接责任人员的行政责任；构成犯罪的，依法追究刑事责任。

第二十三条 本办法自 2003 年 8 月 1 日起施行。

Article 22 Where the district people's governments and the township/town people's governments with the duty of administering the protection of the Great Wall in accordance with these Measures as well as their relevant staff members fail to perform the duty of administering the protection of the Great Wall and lead to the consequence of endangering the Great Wall's safety or affecting the Great Wall's environmental features, or transfer or mortgage the Great Wall or convert the Great Wall into shares of enterprises or use the Great Wall to set up a place for sightseeing without approval in violation of Article 11 of these Measures, the competent departments at the higher levels or the units they belong to shall investigate the administrative responsibility of the persons in charge with direct responsibility and other directly responsible persons in accordance with the law; where a crime is constituted, the criminal liability shall be investigated in accordance with the law.

Article 23 These Measures shall be effective as of August 1, 2003.

周口店遗址保护管理办法

(2009年4月29日北京市人民政府第212号令公布)

第一条 为了加强周口店遗址的保护和管理,根据有关文物保护的法律、法规,结合本市实际情况,制定本办法。

第二条 本办法适用于周口店遗址(以下简称遗址)的保护范围和建设控制地带。保护范围和建设控制地带的界线按照市人民政府批准的《周口店遗址保护规划》(以下简称保护规划)的规定确定。保护范围和建设控制地带的界限标志,由房山区人民政府设立。任何单位和个人不得擅自移动、拆除、损毁界限标志。

第三条 市文物行政部门主管遗址的文物保护工作,监督实施本办法。房山区人民政府全面负责遗址的保护、建设、管理和科普教育等工作。房山区文物行政部门在市文物行政部门的指导和区政府的领导下,负责日常管理监督工作。

市和房山区发展改革、规划、住房和城乡建设、国土资源、环境保护、工商、公安、旅游、园林绿化、水务等行政部门和周口店镇人民政府,应当按照各自职责做好遗址的保护管理工作。

保护范围和建设控制地带内村的村民委员会应当依法配合政府及其相关部门做好遗址保护管理工作,对村民开展宣传教育,并召集村民会议引导村民将本办法的相关内容依法纳入村民公约。

第四条 遗址保护的日常管理经费列入房山区人民政府财政预算,涉及重大投入的项目所需经费,由市和房山区人民政府共同保障。

第五条 保护规划确定的任务应当纳入市和房山区国民经济和社会发展规划。

房山区人民政府应当根据保护规划制定具体的实施方案和计划,逐步落实。

Measures for Protection and Administration of Zhoukoudian Site

(Promulgated by Decree No. 212 of the People's Government of Beijing
Municipality on April 29, 2009)

Article 1 These Measures are formulated for the purpose of strengthening protection and administration of Zhoukoudian Site in accordance with the laws and regulations relating to cultural relics protection and in light of the actual circumstances of this Municipality.

Article 2 These Measures shall apply to the area of protection and the area for control of construction for Zhoukoudian Site (hereinafter referred to as "the Site").

The boundaries of the area of protection and the area for control of construction shall be delimited in accordance with the Planning for Protection of Zhoukoudian Site (hereinafter referred to as "the Protection Planning") approved by the Municipal People's Government. The boundary signs for the area of protection and the area for control of construction shall be set up by the People's Government of Fangshan District. No unit or individual may move, dismantle or destroy the boundary signs without authorization.

Article 3 The municipal administrative department for cultural relics shall take charge of the work concerning the protection of cultural relics in the Site and supervise over the implementation of these Measures. The People's Government of Fangshan District shall be fully responsible for the work concerning the protection, construction, administration and education on science popularization of the Site. The administrative department for cultural relics of Fangshan District shall be responsible for the daily administration and supervision under the instruction of the municipal administrative department for cultural relics and the leadership of the District People's Government.

The municipal and district administrative departments for development and reform, planning, housing and urban and rural construction, state-owned land and resources, environmental protection, industrial and commercial administration, public security, tourism, landscape and forestry, water affairs as well as the People's Government of Zhoukoudian Town shall bring to success the work concerning the protection and administration of the Site in accordance with their respective duties and responsibilities.

The villagers' committees of the villages in the area of protection and the area for control of construction shall cooperate with governments and relevant departments to bring to success the work concerning the protection and administration of the Site according to law, carry out propaganda and education among villagers and convene villagers' meetings to direct villagers to integrate the relevant contents of these Measures into village covenants according to law.

Article 4 The expenditures for daily administration of the protection of the Site shall be listed in the budget of the People's Government of Fangshan District, and the funds for projects needing major inputs shall be guaranteed jointly by the Municipal People's Government and the People's Government of Fangshan District.

Article 5 The tasks specified in the Protection Planning shall be incorporated into the plans for national economic and social development of this Municipality and Fangshan District.

第六条 房山区人民政府设立的周口店北京人遗址管理处（以下简称遗址管理处）是遗址的使用管理单位。遗址管理处履行下列保护管理职责：

（一）保护遗址安全和环境风貌完好，做好防火、防盗、防汛、防风化、防御雷电灾害等工作；

（二）对化石地点本体进行日常监测、维护，建立保护记录档案；

（三）展示遗址和藏品，开展科普教育；

（四）对遗址进行巡视检查，发现破坏遗址及其环境风貌的行为应当予以制止，并报有关部门进行处理；

（五）采取在化石地点设立保护标志、说明牌和防护设施等保护措施，防止古人类与古脊椎动物化石及其他文化遗存损毁和丢失。

第七条 遗址保护管理应当遵循原址保护、科学规划、依法管理、合理利用的原则。

第八条 遗址出土和埋藏的古人类化石、古人类活动遗存、地质沉积、古动物化石和古环境信息载体等依法属于国家所有，受法律保护。

与遗址发现、发掘和保护有关的，具有保护价值的建筑物、构筑物和其他设施应当保留，并按照规定核定为不可移动文物或者历史建筑，予以保护。

第九条 遗址保护范围根据遗址地点的文物价值、性质、保存现状等，划分为重点保护区和一般保护区。

第十条 在一般保护区内不得进行与考古发掘无关的建设工程或者爆破、钻探、挖掘等作业。因特殊需要确需进行必要的建设工程或者爆破、钻探、挖掘等作业，应当经依法审批，并符合保护规划的规定，保证遗址安全。

第十一条 一般保护区内禁止下列危及、损害遗址的行为：

（一）移动、拆除、污损、破坏保护标志；

（二）非法发掘和买卖古人类化石、古人类活动遗存、地质沉积、古动物化石和古环境信息载体；

The People's Government of Fangshan District shall formulate detailed implementing programs and plans according to the Protection Planning and carry out them in a step-by-step manner.

Article 6 The Zhoukoudian Peking Man Site Administrative Office (hereinafter referred to as "the Site Administrative Office" established by the People's Government of Fangshan District is the administrative authority for the use of the Site. The Site Administrative Office shall perform the following protection and administration duties and responsibilities:

(1) protecting the safety of the Site, maintaining a good condition in the environment and landscape of the Site, and bringing to success the work concerning protecting the Site from fire, theft, flood, air-slaking and disasters such as thunder storms;

(2) carrying out daily monitoring and maintenance on the exact locations of fossils and setting up protection record files;

(3) exhibiting the Site and collections and carrying out education on science popularization;

(4) patrolling around the Site, stopping any discovered conduct of damaging the Site and its environment and landscape and submitting such matters to relevant departments to deal with; and

(5) preventing any damage or loss of the fossils of paleo anthropoids and paleo vertebrates or other cultural remains by taking protective measures such as setting up protection signs, information boards and protective facilities.

Article 7 The principles of protecting the original site, planning scientifically, administering according to law and utilizing reasonably shall be followed in the protection and administration of the Site.

Article 8 The fossils of paleo anthropoids, remains of the activities of paleo-man, geologic sedimentation, fossils of paleo-creatures and carriers of information on paleo-environment that are unearthed and buried in the Site are owned by the State according to law and are protected by law.

The buildings, structures and other facilities that are related to discoveries, excavations and protections in the Site and worth being protected shall be maintained and protected by verifying them as immovable cultural relics or historic buildings in accordance with provisions.

Article 9 The area of protection for the Site shall be divided into key protection areas and general protection areas according to the value, nature, current stage of storage of the cultural relics in the Site.

Article 10 No construction project unrelated to archaeological excavations or operation such as explosion, drilling or digging shall be allowed in the general protection areas. Where there is a real need to carry out necessary construction project or operation such as explosion, drilling or digging due to special needs, examination and approval shall be undertaken according to law and the provisions of the Protection Planning shall be met and the safety of the Site shall be guaranteed.

Article 11 The following acts endangering or damaging the Site are prohibited in the general protection areas:

(1) moving, dismantling, tainting or damaging the protection signs;

(2) illegally excavating and trading fossils of paleo anthropoids, remains of the activities of paleo-man, geologic sedimentation, fossils of paleo-creatures and carriers of information on paleo-environment;

- (三) 攀爬、毁损遗址化石地点本体;
- (四) 挖树根, 破坏和非法采集植物、岩土堆积物;
- (五) 吸烟、野炊、上坟烧纸、燃放烟花爆竹, 焚烧树叶、荒草、垃圾等;
- (六) 采矿、开窑、挖山、盗伐林木、取土、毁林、猎捕野生动物等破坏地形地貌和生态环境的活动;
- (七) 违反户外广告设置规划和保护规划的规定设置户外广告;
- (八) 在遗址管理处指定的区域外从事商业、服务业经营活动;
- (九) 其他危及、损害遗址的行为。

第十二条 重点保护区内的保护管理工作除应当遵守本办法第十条、第十一条关于一般保护区的规定外, 还应当遵守下列规定:

- (一) 在各遗址地点设立保护标志、内容说明牌;
- (二) 种植绿化植物的地点和类别符合保护规划的规定, 禁止在遗址地点和堆积处种植树木;
- (三) 实施遗址抢救和维护工程应当制定详细的实施计划, 经过科学论证, 并严格遵守法定程序;
- (四) 严格控制考古发掘活动, 必须进行的考古发掘, 应当经市文物行政部门报国家文物行政部门批准;
- (五) 禁止从事有损遗址保护、地形地貌和环境氛围的活动。

第十三条 对遗址地点本体和附着地应当定期进行地质病害调查和分析, 按照保护规划的规定实施基础性保护措施、工程性保护措施、植物性保护措施、科技性保护措施和考古发掘控制措施, 实施程序和要求应当符合国家和本市的有关规定。

第十四条 建设控制地带内的原有建设用地应当加强生态景观建设和建筑设施的安全防护, 不得设置对环境有污染的设施; 对有安全隐患的设施应当加强监管, 避免危及遗址安全。

- (3) climbing or destroying the exact locations of fossils;
- (4) digging for roots of trees, damaging and illegally collecting plants or rock and soil accumulation;
- (5) smoking, picnicking, burning papers to honor the dead, lighting fireworks and firecrackers, or burning leaves, wild grass or garbage, etc.;
- (6) activities damaging landform and ecological environment such as mining, opening kilns, digging mountains, illegally woodcutting, taking soil, destroying forest and hunting wild animals;
- (7) setting up outdoor advertisements in violation of the plannings on setting up outdoor advertisements and the Protection Planning;
- (8) engaging in commercial and service activities outside the areas designated by the Site Administrative Office; and
- (9) other acts endangering or damaging the Site.

Article 12 In addition to those provisions prescribed in Article 10 and Article 11 of these Measures concerning the general protection areas, the following provisions shall be obeyed in the work concerning the protection and administration of the key protection areas:

- (1) protection signs and information boards about the contents shall be set up on locations of relics;
- (2) the types and cultivating places of greening plants shall meet the requirements of the Protection Planning, and no trees may be planted on locations of relics and accumulation places;
- (3) for projects of Site rescue and maintenance, detailed implementation plans shall be formulated, scientific demonstration shall be carried out and the statutory procedures shall be strictly followed;
- (4) archaeological excavations shall be strictly controlled, where such an excavation is a must, it shall be reported to the administrative department of cultural relics of the State for approval through the municipal administrative department of cultural relics; and
- (5) no activity that may damage the protection, landform and environment of the Site may be allowed.

Article 13 Regular surveys and analysis shall be carried out on the geological hazards of the exact locations of relics and their attached land, and basic protective measures, constructional protective measures, plant protective measures, scientific protective measures and archaeological excavation control measures shall be adopted according to the provisions of the Protection Planning. The procedures and requirements shall comply with the relevant provisions of the State and this Municipality.

Article 14 For the existing land for construction in the area of control for construction, ecological landscape building and safety protection on constructional facilities shall be strengthened and establishment of environment polluting facilities shall not be installed; facilities with hidden dangers to safety shall be monitored to avoid endangering the safety of the Site.

第十五条 在建设控制地带内进行建设工程，设计方案应当经依法批准，建设工程的体量、色彩、高度应当符合保护规划的规定，不得破坏遗址风貌。

在进行工程建设过程中，任何单位和个人发现化石或者其他文化遗存的，应当保护现场，立即报告文物、国土资源等行政部门。文物、国土资源等行政部门应当依法及时处理。

第十六条 在保护范围和建设控制地带内禁止开展对遗址及其环境产生污染的生产经营活动，不得新建产生污染的工矿企业。

第十七条 在保护范围和建设控制地带内进行绿化活动，应当按照不破坏遗址本体、保护地形地貌、改善生态环境的原则进行，并符合保护规划的规定。

第十八条 对周口店河进行整治和保护，应当遵循维护河道自然形态和河势稳定的原则，保持水体清洁，并达到保护规划规定的水质标准。

禁止向河道内直接或者间接排放超过国家和本市水污染物排放标准和水污染总量控制指标的工业和生活污水。

第十九条 任何单位和个人对危及、损害遗址的行为都有权制止和举报。

单位和个人制止、举报破坏遗址化石地点本体及其环境的行为或者对遗址保护做出突出贡献的，由人民政府或者文物行政部门给予表彰、奖励。

第二十条 对违反本办法的行为，按照下列规定处理：

（一）违反第二条第二款、第十一条第（一）项、第十二条规定，非法移动、拆除、污损、破坏保护标志、界限标志的，由公安机关或者遗址管理处给予警告，可并处200元以下罚款。

（二）违反第十一条第（三）项、第（四）项，第十二条规定，在保护范围内攀爬、毁损遗址化石地点本体，挖树根，破坏和非法采集植物、岩土堆积物的，由遗址管理处予以制止；情节严重的，由文物行政部门处1000元以下罚款。

（三）违反第十一条第（五）项、第十二条规定，在保护范围内吸烟、野炊、上

Article 15 For construction projects implemented in the area of control for construction, the design programs shall be approved according to law, and the volume, colors and height of the construction projects shall comply with the provisions of the Protection Planning and shall not damage the landscape of the Site.

While implementing a construction project, any unit or individual discovering fossils or other cultural remains shall protect the spot and immediately report to administrative departments of cultural relics, state-land and resources, etc.. The departments of cultural relics, state-land and resources, etc. shall promptly handle the report according to law.

Article 16 In the area of protection and the area for control of construction, all activities of production and operation that pollute the Site and its environment shall be prohibited and no new industrial and mining enterprises generating pollution may be constructed.

Article 17 Greening activities in the area of protection and the area for control of construction shall follow the principles of not damaging the Site itself, protecting landform and improving ecological environment and meet the requirements of the Protection Planning.

Article 18 The realignment and protection of Zhoukoudian River shall follow the principles of preserving the natural form of the river channel and the stability of river flow, and ensure that the water is clean and up to the standard for water quality prescribed in the Protection Planning.

It shall be prohibited to directly or indirectly discharge to the river channel industrial or household sewages that surpass the standards for water pollutant discharge and the target of overall water pollution control of the State and this Municipality.

Article 19 All units and individuals shall have the power to stop and report any activities endangering or damaging the Site.

Any unit or individual that stops or reports the acts damaging the exact locations of fossils in the Site and their environment or makes prominent contributions to the protection of the Site shall be commended or rewarded by the people's governments or administrative department of cultural relics.

Article 20 Violations against these Measures shall be dealt with according to the following provisions:

(1) anyone who, in violation of the provisions of Paragraph 2 of Article 2, Item 1 of Article 11 or Article 12, moves, dismantles, taints or damages the protection signs or boundary signs shall be imposed a warning by the public security organ or the Site Administrative Office, and may be imposed a fine of not more than 200 yuan simultaneously;

(2) anyone who, in violation of the provisions of Items 3 or Item 4 of Article 11 or Article 12, climbs or damages the exact locations of fossils, digs for roots of trees, damages and illegally collects plants or rock and soil accumulation shall be stopped by the Site Administrative Office; where the circumstance is serious, a fine of not more than 1,000 yuan shall be imposed by the administrative department for cultural relics;

(3) anyone who, in violation of the provisions of Item 5 of Article 11 or Article 12, smokes, picnics, burns papers to honor the dead, or burns leaves, wild grass, garbage, etc. shall be ordered to make corrections by the administrative department for cultural relics

坟烧纸、焚烧树叶、荒草、垃圾等的，由文物行政部门责令改正，可并处 500 元以下罚款；燃放烟花爆竹的，由公安机关责令停止燃放，处 100 元以上 500 元以下的罚款。

第二十一条 对危及、损害遗址及其环境的行为，有关法律、法规、规章已规定法律责任的，由有关部门依照相关规定处理。

第二十二条 文物行政部门和其他行政部门、周口店镇人民政府、遗址管理处及其工作人员应当恪尽职守，严格执法，做好遗址的保护管理工作。因玩忽职守、滥用职权，造成遗址损毁、破坏的，由有关部门依法追究主管人员和其他直接负责人员的行政责任；构成犯罪的，依法追究刑事责任。

第二十三条 对保护范围和建设控制地带内现有的污染环境的工矿企业，应当加强监测，并按照保护规划的规定逐步迁出。

第二十四条 本办法自 2009 年 6 月 1 日起施行。1989 年 2 月 1 日北京市人民政府第 1 号令发布，根据 1997 年 12 月 31 日北京市人民政府第 12 号令修改的《北京市周口店北京猿人遗址保护管理办法》同时废止。

and may be imposed a fine of not more than 500 yuan simultaneously; anyone who lights fireworks and firecrackers shall be ordered to stop the lighting by the public security organ and imposed a fine of not less than 100 yuan but not more than 500 yuan.

Article 21 Any act endangering or damaging the Site and its environment for which the legal liability has been prescribed in relevant laws, regulations or rules, the department concerned shall deal with it according to the relevant provisions.

Article 22 The administrative departments for cultural relics and other administrative departments, the People's Government of Zhoukoudian Town, the Site Administrative Office and their working staff shall scrupulously fulfill their duties, strictly enforce the law and bring to success the work concerning the protection and administration of the Site. For any destruct or damage on the Site caused by negligence of duties or abuse of powers, the person in charge and other persons with direct responsibilities shall be investigated for administrative liabilities by relevant departments according to law; where a crime is constituted, criminal liability shall be investigated for according to law.

Article 23 The existing environment polluting industrial and mining enterprises in the area of protection and the area of control for construction shall be intensely monitored and gradually moved out as prescribed in the Protection Planning.

Article 24 These Measures shall be effective as of June 1, 2009. The Measures of Beijing Municipality for Protection and Administration of Peking Man Site at Zhoukoudian promulgated on February 1, 1989 by Decree No. 1 of the People's Government of Beijing Municipality and revised according to Decree No. 12 of the People's Government of Beijing Municipality on December 31, 1997 shall be repealed simultaneously.

北京市地下文物保护管理办法

(2013年11月7日北京市人民政府第251号令公布)

第一条 为了加强地下文物的保护和管理,根据《中华人民共和国文物保护法》、《北京市实施〈中华人民共和国文物保护法〉办法》等有关法律、法规,结合本市实际情况,制定本办法。

第二条 地下文物属于国家所有,任何单位和个人都有保护地下文物的义务。

本市鼓励单位和个人参与地下文物保护工作。

第三条 市和区、县人民政府负责本行政区域内的地下文物保护工作。市和区、县人民政府文物行政管理部门对本行政区域内的地下文物保护实施监督管理。

发展改革、规划、国土、建设、水务、交通、财政、公安等有关行政管理部门,应当在各自的职责范围内依法做好地下文物保护工作。

第四条 新闻、出版、广播、电视、网络等媒体应当进行地下文物保护宣传,营造保护地下文物的良好氛围。

文物行政管理部门应当会同规划、建设等行政管理部门,开展对建设、施工、监理等单位及其相关人员的地下文物保护教育和宣传工作。

第五条 市和区、县文物行政管理部门应当对在地下文物保护中做出突出贡献的单位和个人给予表彰和奖励。

第六条 本市依法划定地下文物埋藏区。

市文物行政管理部门应当根据史料、普查资料等对地下文物埋藏区之外可能埋藏文物的地区划定重点监测区域。符合条件的,应当依法纳入地下文物埋藏区进行管理。

第七条 市文物行政管理部门应当根据文献研究结果,实际考古调查、勘探情况

Measures of Beijing Municipality for Protection and Administration of Underground Cultural Relics

(Promulgated by Decree No. 251 of the People's Government of Beijing Municipality on November 7, 2013)

Article 1 These Measures are formulated for the purposes of strengthening the protection and administration of underground cultural relics in accordance with the Law of the People's Republic of China on Protection of Cultural Relics, the Measures of Beijing Municipality for Implementing the Law of the People's Republic of China on Protection of Cultural Relics and other relevant laws and regulations, and in light of the actual circumstances of this Municipality.

Article 2 Underground cultural relics are owned by the State and all units and individuals shall have the obligation to protect underground cultural relics.

This Municipality encourages units and individuals to participate in the protection of underground cultural relics.

Article 3 The people's governments at the municipal and the district or county level shall take charge of the work concerning the protection of underground cultural relics within their respective administrative areas. The administrative departments for cultural relics of the people's governments at the municipal and the district or county level shall exercise supervision and control over the protection of underground cultural relics within their respective administrative areas.

Relevant administrative departments for development and reform, planning, State-land, construction, water affairs, traffic, finance, public security, etc. shall, in accordance with law, bring success to the protection of underground cultural relics within their respective functions and duties.

Article 4 Such media as news, publication, radio, television and network shall publicize the protection of underground cultural relics so as to create a good environment for the protection of underground cultural relics.

The administrative departments for cultural relics shall, together with the administrative departments for planning and construction, etc., carry out education and publicity in the protection of underground cultural relics to development, construction and supervision units as well as their relevant personnel.

Article 5 The administrative departments for cultural relics at the municipal and the district or county level shall commend and reward the units and individuals who have made outstanding contributions to the protection of underground cultural relics.

Article 6 This Municipality shall delimit the burial zones of underground cultural relics in accordance with law.

The administrative department for cultural relics at the municipal level shall, in accordance with historical materials and general survey data, delimit the areas where cultural relics are possibly buried other than the burial zones of underground cultural relics as the key monitoring zones. The key monitoring zones satisfying relevant conditions shall be included in the administration of burial zones of underground cultural relics in accordance with law.

Article 7 The administrative department for cultural relics at the municipal level

建立本市地下文物埋藏情况数据库，标明地下文物埋藏区、重点监测区域等内容，并对实际考古调查、勘探、发掘的结果进行记录。

市文物行政管理部门应当根据实际情况及时调整地下文物埋藏情况数据库，并与市规划行政管理部门实现共享。

第八条 市文物行政管理部门应当依法组织开展考古调查、勘探、发掘工作，积极探索有效方式，鼓励有资质的考古发掘单位参与本市配合基本建设的考古调查、勘探工作。具体办法由市文物行政管理部门制定。

对于已经做过考古调查、勘探的，进行建设工程时，不再重复进行考古调查、勘探。

第九条 符合下列条件之一的建设工程，应当进行考古调查、勘探：

- （一）位于地下文物埋藏区；
- （二）旧城之内建设项目总用地面积一万平方米以上；
- （三）旧城之外建设项目总用地面积二万平方米以上；
- （四）法律、法规和规章规定的其他情况。

第十条 本办法第九条规定之外的建设工程，建设单位可以在施工前报请市文物行政管理部门组织考古调查、勘探，市文物行政管理部门在接到建设单位的报请后，应当予以及时安排。

未做考古调查、勘探的，建设单位应当在施工前制定地下文物保护预案，位于重点监测区域内的建设工程的地下文物保护预案应当报文物行政管理部门备案。备案的具体办法由市文物行政管理部门制定。

第十一条 对于符合本办法第九条规定的土地储备开发项目，承担土地储备任务的单位（以下简称土储单位）应当按照本市规定报请市文物行政管理部门组织考古发掘单位进行考古调查、勘探。

考古调查、勘探工作完成后，考古发掘单位应当出具是否具备入市交易条件的意见，相关意见作为土地入市交易的依据之一。

shall, in accordance with the results of literature research as well as actual archaeological investigation and prospecting, establish the database of this Municipality on the burial of underground cultural relics, indicate such contents as burial zones of underground cultural relics and key monitoring zones, and keep records of the results of actual archaeological investigation, prospecting and excavation.

The administrative department for cultural relics at the municipal level shall timely adjust the database on the burial of underground cultural relics according to the actual circumstances and share the database with the administrative department for planning at the municipal level.

Article 8 The administrative department for cultural relics at the municipal level shall organize the implementation of archaeological investigation, prospecting and excavation in accordance with law, proactively explore effective ways to encourage qualified institutions engaged in archaeological excavations to participate in the archaeological investigation and prospecting carried out along with capital constructions of this Municipality. The specific measures shall be formulated by the administrative department for cultural relics at the municipal level.

As to the construction projects in places where archaeological investigation and prospecting have already been carried out, no repeated archaeological investigation and prospecting are needed.

Article 9 Archaeological investigation and prospecting shall be carried out to the construction projects meeting any one of the following conditions:

- (1) being located in the burial zone of underground cultural relics;
- (2) the construction project inside the old city occupying a land area of more than 10,000 m²;
- (3) the construction project outside the old city occupying a land area of more than 20,000 m²; or
- (4) other conditions stipulated by laws, regulations or rules.

Article 10 The development units of construction projects other than those stipulated in Article 9 of these Measures may request the administrative department for cultural relics at the municipal level to organize archaeological investigation and prospecting before construction, the administrative department for cultural relics at the municipal level shall make timely arrangement after receiving the request of the development units.

Where no archaeological investigation and prospecting are carried out, the development units shall formulate the plan for protection of underground cultural relics before construction, and the plan for protection of underground cultural relics of the construction projects located in key monitoring zones shall be filed for the record at the administrative department for cultural relics at the municipal level. The specific measures for filing for the record shall be formulated by the administrative department for cultural relics at the municipal level.

Article 11 As to the development projects for land reserve meeting the conditions stipulated in Article 9 of these Measures, the units undertaking the land reserve task (hereinafter referred to as the land reserve units) shall, in accordance with relevant provisions of this Municipality, request the administrative department for cultural relics at the municipal level to organize the institutions engaged in archaeological excavations to carry out archaeological investigation and prospecting.

After the archaeological investigation and prospecting are completed, the institutions engaged in archaeological excavations shall provide opinions on whether the land satisfies

第十二条 规划行政管理部门在向建设单位提出规划条件或者核发选址意见书时，应当书面提示建设单位在施工前按照本办法规定报请市文物行政管理部门组织考古调查、勘探，或者制定文物保护预案报文物行政管理部门备案，并告知文物行政管理部门。

规划行政管理部门应当将书面提示的情况同时告知建设行政管理部门或者交通、水利等专业建设工程的监管部门。

第十三条 对于符合本办法第九条规定的建设工程，建设行政管理部门或者交通、水利等专业建设工程的监管部门在建设工程施工前，应当书面提示建设单位报请市文物行政管理部门组织考古调查、勘探，并告知文物行政管理部门。

第十四条 对于符合本办法第九条规定的建设工程，建设单位应当在施工前报请市文物行政管理部门组织考古发掘单位进行考古调查、勘探，并督促施工单位在编制施工组织设计时，对考古调查、勘探事项进行安排，相关安排应当与施工部署、施工总进度计划相衔接。

第十五条 市文物行政管理部门接到土储单位或者建设单位申请后，在施工现场具备考古调查、勘探条件下，应当按照规定组织考古调查、勘探工作。考古调查、勘探工作结束后，考古发掘单位应当将相关意见书面通知土储单位和建设单位。

考古调查、勘探工作时限按照每一万平方米七个工作日计算，除雨雪、冰冻等特殊情况外，最长不得超过两个月。

第十六条 考古调查、勘探中发现文物的，由文物行政管理部门组织土储单位或者建设单位、施工单位、相关考古发掘单位确定文物保护方案，采取保护措施。

在考古发掘中，发现具有重大历史、艺术、科学价值的古遗址、古墓葬，需要实施原址保护的，应当实施原址保护。实施原址保护的，由市规划行政管理部门、市文物行政管理部门会同其他部门研究调整建设工程设计方案或者另行选址。

第十七条 公民、法人和其他组织依法采取地下文物保护措施或者配合政府进行

the requirements for transaction in the market and such opinions shall act as the basis for the transaction of relevant land in the market.

Article 12 When putting forward the planning requirements or approving the site selection opinions to the development unit, the administrative department for planning shall, in accordance with the provisions of these Measures, remind the development unit in writing to request the administrative department for cultural relics at the municipal level to organize archaeological investigation and prospecting or formulate the plan for protection of underground cultural relics and file it for the record at the administrative department for cultural relics before construction, and notify the administrative department for cultural relics.

The administrative department for planning shall notify its reminding in writing to the administrative department for construction or the department for supervision of professional construction projects of transport or water conservancy.

Article 13 As to any construction project meeting the conditions stipulated in Article 9 of these Measures, the administrative department for construction or the department for supervision of professional construction projects of transport or water conservancy shall, before the construction of such project, remind the development unit in writing to request the administrative department for cultural relics at the municipal level to organize archaeological investigation and prospecting, and notify the administrative department for cultural relics.

Article 14 As to any construction project meeting the conditions stipulated in Article 9 of these Measures, the development unit shall request the administrative department for cultural relics at the municipal level to organize the institution engaged in archaeological excavations to carry out archaeological investigation and prospecting before construction, urge the construction unit to make arrangement for archaeological investigation and prospecting when formulating the construction organization plan, and the relevant arrangement shall be connected with the construction arrangement and the overall schedule of construction.

Article 15 After receiving the request of land reserve units or development units, the administrative department for cultural relics at the municipal level shall, in accordance with provisions, organize the archaeological investigation and prospecting where the construction sites have the conditions for archaeological investigation and prospecting. After the completion of archaeological investigation and prospecting the institution engaged in archaeological excavations shall notify relevant opinions to land reserve units or development units in writing.

The time limit for archaeological investigation and prospecting shall be calculated as to seven working days for each 10,000 m², which shall not exceed two months at most except for such special circumstances as sleet and frost.

Article 16 Where cultural relics are discovered in archaeological investigation and prospecting, the administrative departments for cultural relics shall organize the land reserve units, development units, construction units or relevant institutions engaged in archaeological excavations to determine the plan for protection of cultural relics and take protective measures.

Where it is necessary to protect the original site when ancient ruins or ancient tombs of great historical, artistic or scientific value are discovered in archaeological excavation, the original site shall be protected. Where the original site is protected, the administrative department for planning at the municipal level and the administrative department for cultural relics at the municipal level shall, together with other departments, study the adjustment to the design plan of relevant construction project or choose another site for it.

Article 17 Where citizens, legal persons and other organizations take protective measures for underground cultural relics or cooperate with the governments in the protection

地下文物保护的，政府对其损失予以合理补偿，具体办法由市文物行政管理部门会同市规划、市财政等行政管理部门制定。

第十八条 建设单位、施工单位在施工过程中发现地下文物的，应当立即采取有效保护措施并通知文物行政管理部门。

监理单位在监理过程中，发现施工单位未依法保护地下文物继续施工的，应当及时制止并通知文物行政管理部门。文物行政管理部门接到通知后，应当在二十四小时内组织考古发掘单位到达现场。

第十九条 文物行政管理部门可以对本行政区域内建设工程施工现场的地下文物保护工作进行监督检查，建设单位、施工单位应当配合文物行政管理部门的监督检查工作。

文物行政管理部门应当加强对地下文物埋藏区和重点监测区域的日常巡查，并对本办法第九条规定的建设工程及重点监测区域内的建设工程施工现场的地下文物保护工作进行监督管理。

第二十条 任何单位和个人在进行其他生产生活活动时发现地下文物的，应当立即对地下文物实施有效保护并通知文物行政管理部门。文物行政管理部门接到通知后，应当在二十四小时内到达现场进行处理。

第二十一条 村民委员会在组织实施本村的建设规划，兴修水利、道路等基础设施以及指导村民进行自建住宅、挖渠、掘井等活动时，应当注重对地下文物的保护；发现地下文物的，应当采取有效保护措施并及时通知文物行政管理部门。

第二十二条 任何单位和个人发现破坏地下文物的，应当立即向文物行政管理部门举报。文物行政管理部门接到举报后，应当及时处理，并将处理结果告知举报人。

市和区、县文物行政部门应当对举报属实，为查处破坏地下文物行为提供线索或者证据的举报人给予奖励。具体办法由市文物行政管理部门会同市财政行政管理部门制定。

of underground cultural relics, the government shall give reasonable compensation to their losses. The specific measures shall be formulated by the administrative department for cultural relics at the municipal level together with the administrative departments for planning, finance, etc. at the municipal level.

Article 18 Where the development units or construction units discover underground cultural relics in the construction process, they shall immediately take effective protective measures and notify the administrative departments for cultural relics.

Where the supervision units discover in the supervision process that the construction units continue the construction without protecting underground cultural relics in accordance with law, they shall timely stop the construction units and notify the administrative departments for cultural relics. After receiving the notification, the administrative departments for cultural relics shall organize the institutions engaged in archaeological excavations to arrive at the sites within 24 hours.

Article 19 The administrative departments for cultural relics may supervise and inspect the work concerning the protection of underground cultural relics in the construction sites of construction projects within the administrative area of this Municipality, and the development units and construction units shall cooperate with the supervision and inspection by the administrative departments for cultural relics.

The administrative departments for cultural relics shall strengthen the daily patrols of the burial zones of underground cultural relics and the key monitoring zones, and carry out supervision and administration of the work concerning the protection of underground cultural relics in the construction sites of the construction projects stipulated in Article 9 of these Measures as well as the construction projects in key monitoring zones.

Article 20 Where any unit or individual discovers underground cultural relics in other production and living activities, it or he shall immediately carry out effective protection of such underground cultural relics and notify the administrative department for cultural relics. After receiving the notification, the administrative department for cultural relics shall arrive at the site for disposal within 24 hours.

Article 21 When organizing the implementation of the villages' construction planning, constructing such infrastructure as water conservancy facilities and roads, and guiding the villagers to carry out building houses themselves, digging canals or wells, the villagers' committees shall pay attention to the protection of underground cultural relics; where underground cultural relics are discovered, they shall take effective protective measures and timely notify the administrative department for cultural relics.

Article 22 Where any unit or individual discovers any damage to underground cultural relics, it or he shall immediately report to the administrative department for cultural relics. After receiving the report, the administrative department for cultural relics shall timely deal with the matter and notify relevant results to the informant.

The administrative departments for cultural relics at the municipal and the district or county level shall reward the informants whose reports proved true and provide clues or evidences for the investigation of damage to underground cultural relics at the municipal level together with the administrative department for finance at the municipal level.

第二十三条 违反本办法第十条第二款规定，建设单位未将位于重点监测区域内的建设工程的地下文物保护预案报文物行政管理部门备案的，由文物行政管理部门处一万元罚款。

第二十四条 违反本办法第十四条规定，建设单位未在施工前报请市文物行政管理部门组织考古发掘单位进行考古调查、勘探的，施工单位未按照规定在编制施工组织设计时安排考古调查、勘探事项的，由市文物行政管理部门责令限期改正，可以并处一万元以上三万元以下罚款；构成犯罪的，由司法机关依法追究刑事责任。

第二十五条 违反本办法第十八条第一款规定，建设单位、施工单位发现地下文物不采取保护措施，不通知文物行政管理部门的，由文物行政管理部门责令改正，并处一万元以上三万元以下罚款；构成犯罪的，由司法机关依法追究刑事责任。

违反本办法第十八条第二款规定，监理单位未通知文物行政管理部门的，由文物行政管理部门处一万元以上三万元以下罚款。

第二十六条 建设单位、施工单位和监理单位违反本办法受到行政处罚的信息，应当依法记入本市企业信用信息系统。

第二十七条 违反本办法规定，未进行考古调查、勘探，未采取保护措施，造成文物损毁的，依法承担民事责任。

第二十八条 负有地下文物保护职责的行政机关及其工作人员违反本办法规定，由其上级行政机关或者监察机关依法追究直接负责的主管人员和其他直接责任人员的行政责任；构成犯罪的，由司法机关依法追究刑事责任。

第二十九条 本办法自 2014 年 3 月 1 日起施行。

Article 23 The development units, in violation of the provisions of Paragraph 2, Article 10 of these Measures, failing to file the plan for protection of underground cultural relics of the construction projects located in key monitoring zones for the record at the administrative departments for cultural relics shall be imposed upon a fine of 10,000 yuan by the administrative departments for cultural relics.

Article 24 The development units failing to request the administrative department for cultural relics at the municipal level to organize the institutions engaged in archaeological excavations to carry out archaeological investigation and prospecting before construction, or the construction units failing to make arrangement for archaeological investigation and prospecting when formulating the construction organization plan in violation of the provisions of Article 14 of these Measures shall be ordered by the administrative department for cultural relics at the municipal level to make corrections within a specified time limit and may be imposed upon a fine of not less than 10,000 yuan but not more than 30,000 yuan; where a crime is constituted, criminal liability shall be investigated for by the judicial organs in accordance with law.

Article 25 The development units or the construction units, in violation of the provisions of Paragraph 1, Article 18 of these Measures, failing to take effective protective measures or notify the administrative departments for cultural relics when discovering underground cultural relics shall be ordered by the administrative departments for cultural relics to make corrections within a specified time limit and may be imposed upon a fine of not less than 10,000 yuan but not more than 30,000 yuan; where a crime is constituted, criminal liability shall be investigated for by the judicial organs in accordance with law.

The supervision units, in violation of the provisions of Paragraph 2, Article 18 of these Measures, failing to notify the administrative departments for cultural relics shall be imposed upon a fine of not less than 10,000 yuan but not more than 30,000 yuan by the administrative departments for cultural relics.

Article 26 The information about the administrative penalties imposed on the development units, construction units or supervision units for violation of these Measures shall be included in the enterprise credit information system of this Municipality in accordance with law.

Article 27 Those in violation of the provisions of these Measures, failing to carry out archaeological investigation and prospecting or take protective measures leading to damage or destruction of cultural relics shall shoulder civil liability in accordance with law.

Article 28 Where any administrative organ and its functionaries with the functions and duties to protect underground cultural relics violate the provisions of these Measures, the superior administrative organ or the supervisory organ shall investigate for the administrative liability of the directly responsible person in charge and other directly responsible person; where a crime is constituted, criminal liability shall be investigated for by the judicial organs in accordance with law.

Article 29 These Measures shall be effective as of March 1, 2014.

（六）体 育

北京市体育设施管理条例

（1999 年 10 月 28 日北京市第十一届人民代表大会常务委员会第十四次会议通过 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）

第一章 总 则

第一条 为了加强本市体育设施的管理，促进体育事业的发展，根据《中华人民共和国体育法》和国家有关法律、法规，结合本市实际情况，制定本条例。

第二条 本市行政区域内体育设施的规划、建设和使用的管理，适用本条例。

本条例所称体育设施，是指用于开展体育训练、竞赛、教学和社会体育活动的场所及附属设备。

第三条 体育设施的规划、建设和使用必须坚持为全民健身和竞技体育服务，坚持社会效益和经济效益相统一，促进首都物质文明和精神文明建设。

第四条 市和区体育部门是体育设施管理工作的主管部门。

第五条 本市鼓励社会团体、企业事业单位和个人以捐赠、赞助、投资等多种形式兴办体育设施。

第六条 利用体育设施进行体育项目经营活动的，应当遵守有关法律和本市的有关规定。

第二章 规划和建设

第七条 市人民政府应当按照国家对城市公共体育设施用地定额指标的规定，把

vi. Sports

Regulations of Beijing Municipality on the Administration of Sports Facilities

(Adopted at the 14th Meeting of the Standing Committee of the 11th People's Congress of Beijing Municipality on October 28, 1999, and revised at the 16th Meeting of the Standing Committee of the 15th People's Congress of Beijing Municipality on November 27, 2019)

Chapter I General Provisions

Article 1 The Regulations are formulated for the purposes of strengthening the management of sports facilities in this Municipality and promoting the development of sports undertakings in accordance with the Sports Law of the People's Republic of China and relevant laws and regulations of the State and in light of actual circumstances of this Municipality.

Article 2 The Regulations shall apply to the administration of the planning, construction and use of sports facilities within the administrative area of this Municipality.

The term “sports facilities” as mentioned in the Regulations refers to places and ancillary equipment used for sports training, competitions and teaching as well as public sports activities.

Article 3 The planning, construction and use of sports facilities must serve the nationwide fitness campaign and competitive sports, and pay attention to both social benefits and economic benefits, so as to promote material progress and cultural and ideological progress in the capital.

Article 4 The municipal, district and county administrative departments of sports are the competent departments in charge of the administration of sports facilities.

Article 5 This Municipality shall encourage social organizations, enterprises, institutions and individuals to establish sports facilities by means of donation, sponsorship, investment, etc.

Article 6 Whoever uses sports facilities to carry out sports business activities shall abide by relevant laws and relevant provisions of this Municipality.

Chapter II Planning and Construction

Article 7 The Municipal People's Government shall, in accordance with the provisions of the State on the quota of land for urban public sports facilities, incorporate the

城市公共体育设施建设纳入城市规划。

市体育部门应当根据本市城市规划，会同有关部门共同编制公共体育设施发展规划，报市人民政府批准后组织实施。

区人民政府根据本市公共体育设施发展规划编制本区的公共体育设施发展规划。

第八条 各级人民政府应当将公共体育设施建设资金列入本级财政预算和基本建设投资计划，并随着国民经济的发展逐步增加投入。

体育部门依法通过多种形式筹集公共体育设施建设资金。

第九条 新建、改建、扩建公共体育设施，必须符合本市公共体育设施发展规划和国家规定的技术指标及标准。

规划和自然资源部门在审批新建、改建、扩建公共体育设施的规划设计方案时，应当征求市体育部门的意见。

第十条 新建、改建、扩建居住区的开发建设单位应当按照本市公共服务设施配套建设指标的规定配套建设体育设施。规划设计方案未达到规定指标的，规划和自然资源部门不发建设工程规划许可证，住房和城乡建设部门不发施工许可证。居住区配套体育设施应当与居住区住宅工程同时规划、同步建设、同期交付使用。

第十一条 公共体育设施和居住区配套体育设施的竣工验收，住房和城乡建设部门应当通知体育部门参加。

第十二条 居住区管理单位应当充分利用现有条件，因地制宜建设和完善体育设施。

第十三条 新建学校必须按照国家和本市规定的标准建设体育设施。原有学校体育设施未达到规定标准的，应当采取措施逐步达到规定标准，具体办法由教育部门和体育部门共同制定。

第十四条 乡、民族乡、镇人民政府应当规划和建设适合农村特点的公共体育设施，为农村开展体育活动创造条件。

construction of urban public sports facilities into the urban planning.

The municipal administrative department of sports shall, based on the urban planning of this Municipality and in conjunction with the relevant departments, work out the plans for the development of public sports facilities, which shall be submitted to the Municipal People's Government for approval before implementation.

The district people's governments shall, in accordance with the plans for the development of public sports facilities of this Municipality, work out the plans for the development of public sports facilities of their respective districts or counties.

Article 8 The people's governments at all levels shall include the funds for the construction of public sports facilities in the financial budgets and capital construction investment plans at the corresponding levels, and shall gradually increase their investment with the development of the national economy.

The administrative departments of sports shall raise funds for the construction of public sports facilities by various means according to law.

Article 9 The construction, reconstruction or expansion of public sports facilities must conform to the plans for the development of public sports facilities of this Municipality and the technical indicators and standards set by the State.

When examining and approving the planning and design schemes for the construction, reconstruction or expansion of public sports facilities, the competent departments for urban planning shall seek the opinions of the municipal administrative department of sports.

Article 10 The development and construction organizations to construct, reconstruct or expand residential areas shall construct supporting sports facilities in accordance with the provisions of this Municipality on the construction indicators for supporting public service facilities. If the planning and design schemes fail to meet the specified indicator requirements, the competent departments for planning shall not issue a construction permit, and the competent departments for construction shall not issue a commencement permit. Supporting sports facilities in residential areas shall be planned, constructed and delivered for use simultaneously with residential projects in residential areas.

Article 11 The competent departments for construction shall notify the administrative departments of sports to participate in the completion examination and acceptance of public sports facilities and supporting sports facilities in residential areas.

Article 12 The management organization of a residential area shall make full use of existing conditions to build and improve sports facilities in light of local conditions.

Article 13 New schools must have sports facilities in accordance with the standards set by the State and this Municipality. Where existing school sports facilities fail to meet the prescribed standards, measures shall be taken so that the prescribed standards are gradually met. The specific measures shall be jointly formulated by the administrative departments of education and the administrative departments of sports.

Article 14 The people's governments of townships, ethnic minority townships or towns shall plan and construct public sports facilities suitable for rural areas in light of their characteristics, so as to create conditions for rural sports activities.

第三章 使 用

第十五条 公共体育设施和居住区配套体育设施必须对社会开放，开放时间每年不得少于 300 天，每天不得少于 8 小时；受季节限制的公共体育设施的开放时间，由市体育部门另行规定。

公共体育设施管理者应当制定具体措施，优惠向儿童、学生、教师、老年人和残疾人开放。

第十六条 学校体育设施应当创造条件向社会开放。

鼓励国家机关、社会团体、企业事业单位和个人兴办的体育设施向社会开放。

体育设施向社会开放的，可以按照有关规定收取费用。

第十七条 任何单位和个人不得挪用、侵占、破坏公共体育设施、居住区配套体育设施和学校体育设施。

任何单位和个人不得擅自改变公共体育设施、居住区配套体育设施和学校体育设施建设用地的用途。

按照城市规划改变公共体育设施、居住区配套体育设施和学校体育设施建设用地用途的，应当按照有关法律、法规的规定，先行择地新建偿还。

第十八条 因特殊情况需要临时占用公共体育设施的活动场地开展非体育性活动，设施管理者必须报体育部门批准，其收入专项用于体育设施的维护和管理，不得挪作他用。

临时占用公共体育设施的活动场地开展非体育性活动，占用期满后，占用单位应当及时恢复活动场地的原有功。

第十九条 体育设施管理者应当建立健全体育设施使用的管理制度，定期对体育设施进行维修、保养，保证体育设施的完好和安全使用。

第二十条 本市对体育设施实行注册登记制度，体育设施管理者应当按照规定到体育部门办理注册登记手续。

Chapter III Use

Article 15 Public sports facilities and supporting sports facilities in residential areas must be open to the public for no less than 300 days a year and no less than 8 hours a day. The opening hours of public sports facilities subject to seasonal variations shall be separately prescribed by the municipal administrative department of sports.

The managers of public sports facilities shall formulate specific measures to provide preferential access to children, students, teachers, the elderly and the disabled.

Article 16 Conditions shall be created for school sports facilities to be open to the public.

State organs, social organizations, enterprises, institutions and individuals shall be encouraged to open their sports facilities to the public.

If sports facilities are open to the public, fees may be charged in accordance with relevant provisions.

Article 17 No organization or individual may divert to any other purpose, occupy or destroy public sports facilities, supporting sports facilities in residential areas and school sports facilities.

No organization or individual may, without authorization, change the use of land for the construction of public sports facilities, supporting sports facilities in residential areas and school sports facilities.

If the use of land for the construction of public sports facilities, supporting sports facilities in residential areas and school sports facilities is to be changed in accordance with the urban planning, a new land plot shall be selected for construction and compensation in advance in accordance with the provisions of relevant laws and regulations.

Article 18 If it is necessary to temporarily occupy the venues of public sports facilities for non-sports activities under special circumstances, the managers of the facilities must report to the administrative departments of sports for approval, and the income derived therefrom shall be earmarked for the maintenance and management of sports facilities, and shall not be diverted to other purposes.

In the case of temporary occupation of the venues of public sports facilities to carry out non-sports activities, the occupiers shall promptly restore the original function of the venues after the expiration of the occupation period.

Article 19 The managers of sports facilities shall establish and improve the management system for the use of sports facilities, and regularly maintain and repair sports facilities, so as to ensure that sports facilities are kept in good and safe condition.

Article 20 This Municipality shall implement a registration system for sports facilities, and the managers of sports facilities shall go through the registration formalities with the administrative departments of sports as stipulated.

新建、改建、扩建的体育设施，体育设施管理者应当在主体工程验收合格之日起30日内，到体育行政部门办理注册登记手续。

第二十一条 体育行政部门对公共体育设施和居住区配套体育设施实行年检制度。

第二十二条 体育设施管理者应当接受体育部门的监督和检查。

第四章 法律责任

第二十三条 体育设施管理者违反本条例规定，有下列行为之一的，由体育部门责令限期改正；造成严重后果的，对其主管人员或者主要负责人由其所在单位或者上级机关给予行政处分：

- （一）未按规定开放公共体育设施和居住区配套体育设施的；
- （二）挪用公共体育设施或者居住区配套体育设施的；
- （三）临时占用公共体育设施的活动场地开展非体育性活动，未按规定报体育行政部门批准的；
- （四）将临时占用公共体育设施的活动场地的收入挪作他用的；
- （五）未按规定建立健全体育设施使用的管理制度的；
- （六）未按规定对体育设施进行维修、保养的；
- （七）未按规定到体育行政部门办理体育设施注册登记手续的；
- （八）未按规定办理年检手续或者年检不符合要求的。

第二十四条 侵占、破坏公共体育设施或者居住区配套体育设施的，由体育部门责令限期改正，并依法承担民事责任。

有前款所列行为，违反治安管理的，由公安机关按照《中华人民共和国治安管理处罚法》的有关规定给予处罚；构成犯罪的，依法追究刑事责任。

第二十五条 对擅自改变公共体育设施、居住区配套体育设施或者学校体育设施

For new, rebuilt or expanded sports facilities, the managers thereof shall, within 30 days from the date of acceptance of the main works, go through the registration formalities with the administrative departments of sports.

Article 21 The administrative departments of sports shall implement an annual inspection system for public sports facilities and supporting sports facilities in residential areas.

Article 22 The managers of sports facilities shall accept the supervision and inspection of the administrative departments of sports.

Chapter IV Legal Liability

Article 23 Where a manager of sports facilities, in violation of the provisions of the Regulations, commits any of the following acts, it shall be ordered by the administrative department of sports to make corrections within a time limit; if serious consequences are caused, the person responsible therefor or the main person in charge thereof shall be given administrative penalties by the organization with which he or she is affiliated or by the organ at the next higher level:

(1) failing to open public sports facilities and supporting sports facilities in residential areas as stipulated;

(2) diverting public sports facilities or supporting sports facilities in residential areas to other purposes;

(3) failing to report to the administrative department of sports for approval as stipulated for temporarily occupying the venues of public sports facilities to carry out non-sports activities;

(4) diverting the income from the temporary occupation of the venues of public sports facilities to other purposes;

(5) failing to establish and improve the management system for the use of sports facilities as stipulated;

(6) failing to maintain or repair sports facilities as stipulated;

(7) failing to go through the registration formalities for sports facilities with the administrative department of sports as stipulated;

(8) failing to go through the formalities for annual inspection as stipulated or failing to meet the requirements on annual inspection.

Article 24 Whoever encroaches upon or destroys public sports facilities or supporting sports facilities in residential areas shall be ordered by the administrative department of sports to make corrections within a time limit and shall bear civil liabilities according to law.

Whoever under any of the circumstances in the preceding paragraph violates the administration of public security shall be punished by the public security organ in accordance with relevant provisions of the Regulations of the People's Republic of China on Penalties for Administration of Public Security; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 25 Where the use of land for the construction of public sports facilities, supporting sports facilities in residential areas or school sports facilities is changed without

建设用地用途的，以及不按照批准的规划设计方案建设居住区配套体育设施的，由规划和自然资源部门依法予以处理。

第二十六条 侵占、破坏学校体育设施的，由市和区人民政府或者教育部门令其限期清退和修复。

第二十七条 体育部门及其工作人员玩忽职守、滥用职权、徇私舞弊的，由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。

第二十八条 拒绝、阻碍体育部门执法人员执行职务的，由公安机关按照《中华人民共和国治安管理处罚法》的有关规定给予处罚；构成犯罪的，依法追究刑事责任。

第五章 附 则

第二十九条 本条例自 2000 年 1 月 1 日起施行。

1996 年 7 月 30 日北京市人民政府发布的《北京市公共体育场所管理办法》同时废止。

authorization, or supporting sports facilities in residential areas are not constructed in accordance with the approved planning and design schemes, the administrative departments of land and planning shall deal with the case according to law.

Article 26 Whoever encroaches upon or destroys school sports facilities shall be ordered by the municipal, district people's government or administrative department of education to leave and repair them within a time limit.

Article 27 Where the administrative departments of sports and their staff neglect their duties, abuse their power or engage in malpractices for personal gains, they shall be given administrative penalties by the organizations with which they are affiliated or by the competent department at a higher level; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Article 28 Whoever refuses or obstructs the performance of duties by the law enforcement personnel of the administrative department of sports shall be punished by the public security organ in accordance with relevant provisions of the Regulations of the People's Republic of China on Penalties for Administration of Public Security; if a crime is constituted, criminal responsibility shall be investigated for according to law.

Chapter V Supplementary Provisions

Article 29 The Regulations shall come into force as of January 1, 2000.

The Measures of Beijing Municipality for Administration of Public Sports Places promulgated by the Beijing Municipal People's Government on July 30, 1996 shall be repealed simultaneously.

北京市全民健身条例

(2017年1月20日北京市第十四届人民代表大会第五次会议通过)

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- 第五章 社会促进
- 第六章 健身服务业
- 第七章 法律责任
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第一章 总 则

第一条 为了实施全民健身和推进健康中国建设的国家战略，保障公民健康权益，满足公民健身需求，提高公民健康素养和健康水平，根据有关法律、行政法规，结合本市实际，制定本条例。

第二条 全民健身坚持以人民健康为中心，以公民为主体，基层为重点，实行政政府主导、社会主办、单位支持、市场参与、共建共享的原则。

第三条 公民是全民健身活动的主体，有依法自愿参加全民健身活动的权利。公民应当坚持健康的生活方式，积极参加全民健身活动。

公民可以根据自身需要、身体条件和兴趣爱好自愿选择健身方式，可以组成或者参加健身团队，并自觉遵守团队的章程或规则，开展科学文明的健身活动。

Regulations of Beijing Municipality on National Fitness

(Adopted at the 5th Meeting of the Standing Committee of the
Fourteenth Beijing Municipal People's Congress on January 20, 2017)

Contents

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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of implementing the national strategies of fitness for all and promoting the construction of a healthy China, protecting the health rights and interests of citizens, satisfying the demand of citizens for fitness, and enhancing the health quality and level of citizens in accordance with the relevant laws and administrative regulations, and in light of the actual circumstances of this Municipality.

Article 2 National fitness shall put people's health at the center with citizens as the principal part and communities as the emphasis, and shall follow the principles of government leadership, social sponsorship, unit support, market participation, joint construction and sharing.

Article 3 Citizens are the principal part of national fitness, and enjoy the right to voluntarily participate in national fitness activities in accordance with the law. Citizens shall stick to a healthy lifestyle and actively participate in national fitness activities.

Citizens may choose their fitness modes out of free will according to their demands, physical conditions and hobbies, and they may form or join fitness groups and self-consciously abide by the regulations or rules of such groups, so as to engage in fitness activities in a scientific and civilized manner.

第四条 本市各级人民政府依法保障公民参加全民健身活动的权利，支持公民和全社会开展全民健身活动，并提供基本公共服务。

第五条 国家机关、企业事业单位、城乡社区、社会团体及其他组织应当保障职工或者成员的健身权益，为其参加健身活动创造条件，负责并支持其组成健身团队，建立健身活动制度，有序开展全民健身活动。

第六条 本市建立和完善全民健身的社会动员和组织机制，支持健身社会组织成为全民健身活动的组织主体。

各级人民政府应当根据实际情况，支持综合的、专项的健身社会组织建设，支持健身社会组织和健身团队通过自办自律、互助合作等方式整合利用社会全民健身资源，开展全民健身活动。

第七条 本市鼓励社会各界以宣传、教育、慈善、赞助、志愿服务等多种形式促进全民健身活动。

第八条 本市鼓励和支持单位和个人利用市场机制为全民健身活动提供产品和服务。

第二章 政府责任

第九条 市、区、乡镇人民政府、街道办事处应当根据全民健身的特点，按照面向社会、重在基层、属地为主、财随事走的原则，建立分工明确、相互衔接、运行有效的全民健身工作格局和工作机制，发挥主导、服务、保障作用。

第十条 市、区人民政府应当加强对全民健身工作的领导，健全乡镇人民政府、街道办事处统筹本辖区全民健身工作的职能、机构和工作机制；制定并完善政策措施，支持乡镇人民政府、街道办事处开展全民健身工作；将市、区用于支持基层开展全民健身活动的经费、人员、场地设施等资源交由乡镇人民政府、街道办事处统筹配置。

Article 4 The people's governments at various levels in this Municipality shall protect the right of citizens to participate in national fitness activities in accordance with the law, support citizens and the whole society to carry out national fitness activities, and provide basic public services.

Article 5 State organs, enterprises, public institutions, urban and rural communities, mass organizations and other organizations shall protect the fitness rights and interests of their employees or members, create conditions for them to participate in fitness activities, take the responsibility for and give support to the formation of fitness groups by them, establish the system on fitness activities, and carry out national fitness activities in an orderly manner.

Article 6 This Municipality shall establish and improve the mechanism for social mobilization and organization of national fitness, and support social organizations for fitness to become main organizers of national fitness activities.

The people's governments at various levels shall, according to the actual circumstances, support the construction of comprehensive and specialized social organizations for fitness, and support social organizations for fitness and fitness groups to carry out national fitness activities through the integration and utilization of social resources for national fitness by ways of self-management, self-discipline and mutual cooperation.

Article 7 This Municipality encourages all social walks to promote national fitness activities in multiple forms such as publicity, education, charity, sponsorship and voluntary service.

Article 8 This Municipality encourages and supports units and individuals to provide products and services to national fitness activities by making use of the market mechanism.

Chapter II Government Responsibility

Article 9 The municipal, district and township/town people's governments and sub-district offices shall develop the interconnected pattern and mechanism for national fitness that operates effectively with clear division of work and play the role of leadership, service and guarantee according to the characteristics of national fitness by following the principles of facing to society, emphasizing on communities, focusing on territory and financing for specific matters.

Article 10 The municipal and district people's governments shall strengthen the leadership of national fitness so as to improve the function, institution and working mechanism of township/town people's governments and sub-district offices to make an overall planning for national fitness within their jurisdiction; formulate and improve the relevant policies and measures so as to support township/town people's governments and sub-district offices in their work related to national fitness; and transfer the municipal and district resources for supporting national fitness activities in communities such as funds, staff members and sites to township/town people's governments and sub-district offices for allocation according to the overall planning.

第十一条 市、区人民政府应当制定并完善政策措施，促进全社会的全民健身活动和健身服务业发展；支持市、区健身社会组织开展全民健身活动，支持公民依法组建健身社会组织和健身团队。

第十二条 市、区人民政府应当履行下列基本职责：

- （一）将全民健身事业纳入本级国民经济和社会发展规划；
- （二）制定全民健身实施计划，明确阶段目标、工作措施和政府保障等内容；
- （三）将全民健身经费列入本级财政预算，建立与全民健身需求和国民经济社会发展水平相适应的财政保障机制；
- （四）统一安排、均衡布局，规划、建设方便公民的公共体育设施及其他健身场所；
- （五）加强对全民健身工作的整体统筹，建立部门协同机制，明确各相关部门的职责，并进行监督检查和绩效考核；
- （六）建立健全政府购买体育公共服务的机制和政策。

第十三条 乡镇人民政府、街道办事处应当统筹本辖区内的全民健身工作，履行下列职责：

- （一）根据市、区人民政府的工作部署和本辖区公民健身需求，制定并落实本辖区全民健身工作的年度计划；
- （二）统筹利用经费、场地设施等全民健身资源，建立相应的管理制度，为全民健身提供服务；
- （三）健全全民健身工作协调机制，吸收辖区内单位、健身社会组织、健身团队的负责人参与建立本辖区的综合性健身社会组织，支持综合性健身社会组织为辖区内开展全民健身活动提供指导和帮助；
- （四）主导健全辖区内全民健身的公共治理体制，整合利用辖区内场地设施资源，组织开展全民健身活动，有条件的，可以举办群众性健身赛事；
- （五）指导、支持居民委员会、村民委员会组织开展全民健身活动，推动体育生活化社区建设。

Article 11 The municipal and district people's governments shall formulate and improve the relevant policies and measures so as to promote national fitness activities in the whole society and the development of fitness service industry; support municipal and district social organizations for fitness to carry out national fitness activities, and support citizens to form social organizations for fitness and fitness groups in accordance with the law.

Article 12 The municipal or district people's government shall perform the following basic duties:

- (1) including national fitness undertakings in the national economic and social development plan at the corresponding level;
- (2) formulating the plan for implementing national fitness, and making clear such contents as stage goals, working measures and government guarantee;
- (3) including funds for national fitness in the financial budget at the corresponding level, and establishing the financial guarantee mechanism corresponding to the demand of national fitness and the level of national economic and social development;
- (4) making unified arrangements and a balanced layout, planning and constructing public sports facilities and other fitness sites convenient for citizens;
- (5) strengthening the overall planning of national fitness, establishing the interdepartmental coordination mechanism, making clear duties of the relevant departments, and carrying out supervision, inspection and performance appraisal; and
- (6) developing and improving the mechanism and policies for government procurement of public sports services.

Article 13 The township/town people's government or sub-district office shall make an overall planning of national fitness within its administrative area, and perform the following duties:

- (1) formulating and implementing the annual plan for national fitness within its jurisdiction according to the work arrangement of the municipal and district people's governments and the demand for fitness of citizens within its jurisdiction;
- (2) making an overall planning for the utilization of resources for national fitness such as funds, sites and facilities, establishing the corresponding management systems, and providing services to national fitness;
- (3) improving the coordination mechanism for national fitness, involving persons in charge of units, social organizations for fitness and fitness groups within its jurisdiction in the establishment of a comprehensive social organization for fitness, and supporting the comprehensive social organization for fitness to provide guidance and help to national fitness activities within its jurisdiction;
- (4) leading the improvement of public governance mechanism for national fitness within its jurisdiction, making an integrated utilization of sites, facilities and other resources within its jurisdiction for the organization of national fitness activities, and holding mass fitness competitions if there are conditions; and
- (5) guiding and supporting residents' committees and villagers' committees to organize national fitness activities, and promoting the construction of communities with sports lifestyle.

第十四条 市、区体育行政部门应当履行下列职责：

- （一）组织、实施本级人民政府制定的有关全民健身的规划、计划；
- （二）根据全民健身活动的特点和规律，推进本行政区域内全民健身公共治理体系建设，指导本级综合的和专项的健身社会组织履行服务全民健身的责任，培育并支持基层的健身社会组织和健身团队发展；
- （三）监督公共体育设施的运营；
- （四）组织或者指导健身社会组织举办全民健身体育节、运动会等活动；
- （五）进行科学健身指导，组织实施公民体质监测，组织实施国家体育锻炼标准；
- （六）管理、培训、评定社会体育指导员，组织社会力量开展全民健身志愿服务活动；
- （七）通过购买服务等方式，支持健身社会组织开展全民健身活动；
- （八）按照国家和本市规定，将一定比例的体育彩票公益金用于发展全民健身事业。

第三章 公共健身场地、设施

第十五条 市、区人民政府应当按照本市公共体育设施规划和居住公共服务设施配置指标的要求建设公共体育设施。

市、区人民政府及其有关部门应当利用公园、绿地、广场、河湖沿岸、城市道路等区域安排健身步道、登山步道、自行车道或者绿道等全民健身活动场地。

第十六条 区人民政府应当结合小区改造和功能完善，利用现有资源在城市已建成区域合理布局，开辟公益性或者专业运营的全民健身场所，方便公民健身活动。

第十七条 政府投资建设、实行专业运营的体育场馆，负有为全民健身服务的责任。场馆所属区域应当根据实际情况开辟全民健身场所。场馆及附属体育设施应当提

Article 14 The municipal or district administrative department for sports shall perform the following duties:

(1) organizing the implementation of the planning and plan on national fitness formulated by the people's government at the corresponding level;

(2) promoting the construction of public governance mechanism for national fitness in accordance with the characters and rules of national fitness within its administrative area, guiding comprehensive and specialized social organizations for fitness at the corresponding level to perform their responsibilities for serving national fitness, fostering and supporting the development of community-level social organizations for fitness and fitness groups;

(3) supervising the operation of public sports facilities;

(4) organizing or guiding social organizations for fitness to hold such events as national fitness sports festivals and sports meetings;

(5) providing guidance on scientific fitness, organizing the implementation of citizens' fitness and health monitoring, and organizing the implementation of national standards for physical training;

(6) managing, training and assessing instructors of social sports, organizing social forces to provide voluntary services for national fitness;

(7) supporting social organizations for fitness to carry out national fitness activities by such means as service procurement; and

(8) using a proportion of the sports lottery public welfare funds for the development of national fitness undertakings in accordance with the provisions of the State and this Municipality.

Chapter III Public Fitness Sites and Facilities

Article 15 The municipal and district people's governments shall construct public sports facilities according to the requirements of the municipal planning for public sports facilities and the indexes for allocation of public service facilities to residential areas.

The municipal and district people's governments and their relevant departments shall arrange national fitness sites such as fitness footpaths, mountain climbing footpaths, bicycle paths and greenways by making use of parks, greenbelts, squares, river/lake banks and city roads.

Article 16 The district people's governments shall, in combination with the renovation and functional upgrading of residential quarters and by utilizing existing resources, make a reasonable layout and set up national fitness sites for public welfare or subject to professional operation, so as to facilitate citizens' fitness activities.

Article 17 A sports venue constructed with government investment and subject to professional operation shall be responsible for serving national fitness. The area where such

供免费或者低收费的普遍服务。组织健身赛事和活动使用场馆的，场馆应当与赛事和活动的组织者签订合同或者协议，明确活动规则，可以适当收取费用。

第十八条 国家机关、企业事业单位、高等院校、社会团体和其他组织的体育场地、设施按照资源共享、互惠互利、互助合作的原则，对专项的健身社会组织、健身团队和本社区的健身社会组织、健身团队有序开放。

使用前款规定的场地设施进行健身活动的健身社会组织、健身团队应当适当支付费用，并遵守有关规章制度。

第十九条 区人民政府应当采取措施，推动中小学校在课余时间和节假日向未成年人免费开放体育设施。

中小学校用于体育教学的场馆和设施主要在乡镇人民政府、街道办事处辖区和城乡社区内按照互助合作、社区共建、资源共享的方式有序开放。区人民政府应当提供经费支持。

乡镇人民政府、街道办事处辖区内的互助合作由乡镇人民政府、街道办事处主管部门或者辖区内的健身社会组织、健身团队与学校共同负责，签订合同或者协议，明确安全责任、活动规则和费用。

城乡社区使用本区域内中小学校场馆和设施的，纳入社区共建范围。

第二十条 商业性体育设施用于全民健身公益活动的，可以享受政府相应的支持政策。

第二十一条 任何单位和个人不得侵占、损坏公共体育设施，不得擅自改变公共体育设施的功能、用途。

第四章 健身社会组织和健身团队

第二十二条 乡镇人民政府、街道办事处辖区内的健身团队可以向本乡镇人民政

venue is located shall set up national fitness sites according to the actual circumstances. The venue and its auxiliary sports facilities shall provide universal services free of charge or at low prices. Where the venue is used for organizing a fitness competition or event, the venue shall enter into a contract or agreement with the organizer of such competition or event to make clear the relevant rules, and may charge proper fees.

Article 18 Sports sites and facilities of state organs, enterprises, public institutions, higher education institutions, mass organizations and other organizations shall open to specialized social organizations for fitness and fitness groups as well as social organizations for fitness and fitness groups within the community in an orderly manner according to the principles of resource sharing, mutual benefit and mutual cooperation.

Social organizations for fitness and fitness groups using the sites and facilities stipulated in the preceding paragraph for fitness activities shall pay proper fees, and abide by the relevant regulations and rules.

Article 19 The district people's governments shall take measures to promote primary and secondary schools to open sports facilities to minors free of charge in extracurricular time and holidays.

Venues and facilities of primary and secondary schools for physical education mainly located within the jurisdiction of township/town people's governments and sub-district offices as well as in urban and rural communities shall be opened in an orderly manner by means of mutual cooperation, community co-construction and resource sharing. The district people's governments shall offer fund support.

Competent departments of the township/town people's governments and sub-district offices or social organizations for fitness and fitness groups within the jurisdiction shall be responsible for the mutual cooperation together with schools, and they shall enter into contracts or agreements to make clear safety responsibilities, rules of activity and fees.

The use of venues and facilities of primary and secondary schools within the same area by urban and rural communities shall be included in the scope of community co-construction.

Article 20 Commercial sports facilities may enjoy the corresponding policies on government support if they are used for public welfare national fitness activities.

Article 21 No unit or individual shall usurp or damage public sports facilities, or change the function or purpose of public sports facilities without authorization.

Chapter IV Social Organizations for Fitness and Fitness Groups

Article 22 Any fitness group within the jurisdiction of a township/town people's government or sub-district office may apply for filing at the corresponding township/town people's government, sub-district office or residents'/villagers' committee, and may join the comprehensive social organization for fitness after filing and enjoy the policy support in

府、街道办事处或者居民委员会、村民委员会申请备案，经备案的可以加入本辖区的综合性健身社会组织，并享受场地、资金等方面的政策支持。

第二十三条 国家机关、企业事业单位和其他组织的全民健身活动应当由本机关单位的工会具体负责。工会应当依据章程组建员工的健身社会组织或者健身团队，并对健身社会组织、健身团队开展的健身活动，依照有关规定予以资助。

第二十四条 本市鼓励成立跨街道、乡镇、社区的专项的健身社会组织和健身团队，经所在区体育行政部门备案的，可以加入区单项体育协会成为会员。

区单项体育协会可以成为市单项体育协会会员，单独成立的单项体育协会应当依法进行社团登记。

第二十五条 市、区体育总会应当把组织和推动全民健身作为重要职责。

市、区单项体育协会应当把组织和推动全民健身作为主要任务和重点工作，将发展基层的健身社会组织，指导服务全民健身活动，组织专业全民健身比赛，普及全民健身科学知识，培育全民健身骨干队伍等列为基本职责。

第二十六条 健身社会组织、健身团队可以通过下列方式提高自我管理、自我服务能力：

- （一）制定内部章程或者公约，明确成员权利义务；
- （二）吸收热心人士或者志愿者参加；
- （三）收取会费或者接受企业捐赠资助；
- （四）按照与场地设施开放单位签订的合同或者协议，妥善处理责任纠纷；
- （五）引导成员以有序和科学文明的方式健身。

第五章 社会促进

第二十七条 国家机关、企业事业单位和其他组织的负责人应当支持本机关、单位、组织内部的全民健身活动。国家机关、企业事业单位应当为职工参与全民健身创造必要条件，组织本单位人员开展多种形式的健身活动；有条件的，可以举办运动会，

terms of sites and funds.

Article 23 The trade union of a state organ, enterprise, public institution or any other organization shall be specifically responsible for internal national fitness activities. The trade union shall establish the social organization for fitness or fitness group of employees according to its regulations, and subsidize fitness activities of the social organization for fitness or fitness group in accordance with the relevant provisions.

Article 24 This Municipality encourages the establishment of a specialized social organization for fitness or fitness group across different sub-districts, townships/towns or communities, which may become a member of the district federation of individual sport after filing at the district administrative department for sports.

The district federation of individual sport may become a member of the municipal federation of individual sport; an independent federation of individual sport shall handle the registration for mass organizations in accordance with the law.

Article 25 The municipal or district sports federation shall take organizing and promoting national fitness as its important duty.

The municipal or district federation of individual sport shall take organizing and promoting national fitness as its major and key task; and shall take developing community-level social organization for fitness, guiding the service to national fitness activities, organizing professional national fitness competitions, popularizing scientific knowledge about national fitness and fostering backbone teams of national fitness as its basic duties.

Article 26 A social organization for fitness or fitness group may improve its self-management and self-service capability through the following approaches:

- (1) formulating its internal regulations or conventions, and making clear the rights and obligations of its members;
- (2) attracting enthusiastic personage or volunteers to join in;
- (3) charging membership fees or accepting donations by enterprises;
- (4) settling responsibility disputes properly in accordance with the contract or agreement with the unit which opens sites and facilities; and properly handle liability disputes;
- (5) guiding its members to realize fitness in an orderly, scientific and civilized manner.

Chapter V Social Promotion

Article 27 The person in charge of a state organ, enterprise, public institution or any other organization shall support the internal national fitness activities. The state organ, enterprise or public institution shall create necessary conditions for its staff members to participate in national fitness, and shall organize its staff members to carry out fitness activities in multiple forms; where there are conditions, it may hold sports meetings or carry

开展体育锻炼测验、体质测定等活动。

第二十八条 中小学校应当依据有关法律、行政法规的规定，指导学生体育锻炼，提高学生身体素质。

第二十九条 工会、共青团、妇联、残联等社会团体应当结合自身特点，组织成员开展全民健身活动。

第三十条 单项体育协会应当积极推广体育项目，承接、举办专项体育赛事，组织其成员开展全民健身活动，并给予指导、培训和支持。

本市支持单项体育协会开展全民健身品牌活动，开展竞技体育与全民健身交流活动。

第三十一条 本市按照国家规定实行社会体育指导员制度。社会体育指导员按照市、区体育行政部门的委派，向群众性体育组织、国家机关、企业事业单位、社会团体和其他组织提供传授健身技能、组织健身活动、宣传科学健身知识等志愿服务。

第三十二条 本市鼓励社会体育指导员、专业运动队、运动员、教练员、体育科技工作者、体育教师、体育专业学生、医务工作者及其他社会热心人士为全民健身提供志愿服务。

第三十三条 本市鼓励单位和个人通过投资建设体育场地和设施、公益捐赠赞助群众性健身赛事和活动等方式支持全民健身。

第三十四条 单位和个人举办、参加全民健身活动，应当按照小型多样、因地制宜、科学文明的原则，遵守健身活动场所的规章制度，合理使用并爱护健身设施，不得扰乱公共秩序，不得宣扬迷信，不得影响他人的正常工作、学习和生活。

第六章 健身服务业

第三十五条 本市鼓励、支持、引导市场主体、社会力量发展多种项目、多种形式的体育健身俱乐部，依据规划建设健身休闲产业园区，提供与全民健身相关的产品和服务，促进健身服务业发展。

out such activities as sports exercises and tests as well as measurement of physical fitness.

Article 28 Primary and secondary schools shall guide students to participate in sports exercises in accordance with the relevant laws and administrative regulations, so as to improve students' physical quality.

Article 29 Mass organizations such as trade unions, communist youth leagues, women's federations and disabled persons' federations shall organize their members to carry out national fitness activities in combination with their respective characteristics.

Article 30 A federation of individual sport shall actively promote the individual sport, organize and hold competition events of the individual sport, organize its members to carry out national fitness activities, and offer guidance, training and support.

This Municipality supports federations of individual sport to carry out brand national fitness activities, and to organize exchanges between competitive sports and national fitness.

Article 31 This Municipality adopts the system of instructors of social sports in accordance with the provisions of the State. Instructors of social sports are designated by municipal and district administrative departments for sports to provide mass sports organizations, state organs, enterprises, public institutions, mass organizations and other organizations with voluntary services such as teaching fitness skills, organizing fitness activities and publicizing knowledge about scientific fitness.

Article 32 This Municipality encourages instructors of social sports, professional sports teams, athletes, coaches, workers on sports science, P.E. teachers, students of sports specialty, medical workers and other enthusiastic personage in the society to provide voluntary services to national fitness.

Article 33 This Municipality encourages units and individuals to support national fitness in such forms as investing in the construction of sports sites and facilities and sponsoring mass fitness competitions and events with public welfare donations.

Article 34 Where units and individuals hold or participate in national fitness activities, they shall follow the principles of small scale, diversity, adjustment to local conditions, scientificness and civilization, abide by the regulations and rules of sites for fitness activities, reasonable use and take care of fitness facilities; they shall not disturb the public order, advocate superstition, or influence the normal work, study or life of others.

Chapter VI Fitness Service Industry

Article 35 This Municipality encourages, supports and guide market participants and social forces to develop sports fitness clubs for diversified disciplines in multiple forms, construct industrial parks for fitness recreation, and provide products and services related to national fitness, so as to promote the development of fitness service industry.

第三十六条 本市支持社会资本投资各类面向市场提供体育产品和服务的企业，在体育场馆设施建设及运营、公益健身服务、群众性健身赛事和活动等领域推行公私合作模式。

第三十七条 本市鼓励社会力量投资组建体育赛事公司，举办各类商业性、群众性健身赛事和活动，创建自主品牌赛事。

第三十八条 本市对符合条件的具有公共性、大众性的健身消费项目和设施实行健身消费管理，引导市场主体提供良好的健身服务和产品，促进健身消费。

第三十九条 本市鼓励和引导保险机构创新保险产品和服务方式，拓展政府体育公共服务险、学校体育险、社区体育险、运动伤害险等险种业务。

第七章 法律责任

第四十条 行政机关及其工作人员在全民健身工作中存在不履行、违法履行、不当履行职责行为的，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。

第四十一条 违反本条例第二十一条规定，侵占、损坏公共体育设施的，依法承担相应的民事责任；构成违反治安管理行为的，由公安机关依法给予治安管理行政处罚。

第四十二条 违反本条例第三十四条规定，利用全民健身活动扰乱公共秩序、宣扬迷信、影响他人正常工作、学习和生活，构成违反治安管理行为的，由公安机关依法给予治安管理行政处罚；构成犯罪的，依法追究刑事责任。

第八章 附 则

第四十三条 本条例自2017年3月1日起施行。2005年12月1日北京市第十二届人民代表大会常务委员会第二十四次会议通过的《北京市全民健身条例》同时废止。

Article 36 This Municipality supports social capitals to invest in enterprises providing sports products and services to the market, and promotes the mode of private-public partnership in such fields as the construction and operation of sports venues and facilities, public welfare fitness services, and mass fitness competitions and events.

Article 37 This Municipality encourages social forces to invest in the establishment of sports event companies, hold various commercial and mass fitness competitions and events, and create competition events with independent brands.

Article 38 This Municipality adopts the fitness consumption management to qualified public and mass fitness consumption items and facilities, and guide market participants to provide good fitness services and products, so as to promote fitness consumption.

Article 39 This Municipality encourages and guides insurance institutions to innovate their insurance products and service modes, and expand such businesses as government public sports service insurance, school sports insurance, community sports insurance and sport injury insurance.

Chapter VII Legal Liability

Article 40 Where any administrative department and its staff members fails to perform or illegally or improperly perform duties in the work related to national fitness, the person in charge and other directly responsible persons shall be subject to administrative accountability or given administrative sanctions in accordance with the relevant provisions of the State and this Municipality.

Article 41 Those who violates Article 21 of these Regulations and usurp or damages public sports facilities shall shoulder the corresponding civil liability in accordance with the law; where their behaviors go against the administration of public security, they shall be given penalties for administration of public security by public security organs in accordance with the law.

Article 42 Those who violates Article 34 of these Regulations, make use of national fitness activities to disturb the public order, advocate superstition, or influence the normal work, study or life of others against the administration of public security, they shall be given penalties for administration of public security by public security organs in accordance with the law; where a crime is constituted, the criminal liability shall be investigated for in accordance with the law.

Chapter VII Supplementary Provisions

Article 43 These Regulations shall be effective as of March 1, 2017. The Regulations of Beijing Municipality on National Fitness adopted at the 24th Meeting of the Standing Committee of the Twelfth Beijing Municipal People's Congress on December 1, 2005 shall be repealed simultaneously.

北京市体育竞赛管理办法

(2006年6月15日北京市人民政府第173号令公布)

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- 第一章 总 则
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- 第三章 管理与监督
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- 第五章 附 则

第一章 总 则

第一条 为了规范对体育竞赛的管理,促进体育事业的发展,根据《中华人民共和国体育法》和国家其他有关规定,结合本市实际情况,制定本办法。

第二条 在本市行政区域内面向社会举办体育竞赛及其管理,适用本办法。

机关、企业、事业单位和社会团体举办的本单位、本系统内部的体育竞赛,不适用本办法。

第三条 体育竞赛应当遵循有益于人民群众身心健康、有利于体育事业发展的原则,依法文明举行。

第四条 体育竞赛管理实行政府监管和行业自律相结合的原则,并逐步实行对体育竞赛的行业自律管理。

第五条 市和区、县人民政府应当加强对体育竞赛管理工作的领导,督促政府有关部门依法履行对体育竞赛的监督管理职责。

Measures of Beijing Municipality for Administration of Sports Competitions

(Promulgated by Decree No. 173 of the People's Government of Beijing
Municipality on June 15, 2006)

Contents

- Chapter I General Provisions
- Chapter II Standards and Safety
- Chapter III Administration and Supervision
- Chapter IV Legal Liability
- Chapter V Supplementary Provisions

Chapter I General Provisions

Article 1 These Measures are formulated in accordance with the Law of the People's Republic of China on Physical Culture and Sports and other relevant national relations, in light of actual conditions of this Municipality, for the purpose of regulating the administration of sports competitions and promoting the development of the undertakings of physical culture and sports.

Article 2 These Measures apply to the organization and administration of sports competitions open to the public within the administrative area of this Municipality.

These Measures do not apply to sports competitions organized by government agencies, enterprises, public institutions and social organizations within their own units and organizations.

Article 3 Sports competitions shall conform to a principle of conduciveness to the physical and mental health of the people and to the development of the undertakings of physical culture and sports, and shall be organized in a civilized manner according to law.

Article 4 The principle of integrating government supervision with industrial self-regulation shall be followed in the administration of sports competitions, and industrial self-regulation in sports competitions shall prevail gradually.

Article 5 People's governments of this Municipality, districts and counties shall strengthen leadership over the administration of sports competitions and urge the relevant governmental departments to perform their duties to supervise and administer sports competitions.

市和区、县体育行政部门主管本行政区域内的体育竞赛管理工作。

公安、卫生、质量技术监督、安全生产监督管理、工商行政管理、税务等部门，应当按照各自职责做好体育竞赛的管理工作。

第六条 本市鼓励单位和个人举办体育竞赛，鼓励单位和个人以投资、捐赠等形式支持体育竞赛。

第二章 规范与安全

第七条 体育竞赛的安全管理实行谁主办、谁负责的原则。

举办体育竞赛的单位和个人（以下统称主办者）应当对体育竞赛的安全工作全面负责。体育竞赛有承办者的，主办者应当与承办者签定安全协议，明确安全责任。承办者应当按照安全协议规定的职责，与主办者共同落实安全工作。

第八条 举办体育竞赛应当符合下列规定：

- （一）主办者能够独立承担民事责任；
- （二）有体育竞赛规程、组织实施方案；
- （三）配备的组织机构、管理人员和专业技术人员与体育竞赛规模、内容相适应；
- （四）有与体育竞赛规模相适应的经费；
- （五）场所、设施、器材与体育竞赛规模、内容相适应。

第九条 有下列情形之一的，不得举办体育竞赛：

- （一）不符合本办法第八条规定条件之一的；
- （二）危害国家安全或者社会公共利益的；
- （三）影响国事、外交、军事或者其他重大活动的；
- （四）严重妨碍道路交通安全秩序和社会公共秩序的。

第十条 主办者举办游泳、卡丁车、蹦极、攀岩、轮滑、滑雪、滑冰、射击、射箭、潜水、漂流、滑翔伞、热气球、动力滑翔伞等国家实行强制性体育服务标准和其他需

Administrative departments for physical culture and sports of this Municipality, districts and counties shall be in charge of the administration of sports competitions within their respective administrative areas.

Departments for public security, healthy, quality and technical supervision, work safety supervision, industrial and commercial administration and taxation shall, according to their respective duties, accomplish their work on administration of sports competitions.

Article 6 This Municipality encourages units and individuals to organize sports competitions or to support sports competitions through investments or donations or in other forms.

Chapter II Standards and Safety

Article 7 Safety administration in sports competitions shall follow the principle that whoever is the sponsor should take the responsibility.

A unit or individual that organizes a sports competition (hereinafter referred to as a sponsor) shall take full responsibility for the safety of the sports competition. Where there is a manager of a sports competition, the sponsor shall enter into a safety agreement with the manager to define the safety responsibility. The manager shall, according to the functions and duties specified in the safety agreement, carry out the safety work together with the sponsor.

Article 8 To organize a sports competition, the following requirements shall be met:

- (1) the sponsor is able to bear civil responsibility independently;
- (2) having sports competition rules and organizing and implementing plans;
- (3) having an organizing institution, managerial personnel and professional technical personnel commensurate with the scale and contents of the sports competition;
- (4) having funds commensurate with the scale of the sports competition; and
- (5) having the places, facilities and apparatus commensurate with the scale and contents of the sports competition.

Article 9 A sports competition shall not be organized in any of the following circumstances:

- (1) it does not meet any of the requirements specified in Article 8 of these Measures;
- (2) it endangers State security or social and public interest;
- (3) it affects State, diplomatic or military activities or any other important activities; or
- (4) it seriously hampers road traffic safety and public order.

Article 10 A sponsor shall comply with the sports service standards of the State and of this Municipality when organizing a sports competition in swimming, karting, bungee jumping, rock climbing, roller skating, skiing, skating, shooting, archery, diving, river rafting, paragliding, hot air ballooning or powered paragliding, for which the State implements a compulsory sports service standard, or any other sports competition that

要实行强制性体育服务标准的体育竞赛，应当遵守国家和本市的体育服务标准。

对国家未制定体育服务标准的体育竞赛项目，市体育行政部门应当会同有关部门制定本市的体育服务标准。

第十一条 体育竞赛的场地、器材、设施应当符合体育竞赛规则的要求和标准，保证体育竞赛顺利进行。

第十二条 主办者不得转让体育竞赛举办权。

第十三条 主办者应当按照公安机关核准的安全容量印制、发放、出售票证。

第十四条 主办者在体育竞赛举办期间，应当落实安全措施，配备足够的安全工作人员维持现场秩序。在人员相对聚集时，主办者应当采取控制和疏散措施，确保参加活动的人数在安全条件允许的范围内。

第十五条 本市提倡主办者投保与体育竞赛安全有关的险种。

第十六条 参赛者参加国家实行强制性体育服务标准和其他对身体有特殊要求的体育竞赛前，主办者应当告知其到相应的医疗机构进行身体检查和咨询。

第十七条 参加体育竞赛的人员应当遵守下列规定：

- （一）遵守有关法律、法规、规章；
- （二）遵守体育竞赛现场的管理制度；
- （三）自觉接受安全检查，服从管理；
- （四）不得影响体育竞赛正常秩序、妨碍公共安全；
- （五）遵守社会公德。

第十八条 参加体育竞赛的裁判员、教练员和运动员应当遵守国家和本市对体育竞赛的规定，遵守体育道德；不得弄虚作假、徇私舞弊。

第十九条 举办体育竞赛，主办者应当选聘经体育行政部门依法注册的裁判员，不得委派未经体育行政部门依法注册的人员担任裁判工作。

requires the implementation of a compulsory sports service standard.

Where there is no sports service standard set by the State for a sports competition event, the municipal administrative department for physical culture and sports shall, jointly with the relevant departments, set a municipal sports service standard therefor.

Article 11 The places, apparatus and facilities of a sports competition shall comply with the requirements and standards of sports competition rules so as to ensure the smooth running of the sports competition.

Article 12 A sponsor shall not transfer its or his right to organize a sports competition.

Article 13 A sponsor shall print, distribute and sell tickets according to the safe capacity approved by the public security organ.

Article 14 A sponsor shall, during the course of a sports competition, implement safety measures and assign sufficient personnel in charge of safety work to maintain the order at the scene. When there is a relatively large crowd, the sponsor shall take control and evacuation measures to ensure that the number of participants in the event falls within the safety requirements.

Article 15 This Municipality encourages the sponsors to purchase insurance related to the safety of sports competitions.

Article 16 Before a contestant takes part in a sports competition for which the State implements a compulsory sports service standard or which requires special health conditions, the sponsor shall inform him that he is required to go to the relevant medical institution for physical examination and consultation.

Article 17 A contestant in a sports competition shall abide by the following provisions:

- (1) he shall abide by the relevant laws, regulations and rules;
- (2) he shall abide by the management system of the locality of the sports competition;
- (3) he shall conscientiously undergo safety checks and subject himself to management;
- (4) he shall not affect the normal order of the sports competition nor impede public safety; and
- (5) he shall observe social moralities.

Article 18 Referees, coaches and athletes taking part in a sports competition shall abide by the provisions on sports competitions of the State and this Municipality and observe sportsmanship, and shall not resort to deception nor commit illegalities for personal gain.

Article 19 A sponsor shall, when organizing a sports competition, select and engage referees from among those registered with the administrative departments for physical culture and sports according to law, and shall not appoint any person without having been registered with the administrative departments for physical culture and sports according to law to referee the competition.

第三章 管理与监督

第二十条 本市对体育竞赛实行分级分类管理。申请举办体育竞赛的单位和个人，应当按照本办法的规定办理审批、登记手续。

举办体育竞赛需要办理治安、消防、卫生、工商等行政许可的，主办者应当按照国家和本市有关规定办理。

第二十一条 举办下列体育竞赛，由市体育行政部门审批：

- （一）跨省、自治区、直辖市的体育竞赛；
- （二）有香港特别行政区、澳门特别行政区、台湾地区运动队、运动员参加的体育竞赛；
- （三）冠以“北京市”、“北京”、“首都”或者其他同义名称的体育竞赛；
- （四）跨区、县的体育竞赛；
- （五）单场次参加人员 5000 人以上的体育竞赛。

第二十二条 举办本区、县的国家实行强制性体育服务标准的体育竞赛，由举办体育竞赛所在区、县的体育行政部门审批。

第二十三条 举办本办法第二十一条、第二十二条规定以外的体育竞赛，由市体育行政部门认定的单项体育协会或者举办竞赛所在区、县的体育行政部门实施登记管理。

第二十四条 主办者申办体育竞赛，应当在举办体育竞赛二十个工作日前向审批、登记部门提交下列材料：

- （一）体育竞赛申请表；
- （二）主办者的身份证明或者登记、注册的证明材料；
- （三）体育竞赛规程、筹备实施方案、安全工作方案、医疗保障措施和突发事件应急预案；

Chapter III Administration and Supervision

Article 20 This Municipality adopts a system for classified administration of sports competitions at different levels. A unit or individual that applies to organize a sports competition shall go through the examination, approval or registration procedures according to the provisions of these Measures.

Where organizing a sports competition requires administrative permission to be obtained in respect of public security, fire control, health, or industry and commerce, the sponsor shall apply for such permission in accordance with the relevant provisions of the State and this Municipality.

Article 21 Organizing any of the following sports competitions shall be subject to examination and approval by the municipal administrative department for physical culture and sports:

- (1) a sports competition involving more than one province, autonomous region or municipality directly under the Central Government;
- (2) a sports competition taken part in by athlete teams or athletes from the Hong Kong Special Administrative Region, the Macao Special Administrative Region or the region of Taiwan;
- (3) a sports competition with its name containing “Beijing Municipality”, “Beijing”, “Capital” or other synonyms;
- (4) a sports competition involving more than one district or county; or
- (5) a sports competition with more than 5,000 participants in a single venue.

Article 22 Organizing a sports competition of a district or county, for which the State implements a compulsory sports service standard, shall be subject to examination and approval by the administrative department for physical culture and sports of the district or county where the sports competition is to be organized.

Article 23 Where a sports competition other than those listed in Articles 21 and 22 of these Measures is to be organized, the individual sports association recognized by the municipal administrative department for physical culture and sports, or the administrative department for physical culture and sports of the district or county where the competition is to be organized shall be responsible for registration of the sports competition.

Article 24 A sponsor shall, when applying to organize a sports competition, submit the following materials to the department for examination, approval or registration 20 working days prior to the date on which the sports competition is organized:

- (1) an application from for a sports competition;
- (2) the identity certificate or evidentiary materials for registration of the sponsor;
- (3) the rules, preparation and implementation plan, safety work plan, medical safeguards and emergency preparedness plan of the sports competition;

（四）经费来源证明材料和经费预算报告；

（五）设备、器材检验、检测合格证明；

（六）体育竞赛场所所有人或者管理单位同意使用的证明；

（七）审批、登记部门规定的能够证明具备本办法第八条规定条件的其他材料。

第二十五条 体育竞赛的审批部门，应当自受理主办者申请之日起十个工作日内作出批准或者不予批准的决定，并书面通知主办者；不予批准的说明理由。十个工作日不能做出决定的，经本机关负责人批准，可以延长十日，并将延长期限的理由告知主办者。

第二十六条 申请举办体育竞赛，符合本办法第八条、第九条规定的，体育行政部门应当予以批准；不符合本办法第八条、第九条规定的，体育行政部门不得批准。

第二十七条 对实行登记管理的体育竞赛，登记部门应当及时登记，建立档案，并报市体育行政部门备案。

第二十八条 主办者应当按照审批部门的批准决定举办体育竞赛。

体育竞赛举办日期、时间需要变更的，主办者应当提前五个工作日向原审批、登记部门提出变更申请；举办地点、内容或者举办体育竞赛所需器材需要改变的，主办者应当提前十个工作日向原审批、登记部门提出申请。原审批、登记部门应当依法及时办理变更手续。

体育竞赛取消的，主办者应当提前五个工作日告知原审批、登记部门，并向社会发布公告。

第二十九条 市和区、县体育行政部门应当将国家体育行政部门确定的体育运动项目名录和本市体育竞赛审批、登记的规定向社会公布。

第三十条 市体育行政部门负责一级裁判员的注册，区、县体育行政部门负责二、三级裁判员的注册。市和区、县体育行政部门评定裁判员的技术等级时，应当组织专家评审。

(4) evidentiary materials for the source of funds and the budgetary report of funds;
(5) quality certifications for inspection and testing of equipment and apparatus;
(6) the certification for use of the place of the sports competition with consent of its owner or management unit; and

(7) other materials proving conformity with the requirements specified in Article 8 of these Measures as prescribed by the department for examination, approval or registration.

Article 25 The department for examination and approval of a sports competition shall, within 10 working days from the date of accepting the sponsor's application, make a decision to approve or not to approve the application and inform the sponsor in writing of the decision; if it does not approve the application, it shall give the reasons therefor. Where the said department cannot make a decision within 10 working days, it may extend another 10 days upon the approval of the person in charge of the department and shall inform the sponsor of the reasons for the extension.

Article 26 Where an application for organizing a sports competition meets the requirement of Articles 8 and 9 of these Measures, the administrative department for physical culture and sports shall approve the application; where an application does not meet such requirements, the administrative department for physical culture and sports shall not approve the application.

Article 27 Where a sports competition is subject to registration, the department for registration shall timely have it registered, create a file and submit it to the municipal administrative department for physical culture and sports for the record.

Article 28 A sponsor shall organize a sports competition in accordance with the approval decision of the department for examination and approval.

Where it is necessary to alter the date or time of a sports competition, the sponsor shall apply for the alteration with the original department for examination, approval or registration five working days in advance. Where it is necessary to alter the place or events of a sports competition or the apparatus required, the sponsor shall submit an application with the original department for examination, approval or registration 10 working days in advance. The original department for examination, approval or registration shall timely complete the procedures for alteration according to law.

Where a sports competition is cancelled, the sponsor shall inform the department for examination, approval or registration five working days in advance and shall give a notice to the public.

Article 29 Administrative departments for physical culture and sports of this Municipality, districts and counties shall make known to the public the list of sports identified by the administrative department for physical culture and sports of the State and the provisions of this Municipality concerning examination, approval and registration of sports competitions.

Article 30 The municipal administrative department for physical culture and sports shall be responsible for the registration of referees of the first grade, and the administrative departments for physical culture and sports of districts and counties shall be responsible for the registration of referees of the second and third grades. Administrative departments for physical culture and sports of this Municipality, districts and counties shall organize

市体育行政部门负责指导市级单项体育协会对裁判员的培训、考核工作。

第三十一条 市和区、县体育行政部门应当对体育竞赛的举办情况进行监督检查，记录监督检查情况和处理结果，并由监督检查人员和体育竞赛主办者或者场所提供者签字归档。必要时，体育行政部门可以会同公安、安全生产监督管理、质量技术监督等部门进行检查。

监督检查人员发现举办体育竞赛违反本办法规定的，应当提出整改意见，责令主办者立即或者限期改正。确有必要的，体育行政部门可以向社会公布监督检查情况。公众有权查阅体育行政部门的监督检查记录。

第三十二条 市和区、县体育行政部门应当派出督察员对体育竞赛中的赛风、赛纪和裁判员执法等情况进行监督检查。

第三十三条 体育竞赛的主办者及有关合作方对体育行政部门和市级单项体育协会的监督、检查，应当予以协助、配合，不得拒绝和阻挠。

第三十四条 主办者应当在体育竞赛结束之日起三十日内，向审批、登记部门提交竞赛情况总结、秩序册和成绩册。

第四章 法律责任

第三十五条 主办者有下列行为之一的，由体育行政部门责令改正，处 1000 元以上 3 万元以下罚款：

（一）违反本办法第十条第一款规定，未遵守国家和本市的强制性体育服务标准的；

（二）违反本办法第八条、第九条规定，或者违反本办法第二十八条第一款规定，未按照审批部门的批准决定举办体育竞赛的；

（三）违反本办法第十二条规定，转让体育竞赛举办权的；

appraisals by experts when evaluating referees' skill grades.

The municipal administrative department for physical culture and sports shall be responsible for guiding individual sports associations at the municipal level in training and assessing referees.

Article 31 Administrative departments for physical culture and sports of this Municipality, districts and counties shall supervise and inspect the running of sports competitions, record the findings of such supervision and inspection and the determination of outcome, and keep such records on file after the records are signed by the supervisors and inspectors, and the sponsors of the sports competitions or providers of the places. Administrative departments for physical culture and sports may, when necessary, conduct inspections jointly with the departments for public security, work safety supervision, and quality and technical supervision.

Where supervisors and inspectors discover that organizing a sports competition violates the provisions of these Measures, they shall raise an opinion on rectification and improvement and order the sponsor to make corrections either at once or within a specified time limit. Administrative departments for physical culture and sports may, if really necessary, make the findings of supervision and inspection known to the public. The public shall have the right to refer to the records of supervision and inspection of administrative departments for physical culture and sports.

Article 32 Administrative departments for physical culture and sports of this Municipality, districts and counties shall send inspectors to supervise and inspect the sports style and discipline and performances of referees enforcing rules in sports competitions.

Article 33 A sponsor of a sports competition and its or his relevant partners shall provide assistance to and cooperate with administrative departments for physical culture and sports and individual sports associations at the municipal level in their supervision and inspection, and shall not refuse or obstruct such supervision and inspection.

Article 34 A sponsor shall, within 30 days from the date on which a sports competition ends, submit a concluding report, the program and results of the sports competition to the department for examination, approval or registration.

Chapter IV Legal Liability

Article 35 Where a sponsor commits any of the following acts, the administrative department for physical culture and sports shall order the sponsor to make corrections and impose thereupon a fine of not less than 1,000 yuan nor more than 30,000 yuan:

(1) in violation of the provisions of the first paragraph of Article 10 of these Measures, failing to comply with the compulsory sports service standards of the State or this Municipality;

(2) in violation of the provisions of Article 8 or 9 of these Measures or of the first paragraph of Article 28 of these Measures, failing to organize a sports competition in accordance with the approval decision of the department for examination and approval;

(3) in violation of the provisions of Article 12 of these Measures, transferring the right to organize a sports competition;

（四）违反本办法第十九条规定，委派未经体育行政部门依法注册的人员担任裁判工作的；

（五）违反本办法第二十条第一款规定，未按照本办法的规定办理审批、登记手续的；

（六）违反本办法第二十八条第二款规定，擅自变更体育竞赛举办日期、时间、地点、内容或者体育竞赛所需器材的。

第三十六条 对违反本办法的行为，其他法律、法规、规章已经规定行政处罚的，由有关部门依法处罚。

第五章 附 则

第三十七条 本办法自 2006 年 8 月 1 日起施行。1996 年 12 月 18 日市人民政府第 16 号令发布的《北京市体育竞赛管理办法》同时废止。

(4) in violation of the provisions of Article 19 of these Measures, appointing a person without having been registered with the administrative department for physical culture and sports according to law to referee the competition;

(5) in violation of the provisions of the first paragraph of Article 20 of these Measures, failing to complete the procedures for examination, approval or registration in accordance with the provisions of these Measures; or

(6) in violation of the provisions of the second paragraph of Article 28 of these Measures, altering the date, time, place or events of the sports competition or the apparatus required without approval.

Article 36 Where other laws, regulations or rules have provided for administrative penalty for an act violating these Measures, the relevant department shall impose penalty according to law.

Chapter V Supplementary Provisions

Article 37 These Measures shall be effective as of August 1, 2006. The Measures of Beijing Municipality for Administration of Sports Competitions promulgated by Decree No.16 of the Municipal People's Government on December 18, 1996 shall be repealed simultaneously.

（七）旅 游

北京市旅游条例

（2017年5月26日北京市第十四届人民代表大会第三十八次会议
通过）

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第一章 总 则

第一条 为了保障旅游者、旅游经营者和旅游从业人员的合法权益，规范旅游市场秩序，保护和合理利用旅游资源，促进旅游业健康发展，根据《中华人民共和国旅游法》和其他有关法律、行政法规，结合本市实际情况，制定本条例。

第二条 在本市行政区域内的游览、度假、休闲等形式的旅游活动，为旅游活动提供服务的经营活动，以及相关管理活动，适用本条例。

vii. Tourism

Regulations of Beijing Municipality on Tourism

(Adopted at the 38th Meeting of the Standing Committee of the
Fourteenth Beijing Municipal People's Congress on May 26, 2017)

Contents

Chapter I	General Provisions
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Chapter I General Provisions

Article 1 These Regulations are formulated for the purposes of protecting the legitimate rights and interests of tourists, tourism operators and tourism practitioners, regulating the order of the tourism market, protecting and reasonably utilizing tourism resources, and promoting the healthy development of tourism accordance with the Tourism Law of the People's Republic of China and other laws and administrative regulations, and in light of the actual circumstances of this Municipality.

Article 2 These Regulations shall apply to the tours, vacations, leisure activities and other forms of tourism activities, the business operations providing relevant tourism services and the relevant administration activities within the administrative area of this Municipality.

旅游者的权利义务、旅游服务合同、旅游安全和旅游纠纷处理，《中华人民共和国旅游法》和其他有关法律、行政法规有规定的，从其规定。

第三条 本市发展旅游业，应当符合首都城市战略定位，发挥首都资源优势，坚持社会效益、生态效益与经济效益相统一。

第四条 本市开发利用旅游资源，应当遵循规划先行、保护优先、有序开发、永续利用的原则。

第五条 市、区人民政府应当加强对旅游工作的领导，统筹旅游行政部门和其他有关部门，按照各自职责做好促进旅游业发展和相关监督管理工作。

市、区人民政府应当将旅游业纳入国民经济和社会发展规划，完善政策措施，加强旅游公共服务体系建设，协调旅游资源的保护和开发利用，促进国际旅游交流和国内旅游区域合作。

第六条 依法成立的旅游行业组织应当加强行业自律，规范行业竞争行为，推动行业诚信建设，维护会员合法权益。

市、区消费者组织和其他社会组织依法对旅游经营者提供商品和服务进行社会监督，维护旅游者合法权益。

第七条 本市倡导健康、低碳、文明的旅游方式。

旅游者和旅游经营者应当遵守文明旅游公约，保护旅游资源和生态环境，维护旅游秩序。

第二章 旅游规划和促进

第八条 市人民政府应当根据首都城市战略定位、城市总体规划以及国民经济和社会发展规划，组织编制全市旅游发展规划。

区人民政府应当根据全市旅游发展规划，结合本区特点，编制本行政区的旅游发展规划，经市人民政府同意后，组织实施。

Where there are provisions on tourists' rights and obligations, tourism service contracts, tourism safety and tourism dispute settlement in the Tourism Law of the People's Republic of China and other relevant laws and administrative regulations, such provisions shall prevail.

Article 3 The tourism development in this Municipality shall accord with the strategic positioning of the capital city, bring into playing the resource advantages of the capital, and stick to the unity of social, ecological and economic benefits.

Article 4 The development and utilization of tourism resources in this Municipality shall adhere to the principles of planning first, protection foremost, orderly development and sustainable utilization.

Article 5 The municipal and district people's governments shall strengthen the leadership of tourism work, and make an overall planning for administrative department for tourism and other relevant departments to do a good job in promoting the tourism development and the relevant supervision and administration according to their respective duties.

The municipal and district people's governments shall include tourism in their national economic and social development plans, improve the relevant policies and measures, intensify the construction of public tourism service system, coordinate the protection, development and utilization of tourism resources, and promote international tourism exchanges and the regional cooperation on domestic tourism.

Article 6 Tourism industry organizations established in accordance with the law shall strengthen self-discipline, regulate their industrial competition behaviors, promote the integrity construction in the industry, and protect the legitimate rights and interests of their members.

Municipal and district consumer organizations and other social organizations shall carry out the social supervision on the provision of commodities and services by tourism operations, so as to protect the legitimate rights and interests of tourists.

Article 7 This Municipality advocates healthy, low-carbon and civilized ways of tourism.

Tourists and tourism operators shall abide by the convention on civilized tourism, protect tourism resources and ecological environment, and maintain the order of tourism.

Chapter II Tourism Planning and Promotion

Article 8 The Municipal People's Government shall organize the formulation of the municipal planning for tourism development according to the strategic positioning of the capital city, the overall urban planning and the national economic and social development plan.

Each district people's government shall formulate the tourism development of its respective administrative area in accordance with the municipal planning for tourism development and in light of its specific characteristics, and shall organize the implementation of such planning after being approved by the Municipal People's Government.

市、区旅游发展规划应当向社会公布。

第九条 旅游发展规划应当与城乡规划、土地利用总体规划、环境保护规划以及历史文化名城保护规划相衔接。

编制土地利用总体规划、重大基础设施发展规划、交通发展规划以及城乡市容环境建设规划时，应当统筹考虑旅游业发展的需求。

第十条 市、区人民政府应当在财政预算中安排资金，加强旅游基础设施建设、旅游公共服务、旅游形象推广和旅游资源保护。

第十一条 开发旅游资源和建设旅游设施，应当结合当地自然人文环境特点，保护自然资源和歷史原貌，保持环境、景观、设施协调统一。旅游经营者应当采取措施，防止环境污染和生态破坏。

第十二条 市、区旅游行政部门应当会同规划国土、文化、文物、统计和园林绿化等有关部门，对本行政区域内的旅游资源进行普查、分类、评价，建立旅游资源数据库，并定期进行更新。

第十三条 市、区人民政府应当推进旅游业与工业、农业、商业、科技、教育、文化、体育和医疗等相关产业融合；促进文博旅游、会展旅游、研学旅游、赛事旅游、康养旅游、乡村旅游、红色旅游发展；推动休闲度假旅游与观光旅游共同发展。

第十四条 旅游行政部门应当会同有关部门组织发掘本市旅游资源的文化内涵；支持单位和个人依托本市资源优势举办大型旅游节庆活动和文化演出，开发旅游文化精品剧目；鼓励旅游经营者利用皇城文化、老北京文化以及名人故居、博物馆、纪念馆、非物质文化遗产等人文资源，开发特色旅游产品。

第十五条 市、区人民政府应当加强对乡村旅游的规划引导，加大乡村生态环境和文化遗存保护力度，改善乡村停车场、厕所、垃圾污水处理等基础服务设施，支持特色村镇的开发与建设，促进乡村休闲旅游产业发展。

第十六条 旅游行政部门应当会同有关部门加强旅游翻译规范化建设，组织专业力量，对旅游公共信息、标识、介绍和服务设施等提供翻译规范，并进行规范性评估。

The municipal or district planning for tourism development shall be publicized.

Article 9 The tourism development planning shall be matched with the urban and rural planning, the master planning for land use, the planning for environmental protection and the planning for protection of famous historical and cultural cities.

The demands of tourism development shall be considered when formulating the master planning for land use, the planning for development of major infrastructure, the planning for transport development and the planning for construction of city appearance and environment in urban and rural areas.

Article 10 The municipal and district people's governments shall arrange funds in their financial budgets for strengthening tourism infrastructure construction, public tourism services, tourism image promotion and tourism resources protection.

Article 11 The development of tourism resources and construction of tourism facilities shall be combined with characteristics of the local natural and cultural environment, so as to reserve natural resources and the historical original appearance, and ensure the coordination and unification of environment, sceneries and facilities. Tourism operator shall take measures against environmental pollution and ecological damage.

Article 12 Municipal and district administrative departments for tourism shall, together with the relevant departments for state land, culture, cultural heritage, statistics and landscaping, carry out the survey, classification and assessment of tourism resources within their respective administrative areas, set up and regularly update databases of tourism resources.

Article 13 The municipal and district people's governments shall advance the integration of tourism with the relevant sectors such as industry, agriculture, commerce, technology, education, culture, sports and healthcare; promote the development of relic and museum tourism, MICE tourism, educational tourism, sports event tourism, health and wellness tourism, rural tourism and red tourism; and boost the joint development of recreation tourism and sightseeing tourism.

Article 14 Administrative departments for tourism shall organize the cultivation of cultural connotations in this Municipality's tourism resources together with the relevant departments; support various units and individuals to hold large-scale tourism festival activities and cultural performances and to develop boutique repertoire for tourism culture by relying on this Municipality's resource advantages; encourage tourism operator to develop characteristic tourism products by utilizing the imperial culture, the old Peking culture and human resources such as celebrities' former residences, museums, memorial halls and intangible cultural heritage.

Article 15 The municipal and district people's governments shall strengthen the planning and guidance of rural tourism, enhance the preservation of rural ecological environment and cultural heritage, improve the infrastructure such as parking lots, toilets and garbage and sewage treatment facilities in rural areas, support the development and construction of characteristic villages and towns, and promote the development of rural recreation tourism.

Article 16 Administrative departments for tourism shall strengthen the construction of tourism translation standardization together with the relevant departments, organize professionals to set tourism translation standards for public information, signs, introductions and service facilities, and carry out the standardization evaluation.

旅游经营者应当按照旅游翻译规范，为旅游者提供外文服务。

第十七条 本市拓展旅游投融资渠道，通过资源交易、融资担保及保险服务等方式，引导和保障社会资本投资旅游业。

鼓励保险机构完善和创新旅游保险产品或服务，开发面向旅游者和旅游经营者的旅游综合保险产品。

第三章 旅游公共服务

第十八条 市、区人民政府应当组织旅游、城市管理和交通等有关行政部门建立健全旅游公共服务体系，完善旅游公共服务设施，提升旅游公共服务的质量和水平。

第十九条 市旅游行政部门应当加强旅游公共信息和咨询平台建设，无偿向旅游者提供景区、线路、交通、气象、住宿、安全风险、医疗急救、旅游者流量和服务质量等必要信息。

旅游行政部门应当在交通枢纽、商业中心、主要景区等旅游者集中的场所，设置旅游咨询服务设施，为旅游者提供信息咨询服务。

第二十条 旅游行政部门应当建立健全旅游安全风险监测、评估和预警制度，组织旅游经营者编制旅游突发事件应急预案，开展应急演练。

第二十一条 本市发生自然灾害、事故灾难、公共卫生事件、社会安全事件或者其他可能危及旅游者人身和财产安全的事件，旅游行政部门应当依照有关部门的通告，及时、准确地向旅游者和旅游经营者发布旅游安全警示信息。

第二十二条 交通行政部门应当根据旅游业发展需要，合理布局轨道交通和公共交通线路、旅游者中转站以及旅游交通服务设施，为旅游者提供便捷的交通服务。

第二十三条 城市管理、交通和公安交通管理等行政部门应当按照国家和本市的相关规定，在主要景区周边的高速公路、城市道路、人行道路上设置景区指引标识，引导旅游者出行。

Tourism operator shall provide tourists with foreign language services in accordance with the tourism translation standards.

Article 17 This Municipality shall expand channels for tourism financing, guide and safeguard the investment in tourism by social capital by means of resource transactions, financing assurance and insurance services.

Insurance institutions are encouraged to make improvement and innovation in their tourism insurance products and services, and to develop comprehensive tourism insurance products for tourists and tourism operator.

Chapter III Public Tourism Services

Article 18 The municipal and district people's governments shall organize the relevant administrative departments for tourism, urban management and transport to set up and improve the public tourism services system, improve public tourism services facilities, and enhance the quality and level of public tourism services.

Article 19 The municipal administrative department for tourism shall strengthen the construction of a tourism public information and consultation platform, provide necessary information such as scenic spots, routes, transport, weather, accommodation, safety risks, emergency medical care, tourist flow and service quality to tourists free of charge.

Administrative departments for tourism shall establish tourism consultation service facilities to provide tourists with information and consultation services at transport hubs, commercial centers and major scenic spots where tourists concentrate.

Article 20 Administrative departments for tourism shall set up and improve the system for monitoring, assessment and pre-warning of tourism safety risks, organize tourism operator to formulate tourism emergency response plans, and carry out emergency response drills.

Article 21 Where there are natural disasters, accidents, public health incidents, social security incidents and other incidents that may endanger the personal and property safety of tourists, administrative departments for tourism shall timely and correctly disclose tourism safety warnings to tourist and tourism operator according to notices of the relevant departments.

Article 22 Administrative departments for transport shall make a reasonable layout of rail transit and public transport lines, transfer stations for tourists and tourism transport service facilities according to the needs of tourism development, so as to provide tourists with convenient transport services.

Article 23 Administrative departments for urban management, transport and public security traffic management shall set up signs of major scenic spots on the neighboring expressways, urban roads and sidewalks in accordance with the relevant provisions of the State and this Municipality, so as to guide the travel of tourists.

旅游行政部门应当会同交通、公安交通管理等有关部门，在主要景区合理设置团队旅游车辆上下客站点或者临时停车点。

第二十四条 本市鼓励和支持旅游志愿者开展旅游咨询服务、文明旅游引导、景区游览讲解和旅游应急救援等活动，为旅游者提供公益服务。

旅游行政部门应当会同有关部门制定旅游志愿服务规范，加强对旅游志愿者的培训和管理。

第四章 旅游经营

第一节 旅行社和导游

第二十五条 本市对旅行社组织团队旅游活动实行电子行程单管理。旅行社应当在旅游行程开始前，通过旅游公共信息和咨询平台向旅游行政部门进行团队旅游信息备案。

旅游行政部门向旅游者、旅行社、导游、旅游客运经营者及其车辆驾驶人员、景区提供旅游电子行程单。旅行社、导游、旅游客运经营者及其车辆驾驶人员、景区应当按照旅游电子行程单提供相关服务。

向旅游者提供的旅游电子行程单应当包括提供服务的旅行社名称、导游姓名及联系电话，旅游客运车辆牌号、驾驶人员姓名，景区名称及游览时间，就餐点、购物店名称及具体停留时间等内容。

第二十六条 导游在本市执业，应当与本市旅行社订立劳动合同，或者在本市旅游行业组织注册，向市旅游行政部门申请领取或者变更、换发导游证。

在本条例实施前已经在其他地区领取导游证并在本市执业的导游，应当在本条例实施之日起一年内完成导游证的变更、换领工作。

第二十七条 旅游行政部门和旅游行业组织应当对本市导游进行业务知识和职业技能培训，对在其他地区取得导游资格证而申请在本市执业的人员，进行有关本市自然地理、历史文化和旅游管理政策法规等内容的岗前培训。

Administrative departments for tourism shall, together with the relevant departments for transport and public security traffic management, reasonably designate boarding and alight stops and temporary parking spots for group tour vehicles.

Article 24 This Municipality encourages and supports tourism volunteers to carry out such activities as tourism consultation service, guidance on civilized tourism, tour guide in scenic spots and emergency rescue, so as to provide tourists with public welfare services.

Administrative departments for tourism shall formulate norms on tourism voluntary services together with the relevant departments, so as to strengthen the training and management of tourism volunteers.

Chapter IV Tourism Operation

Section I Travel Agencies and Tour Guides

Article 25 This Municipality adopts the electronic itinerary management of any group tour organized by a travel agency. The travel agency shall file the information about a group tour at the administrative department for tourism through the tourism public information and consultation platform before the tour begins.

The administrative department for tourism shall provide the electronic itinerary to tourists, the travel agency, the tour guide, the tourism transport operator and its driver and the scenic spot. The travel agency, the tour guide, the tourism transport operator and its driver and the scenic spot shall provide the relevant services according to the electronic itinerary.

The electronic itinerary provided to tourists shall include such contents as the name of service-providing travel agency, the name and contact number of tour guide, the plate number and driver's name of tourism transport vehicle, the name and opening hours of scenic spot, the name and staying time at each dining or shopping spot.

Article 26 A tour guide who practices in this Municipality shall enter into a labor contract with a travel agency or register at a tourism organization in this Municipality, and shall apply for obtaining, changing or replacing the tour guide certificate to the municipal administrative department for tourism.

Any tour guide who has obtained the tour guide certificate in other regions before these Regulations becomes effective and practices in this Municipality shall complete changing or replacing the tour guide certificate within one year after these Regulations becomes effective.

Article 27 Administrative departments for tourism and tourism industry organizations shall offer training on professional knowledge and vocational skills to tour guides of this Municipality; and shall offer pre-post trainings on physical geography, historic culture and policies and regulations on tourism administration of this Municipality to tour guides who have obtained tour guide certificates in other regions and apply for practicing in this Municipality.

第二十八条 旅行社应当委派符合本条例第二十六条规定的导游为团队旅游提供服务。

旅行社应当按照导游任务内容全额支付团队旅游的接待和服务费用，不得要求导游垫付接待和服务费用或者向导游收取费用。

旅行社违反前款规定的，导游有权向旅游行政部门和旅游行业组织举报或者投诉。

第二十九条 旅游行业组织可以根据旅游业经营状况，发布本市旅游产品和服务的诚信指导价，对旅游经营者的不合理低价经营行为进行调查，对扰乱旅游市场秩序的行为进行曝光和谴责。

旅游行业组织依法承担导游注册职能，制定行业服务规范，建立评价机制，组织业务培训，维护导游合法权益，引导导游行业健康发展。

第二节 景 区

第三十条 本市按照景区的性质对景区门票实行分类定价制度。

利用公共资源开发、建设的景区，门票实行政府定价或者政府指导价；利用其他资源开发、建设的景区，门票实行市场调节、自主定价。

按照国家和本市有关规定实行免费开放的城市公园、博物馆、纪念馆等，由旅游行政部门向社会公示。

第三十一条 故宫、天坛、颐和园、八达岭长城、明十三陵、周口店北京人遗址等列入世界文化遗产名录的景区实行讲解员管理制度。

在前款所列景区内为团队旅游提供讲解服务的，应当取得景区讲解员证。景区讲解员由景区负责管理，经培训合格的人员，由景区颁发讲解员证。未取得景区讲解员证的人员，不得在前款所列景区内从事团队旅游讲解活动。

第三十二条 景区应当规范讲解内容，丰富讲解的文化内涵，根据旅游者需要，提供讲解服务。

Article 28 A travel agency shall designate a tour guide complying with the provisions in Article 26 of these Regulations to provide services for a tour group.

The travel agency shall pay reception and service fees for the tour group in full amount according to the tour guide's task definition, and shall not require the tour guide to make any payment of such fees in advance or collect any charges from the tour guide.

Where the travel agency violates the preceding paragraph, the tour guide shall be entitled to report or complain to the relevant administrative department for tourism and tourism industry organization.

Article 29 The tourism industry organization may release integrity-based guiding prices for tourism products and services in this Municipality according to the situation of tourism operation, investigate operations of tourism operator at unreasonably low prices, expose and condemn behaviors disturbing the tourism market order.

The tourism industry organization shall perform the function of tour guide registration, formulate service norms for the tourism industry, establish the evaluation mechanism, organize business trainings and safeguard the legitimate rights and interests of tour guides in accordance with the law, so as to guide the healthy development of tourism industry.

Section II Scenic Spots

Article 30 This Municipality adopts the classified pricing system to tickets of scenic spots according to their natures.

Government pricing or government-guided price shall apply to the ticket of any scenic spot developed or built with public resources; market regulation and independent pricing shall apply to the ticket of any scenic spot developed or built with other resources.

City parks, museums and memorial halls subject to free admission in accordance with the relevant provisions of the State and this Municipality shall be made public by administrative departments for tourism.

Article 31 The commentator management system shall apply to scenic spots in the world cultural heritage list, such as the Forbidden City, the Temple of Heaven, the Summer Palace, the Badaling Great Wall, the Ming Tombs and the Peking Man Site at Zhoukoudian.

Those who provide commentary services to tour groups in the scenic spots listed in the preceding paragraph shall obtain the scenic spot commentator certificate. Each scenic spot shall be responsible for the management of its commentators, and shall issue the commentator certificate to those who have passed the relevant trainings. Those without the scenic spot commentator certificate shall not provide commentary services to tour groups in the scenic spots listed in the preceding paragraph.

Article 32 A scenic spot shall standardize the contents of commentary, enrich the cultural connotations of commentary, and provide commentary services according to the needs of tourists.

鼓励景区聘请专家学者和社会知名人士担任讲解员，开办专题讲座，提升景区文化品质。

鼓励景区利用语音导览设备、电子地图、手机自助导游等现代科技手段，提供游览引导、讲解服务。

第三十三条 鼓励景区实行门票、讲解员预约制度，为旅游者合理安排行程提供便利。

景区为了旅游安全的需要，可以在节假日期间或者在部分游览区域实行分时段预约参观制度。景区实行分时段预约参观的，应当提前 30 日向社会公布。

景区对未在旅游公共信息和咨询平台进行备案的团队旅游，不得给予门票折扣，并记录旅行社、导游相关信息，向旅游行政部门报告。

第三十四条 景区应当设置区域界限标识、服务设施标识和游览导向标识；对具有危险性的区域和项目，应当设立明显的安全警示标识，并采取必要的防护措施。

第三十五条 景区接待旅游者不得超过景区主管部门核定的瞬时和全天最大承载量。

景区应当制定旅游者流量控制方案，通过旅游公共信息和咨询平台、景区网站以及景区售票处等，公布景区的实时流量和最大承载量。旅游者数量可能达到瞬时和全天最大承载量时，景区应当提前公告并向所在地区人民政府报告，及时采取疏导、分流等措施。

第三十六条 景区应当保护景观、植被、地形地貌，保持环境整洁，对损坏旅游设施、乱写乱画和喧哗等行为及时制止，为旅游者提供良好的游览环境。

景区允许使用扩音设备的，应当划定使用区域和时间，明确使用要求，噪声排放不得超过 50 分贝。

第三十七条 景区应当根据接待需要，按照规定标准，建设停车场、免费公共厕所以及符合环境卫生、通讯、安全保障、无障碍等要求的配套服务设施。配套服务设施应当统一规划、合理布局，不得影响景区景容。

A scenic spot is encouraged to employ experts, scholars and noted public figures to act as commentators, and to organize seminars, so as to enhance its cultural quality.

A scenic spot is encouraged to provide guidance and commentary services by utilizing modern technological measures such as audio guide equipment, electronic map and mobile self-help guide.

Article 33 A scenic spot is encouraged to adopt the reservation system for tickets and tour guides, so as to provide convenience to tourists in the reasonable arrangement of tour.

For the sake of tourism safety, a scenic spot may adopt the system of reservation for different time periods in holidays or partial tourist areas. A scenic spot shall make a public announcement 30 days in advance where the reservation for different time periods is adopted.

A scenic spot shall not give ticket rebate to any tour group not filed at the tourism public information and consultation platform, shall record the relevant information of the travel agency and the tour guide and report to the relevant administrative department for tourism.

Article 34 A scenic spot shall set up signs for boundaries, service facilities and tour guidance; and shall set up obvious warning signs and adopt necessary safeguard procedures for dangerous areas and tour items.

Article 35 A scenic spot shall not receive more tourists than its instantaneous and whole-day maximum capacity as approved by the competent authority.

A scenic spot shall develop and implement a tourist flow control plan, and make public the real-time tourist flow and its maximum capacity through the tourism public information and consultation platform as well as its website and ticket offices. Where the number of tourists is likely to reach the maximum capacity, the scenic spot shall make an announcement in advance and report the situation to the local people's government, and shall take timely measures to guide and divert the tourists.

Article 36 A scenic spot shall protect its landscape, vegetation and landform, maintain a clean environment, and timely stop such behaviors as damaging tourism facilities, scribbling and making noise, so as to provide with a good environment for tourists.

Where a scenic spot permits the use of loudspeakers, it shall designate the area and time of use and make clear the requirements on use, and the noise made shall not exceed 50 db.

Article 37 A scenic spot shall construct parking lots, free public toilets and other supporting service facilities which comply with the requirements on environmental health, communication, safety and accessibility according to the need of reception and as to prescribed standards. Supporting service facilities shall be subject to uniform planning and reasonable layout, and shall not affect the scenery.

第三十八条 景区应当加强对景区范围内商品销售、餐饮、住宿和演艺等经营单位的管理，维护景区经营秩序。

景区对擅自摆摊、圈地和占点的经营行为，有权采取制止、劝离或者拒绝提供服务等措施；对拒不听从劝阻的，应当及时向有关行政部门报告。

第三节 旅游客运

第三十九条 公共交通客运企业应当按照交通管理部门的要求完善旅游公交服务，根据需要开设通往世界文化遗产等景区的旅游公交，增加旅游公交发车站点，满足旅游者交通需求。

第四十条 旅游客运经营者应当按照法律、法规规定在旅游客运车辆显著位置明示旅游客运经营的相关信息，配备卫星定位装置和内部监控设施，并保障正常使用。

旅行社应当使用具有旅游客运资质的车辆为团队旅游提供交通服务。

第四十一条 旅游客运经营者应当加强对旅游客运车辆及其驾驶人员的管理，保证车辆符合安全运营要求，监督为团队旅游服务的驾驶人员按照旅游电子行程单运行车辆，不得承运电子行程单以外的旅游者。

旅游客运经营者不得为未在旅游公共信息和咨询平台进行团队旅游信息备案的旅行社、未取得旅行社经营许可的单位或者个人提供交通服务。

第四十二条 旅游客运经营者和旅行社可以利用具有旅游客运资质的自有车辆，开设通往世界文化遗产等景区的旅游专线，为旅游者提供交通服务。旅游专线按照班线客运管理。

第四十三条 对利用胡同资源开展人力客运三轮车胡同游活动，实行特许经营的，依照本市有关规定执行。

第四节 旅游购物

第四十四条 接待团队旅游的购物场所、另行付费旅游项目经营场所应当同时向

Article 38 A scenic spot shall strengthen the management of operators engaged in commodity sales, catering, accommodation and entertainment within its scope, so as to maintain its operation order.

A scenic spot shall be entitled to take such measures as stopping, dissuading or refusing to provide services against unauthorized booths and operations at improperly occupied sites, and shall timely report to the relevant administrative department if its efforts are futile.

Section III Tourist Transport

Article 39 Public passenger transport enterprises shall improve public tourist transport services according to the requirements of administrative departments for transport, open public tourist transport lines leading to scenic spots including world cultural heritage sites, and increase departure stations of public tourist transport lines, so as to satisfy tourists' demand for transport.

Article 40 Tourist transport operators shall specify the information related to its operation at obvious positions in tourist transport vehicles as stipulated by laws and regulations, allocate satellite positioning devices and internal monitoring facilities and ensure their proper functioning.

Travel agencies shall use vehicles qualified for tourist transport to provide transport services for tour groups.

Article 41 Tourist transport operators shall strengthen the management of tourist transport vehicles and their drivers, ensure that such vehicles comply with the requirements on safe operation, supervise the use of vehicles by drivers for tour groups according to the electronic itinerary, and disallow the transport of tourists other than those listed in the electronic itinerary.

Tourist transport operators shall not provide transport services to tour agency failing to file at the tourism public information and consultation platform nor to units or individuals failing to obtain the travel agency business license.

Article 42 Tourist transport operators and travel agencies may use their own vehicles qualified for tourist transport to open special tourism lines leading to scenic spots including world cultural heritage sites, so as to provide tourists with transport services. Such special tourism lines shall be managed as same as scheduled passenger lines.

Article 43 The relevant provisions of this Municipality shall apply to the franchised operation of Hutong tours on manpower passenger tricycles.

Section IV Tourism Shopping

Article 44 Shopping sites receiving tour groups and premises for separately charged tour items shall open to the public at the same time.

其他社会公众开放。

第四十五条 旅游购物场所经营者、另行付费旅游项目经营者，不得以回扣、人头费或者奖励费等财物或者其他手段给予旅行社、导游、旅游客运车辆驾驶人员贿赂。

第四十六条 旅游购物场所应当向旅游者提供有关商品的真实信息，不得销售假冒伪劣商品，不得利用虚假、引人误解的价格手段诱骗旅游者进行交易。

第四十七条 旅行社经与旅游者协商一致或者应旅游者要求，指定具体购物场所或者安排另行付费旅游项目的，应当签订书面合同。旅行社应当向旅游者明示具体购物场所、另行付费旅游项目的基本信息以及可能存在的消费风险。

旅游者在前款规定的具体购物场所内购买商品，销售者在商品中掺杂掺假，以假充真，以次充好，以不合格商品冒充合格商品，或者销售失效、变质的商品的，旅游者可以在旅游行程结束之日起三十日内要求旅行社办理退换货；所购商品对旅游者造成损害的，旅游者可以要求旅行社先行赔偿；旅行社赔偿后，有权向商品销售者追偿。

未经旅游者书面同意，导游在旅游行程中擅自增加另行付费旅游项目或者以就餐、接受检查等名义变相增加购物场所的，由旅行社按照前款规定承担违约责任。

第五节 网络旅游服务

第四十八条 通过网络经营旅行社业务的，应当依法取得旅行社业务经营许可，并在其网站显著位置明示旅行社名称、法定代表人、许可证编号、经营范围、经营场所和联系方式等信息。

第四十九条 旅行社通过网络交易平台经营旅行社业务的，应当向网络交易平台经营者提供旅行社业务经营许可证。网络交易平台经营者应当对旅行社经营资质进行审核；未经审核，不得允许旅行社通过平台从事相关经营活动。

网络交易平台经营者应当保证旅游经营信息真实、准确。

第五十条 旅游者通过网络交易平台购买旅游产品或者服务，其合法权益受到损

Article 45 Operators of tourism shopping sites and separately charged tour items shall not bribe travel agencies, tour guides and drivers of tourist transport vehicles with commission, capitation grant or incentive fee or by other means.

Article 46 Tourism shopping sites shall provide tourists with the true information about commodities, shall not sell fake and shoddy commodities, and shall not lure tourists into doing transactions with false or misleading pricing measures.

Article 47 Where a travel agency designates specific shopping sites or arrange for separately charged tour items after reaching a consensus with tourists or as required by tourists, it shall enter into a written contract with tourists. The travel agency shall make clear the basis information of specific shopping sites or separately charged tour items and possible consumption risks to tourists.

Where tourists purchase commodities in any specific shopping site stipulated in the preceding paragraph, and the seller sells adulterated commodities, passes off the false as genuine, sells seconds at best quality prices, passes off disqualified commodities as qualified ones, or sells expired or deteriorated commodities, tourists may require the travel agency to return or replace commodities within thirty days after the tour ends; where the purchased commodities cause the damage of tourists, tourists may require the travel agency to make compensation in advance, and the travel agency then is entitled to recover such compensation against the seller.

Where the tour guide arbitrarily add separately charged tour items into the itinerary or add shopping sites in disguised forms in the name of dining or accepting inspection without tourists' written consent, the travel agency shall shoulder the breach liability as stipulated in the preceding paragraph.

Section V Internet Tourism Services

Article 48 Anyone who runs travel agency businesses through the Internet shall obtain a business license for travel agency, and specify such information as the name, legal representative, license number, business scope, premise and contact information of the travel agency at obvious places of its website.

Article 49 Where a travel agency runs travel agency businesses through an online trade platform, it shall provide its business license to the online trade platform operator. The online trade platform operator shall verify the travel agency's operation qualification, and shall not permit the travel agency to engage in the relevant business activities through the platform without such verification.

The online trade platform operator shall ensure the information about tourism operation is true and correct.

Article 50 Where tourists purchase tourism products or services from an online trade platform and their legitimate rights and interests are damaged, they may require the seller

害的，可以要求销售者或者服务者赔偿。网络交易平台经营者不能提供销售者或者服务者的真实名称、地址和有效联系方式的，旅游者可以要求网络交易平台经营者赔偿。

第五十一条 网络信息搜索服务提供者旅行社及其旅游产品提供付费搜索信息服务的，应当向市旅游行政部门核实相关信息，并醒目区分自然搜索结果与付费搜索信息，对付费搜索信息逐条加注显著标识。

旅游者、旅游经营者、旅游行业组织发现网络信息搜索结果含有虚假旅游经营信息的，有权要求网络信息搜索服务提供者采取删除、屏蔽或者断开虚假信息链接等必要措施。网络信息搜索服务提供者应当及时核实相关信息，在三个工作日内作出处理，并反馈处理结果。

市旅游行政部门、网信部门发现网络信息搜索结果含有虚假旅游经营信息的，应当责令网络信息搜索服务提供者采取必要措施停止提供相关搜索结果。

第六节 一日游

第五十二条 本条例所称一日游，是指旅行社预先安排行程，提供除住宿以外的交通、餐饮、游览、导游等旅游服务，旅游者以总价支付旅游费用的团队旅游形式。

旅行社应当与旅游者签订一日游包价旅游合同。

第五十三条 任何单位和个人不得有下列行为：

（一）未取得旅行社经营许可、旅游客运经营许可、导游证，从事一日游经营服务活动；

（二）擅自在公共场所散发、悬挂、涂写、张贴一日游产品广告；

（三）冒用旅行社、旅游集散中心、公共交通客运企业等名义，利用公交站牌、互联网、旅游地图等媒介或者在旅馆、车站等公共场所，发布一日游虚假信息，非法揽客；

（四）以不合理低价揽客，并在旅游行程中向旅游者索要合同约定以外的费用，诱骗、强迫或者变相强迫旅游者参加购物活动、另行付费旅游项目；

or service provider to make compensation. Where the online trade platform operator fails to provide the true name, address and effective contact information of the seller or service provider, tourists may require the online trade platform operator to make compensation.

Article 51 Where an Internet information search service provider provides paid information search services to a travel agency and its tourism products, it shall verify the relevant information at the municipal administrative department for tourism, make a clear distinction between natural search results and paid search results, and add remarkable signs to each paid search result.

Where tourists, tourism operator and tourism industry organizations discover that Internet information search results contain false information about tourism operation, they are entitled to require the Internet information search service provider to take necessary measures such as deletion, shielding or breaking linkage to false information. The Internet information search service provider shall timely verify the relevant information, make disposals within three working days, and feed back disposal results.

Where the municipal administrative department for tourism or authority for cyberspace affairs discovers that Internet information search results contain false information about tourism operation, it shall order the Internet information search service provider to take necessary measures and stop providing the relevant search results.

Section VI One-day Tour

Article 52 As used in these Regulations, “one-day tour” refers to a form of group tour with a travel agency arranging the itinerary in advance and providing tourism services other than accommodation such as transport, catering, tour and tour guide while tourists paying travel expenses at a total price.

The travel agency shall enter into the one-day tour package contract with tourists.

Article 53 No unit or individual shall commit any of the following acts:

- (1) engaging in one-day tour operating service activities without obtaining the business license for travel agency or tourist transport or the tour guide certificate;
- (2) distributing, hanging, scribbling or pasting one-day tour advertisements in public places without authorization;
- (3) disclosing false information about one-day tour and illegally soliciting tourists with such media as bus stop boards, the Internet and tourist maps or in public places such as hotels and stations by illegally using the name of a travel agency, tourist distributing center or public passenger transport enterprise;
- (4) soliciting tourists at an unreasonably low price, and asking tourists for fees other than those agreed in the contract during the tour or luring, compelling or forcing tourists in a disguised form to make purchases or participate in separately charged tour items;

（五）擅自变更行程或者中止服务活动，甩团、甩客；

（六）在景区内及其周边地区，追逐、拦截旅游者，索要物品，推销商品或者服务；

（七）其他法律、法规规定的一日游违法行为。

第五十四条 旅馆业经营者允许旅行社在其经营场所设立分社或者服务网点的，应当查验旅行社相关许可文件，并要求旅行社在营业场所张贴、悬挂相关许可、登记证件。

旅馆业经营者允许旅行社在其经营场所放置旅游宣传资料、联系方式或者旅游地图的，应当查验旅行社相关许可文件，所放置材料宣传内容应当与旅行社名实相符。

第五十五条 旅行社组织前往长城、明十三陵等本市有多个同类景区或者景区内有多类收费景点的团队旅游活动，应当在旅游合同中明示所游览景区或者景点的具体名称。列入旅游行程中的收费景区，不安排进入游览的，应当在旅游合同中注明。

第七节 民 宿

第五十六条 本条例所称民宿，是指城乡居民利用自己拥有所有权或者使用权的住宅，结合本地人文环境、自然景观、生态资源以及生产、生活方式，为旅游者提供住宿服务的经营场所。

第五十七条 城乡居民开展民宿经营，应当办理工商登记，遵守国家和本市有关民宿管理的规定。

第五十八条 市、区人民政府应当根据旅游发展规划，加强对民宿经营的引导，鼓励乡村民宿发展。区人民政府应当支持农民专业合作社接受其成员委托，以成员自有宅基地上的合法房屋从事民宿经营。

第五十九条 市人民政府有关行政部门应当根据本市实际，分别制定城区民宿和乡村民宿的具体管理规定。

(5) arbitrarily changing the itinerary or suspending services, or jilting a tour group or tourist;

(6) chasing after or holding up tourists in a scenic spot or its neighboring area to ask for something or to market commodities or services; and

(7) other unlawful acts related to one-day tour as stipulated by laws and regulations.

Article 54 Where a hotel operator permits a travel agency to set up a branch or service outlet at its premise, it shall check the travel agency's relevant licenses, and require the travel agency to post or hang the relevant licenses and registration certificates at the premise.

Where a hotel operator permits a travel agency to place tourism publicity materials, contact information or tourist maps at its premise, it shall check the travel agency's relevant licenses, and the contents of publicity in such materials shall be in conformity with the travel agency's name.

Article 55 Where a travel agency organizes a tour group to several similar scenic spots in this Municipality such as the Great Wall and the Ming Tombs or to several similar paid sightseeing sites in such scenic spots, it shall make clear the specific names of such scenic spots or sightseeing sites in the tourism contract. Where the tour of any paid scenic spot listed in the itinerary is not arranged, it shall be indicated in the tourism contract.

Section VII Homestay

Article 56 As used in these Regulations, "homestay" refers to the premise of any urban or rural residence for the provision of accommodation services to tourists by making use of a residence with self-owned ownership or use right in combination with the local cultural environment, natural scenery, ecological resources, mode of production and lifestyle.

Article 57 Where an urban or rural resident operates a homestay, he shall handle the commercial registration and abide by the relevant provisions of the State and this Municipality on administration of homestays.

Article 58 The municipal and district people's governments shall strengthen the guidance of homestay operations and encourage the development of homestays in rural areas in accordance with the tourism development planning. District people's governments shall support homestay operations by a specialized farmer cooperative by accepting the entrustment of its members and using the lawful housing on self-owned house sites of its members.

Article 59 The relevant administrative departments of the Municipal People's Government shall formulate specific administrative provisions on urban homestays and rural homestays respectively according to the actual circumstances of this Municipality.

旅游、公安、环保、卫生计生、工商等有关行政部门应当按照各自职责，根据简化程序、便民利民、确保安全的原则，加强对民宿日常经营活动的服务指导和监督管理。民宿经营者应当接受有关行政部门的监督管理。

第五章 旅游监督管理

第六十条 市、区人民政府应当制定旅游市场综合监管责任清单，建立健全旅游综合协调、旅游案件联合查办、旅游投诉统一受理等综合监管机制，统筹旅游市场秩序整治工作。

旅游行政部门负责统筹旅游市场综合监管的指导、协调、监督等工作。

第六十一条 市人民政府应当明确旅游投诉统一受理机构，公布旅游投诉监督电话和网站等信息。

统一受理机构接到旅游者投诉、举报后，应当及时调查处理；按照旅游综合执法职责分工应当由其他部门调查处理的，统一受理机构应当在三个工作日内移送有关行政部门处理，并将移送情况告知旅游者。有关行政部门应当将处理情况向旅游者反馈。

第六十二条 旅游、公安、交通、工商、质监、安全监管、食品药品监管、城管执法等有关行政部门，应当完善证据收集规则和互认标准、案件移送程序、跨区域违法行为处理规则以及旅游执法信息共享机制，建立对投诉、举报案件的快速反应机制，提高旅游执法实效。

有关行政部门在监督检查中发现旅游违法行为涉嫌构成犯罪的，应当及时移送公安机关。

第六十三条 本市加强旅游业诚信体系建设，市旅游行政部门建立全市统一的旅游信用信息平台，统一归集旅游经营者的身份信息、警示信息、良好信息和违法信息等信用信息，并向社会公开。

The relevant administrative departments for tourism, public security, environmental protection, health and family planning, industry and commerce shall strengthen the service guidance, supervision and administration of homestays' daily operation activities according to their respective duties and in accordance with the principles of streamlined procedures, convenience to the people and assurance of safety. Homestay operators shall accept the supervision and administration of the relevant administrative departments.

Chapter V Tourism Supervision and Administration

Article 60 The municipal and district people's governments shall formulate the checklist of comprehensive regulation responsibilities for the tourism market, set up and improve comprehensive regulation mechanisms for integrated tourism coordination, joint investigation of tourism cases and uniform acceptance of tourist complaints, and make an overall planning for the consolidation of tourism market order.

Administrative departments for tourism shall be responsible for guiding, coordinating and supervising the comprehensive regulation of tourism market in an overall manner.

Article 61 The Municipal People's Government shall make clear the institution for uniform acceptance of tourist complaints, and make public such information as the telephone and website for supervision of tourist complaints.

After receiving any tourist's complaint or report, the institution for uniform acceptance shall make timely investigation and disposal; where such complaint or report shall be investigated or disposed of by any other department according to the assignment of responsibility for comprehensive tourism law enforcement, the institution for uniform acceptance shall transfer it to the relevant administrative department for disposal within three working days, and shall notify such transfer to the tourist. The relevant administrative department shall feed back disposal results to the tourist.

Article 62 The relevant administrative departments for tourism, public security, transport, industry and commerce, quality supervision, safety administration, food and drug administration and urban management law enforcement shall improve evidence collection rules and mutual recognition standards, case transfer procedures, cross-regional unlawful act disposal rules and tourism law enforcement information sharing mechanism, and establish the quick response mechanism for complaints and reports, so as to enhance the actual effect of tourism law enforcement.

Where any relevant administrative department discovers that any unlawful act related to tourism is suspected of constituting a crime during the supervision and inspection, it shall timely transfer the case to the public security organ.

Article 63 This Municipality shall strengthen the construction of credit system for the tourism industry. The municipal administrative department for tourism shall establish a uniform platform of tourism credit information of this Municipality, collect the credit

旅游行政部门和有关部门可以根据旅游经营者的信用状况，实行分级分类管理，对有不良信用记录的旅游经营者进行重点管理，增加检查频次；旅游经营者的信用状况，可以作为有关部门批准行政许可申请的重要参考依据。

不具有相关旅游经营资质的违法经营主体信息，纳入旅游信用信息平台管理。

第六十四条 市旅游行政部门和有关部门应当建立健全旅游不文明行为记录制度。

旅游从业人员有本条例规定的违法情形的，除依照法律、法规规定予以处罚外，旅游行政部门应当将处罚信息纳入旅游不文明行为记录。

旅游者在旅游活动中有扰乱公共交通工具秩序，破坏公共环境卫生和公共设施，损毁、破坏文物古迹以及其他严重扰乱旅游秩序行为的，按照国家有关规定，纳入旅游不文明行为记录。对纳入不文明行为记录的旅游者，景区、旅行社可以拒绝为其提供旅游服务。

第六十五条 支持消费者组织定期发布旅游者对本市旅游市场的投诉情况、旅游者体验报告和对旅游者的消费提示，对旅游经营者的经营行为进行点评、对违法行为进行曝光，发挥社会监督作用。

第六章 法律责任

第六十六条 旅行社违反本条例第二十五条第一款规定，未通过旅游公共信息和咨询平台向旅游行政部门进行团队旅游信息备案的，由旅游行政部门责令改正，处以5000元以上5万元以下罚款，并可以责令停业整顿；情节严重的，吊销旅行社业务经营许可证。

旅游客运经营者及其车辆驾驶人员违反本条例第二十五条第二款规定，未按照旅游电子行程单提供交通服务的，由交通行政部门对旅游客运经营者处以2000元罚款。

information of tourism operator related to identity, warning, good practice and illegality in an uniform manner, and publicize such information.

Administrative departments for tourism and the relevant departments may carry out the graded and classified administration according to the credit situation of tourism operator, emphasize the administration of and increase the frequency of inspections on tourism operator with bad credit records; the credit situation of a tourism operator may act as an important basis for the relevant department to approve its application for administrative license.

The information about entities engaged in tourism operations without the qualification for doing so shall be included in the platform of tourism credit information.

Article 64 The municipal administrative department for tourism and the relevant departments shall establish and improve the system of recording uncivilized tourism behaviors.

Where any tourism practitioner is in any of the illegal circumstances stipulated in these Regulations, he shall be punished in accordance with laws and regulations, and the information of his punishment shall be included in the record of uncivilized tourism behaviors.

Where any tourist disturbs the order in public transport vehicle, destroys public environmental sanitation and public facilities, damages or destroys cultural relics and historic sites or otherwise seriously disturbs the tourism order, he shall be included in the record of uncivilized tourism behaviors in accordance with the relevant provisions of the State. Scenic spots and travel agencies may refuse to provide tourism services to a tourist who is included in the record of uncivilized tourism behaviors.

Article 65 Consumer organizations are supported to regularly disclose complaints to the tourism market of this Municipality, tourist experience reports and consumption reminders to tourists, comment on operations of tourism operator, and expose unlawful acts, so as to bring into play the role of social supervision.

Chapter VI Legal Liability

Article 66 Where any travel agency violates Paragraph 1, Article 25 of these Regulations and fails to file the information about a group tour at the administrative department for tourism through the tourism public information and consultation platform, the administrative department for tourism shall order it to make corrections and impose upon it a fine of not less than 5,000 Yuan but not more than 50,000 Yuan, and may order it to suspend business for rectification; where the circumstances are serious, its travel agency business license may be revoked.

Where any tourist transport operator or its driver violates Paragraph 2, Article 25 of these Regulations and fails to provide transport services according to the electronic itinerary,

第六十七条 导游未按照本条例第二十六条规定向市旅游行政部门申请变更、换发导游证而在本市执业的，由旅游行政部门责令改正，处以 1000 元以上 1 万元以下罚款，并予以公告。

第六十八条 旅行社违反本条例第二十八条规定，委派不符合规定的导游为团队旅游提供服务，未向导游全额支付团队旅游接待和服务费用，要求导游垫付或者向导游收取费用的，由旅游行政部门按照《中华人民共和国旅游法》第九十六条规定处罚。

第六十九条 违反本条例第三十一条第二款规定，未取得景区讲解员证的个人在景区内为团队旅游提供讲解服务的，由景区进行劝阻和警告；拒不改正的，由旅游行政部门处以 2000 元罚款。

第七十条 景区违反本条例第三十三条第三款规定，对未在旅游公共信息和咨询平台进行备案的团队旅游给予门票折扣的，由旅游行政部门责令改正，并处以 5 万元罚款。

第七十一条 景区违反本条例第三十四条规定，未设置区域界限标识、服务设施标识、游览导向标识，对具有危险性的区域和项目未设立明显的安全警示标识或者未采取必要的防护措施的，由景区主管部门责令改正；情节严重的，责令停业整顿，并处以 2 万元以上 20 万元以下罚款。

第七十二条 景区在旅游者数量可能达到最大承载量时，未依照本条例规定公告或者未向所在地区人民政府报告，未及时采取疏导、分流等措施，或者超过最大承载量接待旅游者的，由景区主管部门按照《中华人民共和国旅游法》第一百零五条规定处罚。

第七十三条 违反本条例第四十条第一款规定，从事旅游客运的车辆未配备卫星定位装置和内部监控设施，或者未保障正常使用的，由交通行政部门对旅游客运经营者处以 2000 元罚款，并责令限期改正；逾期未改正的，处以 1 万元罚款。

旅行社违反本条例第四十条第二款规定，使用不具有旅游客运资质的车辆为团队

the administrative department for transport shall impose a fine of 2,000 Yuan upon the tourist transport operator.

Article 67 Where any tour guide practices in this Municipality without applying for changing or replacing the tour guide certificate to the municipal administrative department for tourism in accordance with Article 26 of these Regulations, the administrative department for tourism shall order him to make corrections and impose upon it a fine of not less than 1,000 Yuan but not more than 10,000 Yuan, and make an announcement.

Article 68 Where any travel agency violates Article 28 of these Regulations and designates a tour guide not complying with the relevant provisions to provide services for a tour group, fails to pay reception and service fees for the tour group to the tour guide in full amount, or requires the tour guide to make any payment of such fees in advance or collects any charges from the tour guide, it shall be punished by the administrative department for tourism in accordance with Article 96 of the Tourism Law of the People's Republic of China.

Article 69 Where any individual violates Paragraph 2, Article 31 of these Regulations and provides commentary services to tour groups in scenic spots without obtaining the scenic spot commentator certificate, he shall be dissuaded and warned by the scenic spot; where he refuses to make corrections, he shall be imposed upon a fine of 2,000 Yuan by the administrative department for tourism.

Article 70 Where any scenic spot violates Paragraph 3, Article 33 of these Regulations and gives ticket rebate to any tour group not filed at the tourism public information and consultation platform, the administrative department for tourism shall order it to make corrections and impose upon it a fine of 50,000 Yuan.

Article 71 Where any scenic spot violates Article 34 of these Regulations and fails to set up signs for boundaries, service facilities and tour guidance or fails to set up obvious warning signs or adopt necessary safeguard procedures for dangerous areas and tour items, the competent department shall order it to make corrections; where the circumstances are serious, it shall be ordered to suspend business for rectification and imposed upon a fine of not less than 20,000 Yuan but not more than 200,000 Yuan.

Article 72 Where any scenic spot fails to make an announcement in accordance with these Regulations or report to the local people's government or fails to take timely measures to guide and divert the tourists when the number of tourists is likely to reach the maximum capacity, or receives tourists exceeding the maximum capacity, it shall be punished by the competent department in accordance with Article 105 of the Tourism Law of the People's Republic of China.

Article 73 Where any tourist transport operator violates Paragraph 1, Article 40 of these Regulations and fails to equip tourist transport vehicles with satellite positioning devices and internal monitoring facilities or failing to ensure their proper functioning, it shall be imposed upon a fine of 2,000 Yuan and ordered to make corrections by the administrative department for transport; where it fails to make corrections within the specified time limit, it shall be imposed upon a fine of 10,000 Yuan.

Where any travel agency violates Paragraph 2, Article 40 of these Regulations and uses vehicles disqualified for tourist transport to provide transport services for tour groups, it shall be punished by the administrative department for tourism in accordance with Article

旅游服务的，由旅游行政部门按照《中华人民共和国旅游法》第九十七条规定处罚。

第七十四条 旅游客运经营者违反本条例第四十一条第一款规定，承运电子行程单以外的旅游者的，由交通行政部门责令改正，对旅游客运经营者处以 1000 元以上 3000 元以下罚款。

旅游客运经营者违反本条例第四十一条第二款规定，为未在旅游公共信息和咨询平台进行团队旅游信息备案的旅行社、未取得旅行社经营许可的单位或者个人提供交通服务的，由交通行政部门对旅游客运经营者处以 5000 元以上 1 万元以下罚款；情节严重的，并责令相关车辆停止运营、暂扣车辆营运证，期限不得超过三十日。

第七十五条 旅游购物场所、另行付费旅游项目经营场所违反本条例第四十四条规定，未向团队旅游者之外的社会公众开放的，由工商行政管理部门责令改正，并处以 5000 元以上 5 万元以下罚款；情节严重的，责令停业整顿。

第七十六条 旅游购物场所经营者、另行付费旅游项目经营者违反本条例第四十五条规定，以回扣、人头费或者奖励费等财物或者其他手段给予旅行社、导游、旅游客运车辆驾驶人员贿赂的，由工商行政管理部门按照《中华人民共和国反不正当竞争法》相关规定处罚。

第七十七条 旅游购物场所违反本条例第四十六条规定，未向旅游者提供有关商品的真实信息，销售假冒伪劣商品，或者利用虚假、引人误解的价格手段诱骗旅游者进行交易的，由工商行政管理部门、发展改革部门按照《中华人民共和国消费者权益保护法》《中华人民共和国价格法》相关规定处罚。

第七十八条 网络交易平台经营者违反本条例第四十九条第一款规定，未经审核允许旅行社在平台从事相关经营活动的，由工商行政管理部门予以警告，责令改正；拒不改正的，处以 1 万元以上 3 万元以下罚款。

第七十九条 网络信息搜索服务提供者违反本条例第五十一条第三款规定，拒不采取必要措施停止提供相关搜索结果的，由旅游行政部门、网信部门约谈其主要负责人。

97 of the Tourism Law of the People's Republic of China.

Article 74 Where any tourist transport operator violates Paragraph 1, Article 41 of these Regulations and allows the transport of tourists other than those listed in the electronic itinerary, it shall be ordered to make corrections by the administrative department for transport and imposed upon a fine of not less than 1,000 Yuan but not more than 3,000 Yuan.

Where any tourist transport operator violates Paragraph 2, Article 41 of these Regulations and provides transport services to tour guide certificate failing to file at the tourism public information and consultation platform nor to units or individuals failing to obtain the travel agency business license, it shall be imposed upon a fine of not less than 5,000 Yuan but not more than 10,000 Yuan by the administrative department for transport; where the circumstances are serious, it shall be ordered to suspend the operation of the relevant vehicles and the vehicle operation certificates shall be detained for a period of not more than thirty days.

Article 75 Where any tourism shopping site or premise for separately charged tour items violates Article 44 of these Regulations and fails to open to the public other than group tourists, it shall be ordered to make corrections and imposed upon a fine of not less than 5,000 Yuan but not more than 50,000 Yuan by the department for industrial and commercial administration; where the circumstances are serious, it shall be ordered to suspend business for rectification.

Article 76 Where any operator of tourism shopping sites or separately charged tour items violates Article 45 of these Regulations and bribes travel agencies, tour guides and drivers of tourist transport vehicles with commission, capitation grant or incentive fee or by other means, it shall be punished by the department for industrial and commercial administration in accordance with the relevant provisions of the Law of the People's Republic of China Against Unfair Competition.

Article 77 Where any tourism shopping site violates Article 46 of these Regulations and fails to provide tourists with the true information about commodities, sells fake and shoddy commodities, or lures tourists into doing transactions with false or misleading pricing measures, it shall be punished by the department for industrial and commercial administration or the department for development and reform in accordance with the relevant provisions of the Law of the People's Republic of China on the Protection of the Rights and Interests of Consumers or the Price Law of the People's Republic of China.

Article 78 Where any online trade platform operator violates Paragraph 1, Article 49 of these Regulations and permits a travel agency to engage in the relevant business activities through the platform without verification, it shall be warned and ordered to make corrections by the department for industrial and commercial administration; where it refuses to make corrections, it shall be imposed upon a fine of not less than 10,000 Yuan but not more than 30,000 Yuan.

Article 79 Where any Internet information search service provider violates Paragraph 3, Article 51 of these Regulations and refuses to take necessary measures and stops providing the relevant search results, the administrative department for tourism or the authority for

网络信息搜索服务提供者的主要负责人被约谈的信息，应当纳入本市信用信息系统，旅游行政部门和网信部门可以通过报纸、广播、电视和网络等渠道向社会公布。

第八十条 单位和个人违反本条例第五十三条规定，《中华人民共和国旅游法》《中华人民共和国治安管理处罚法》《中华人民共和国道路运输条例》等有关法律、法规以及本条例规定法律责任的，从其规定；没有规定的，按照本条规定处罚。

违反本条例第五十三条规定的，由旅游、工商、交通、城管执法等有关行政部门责令改正，没收违法所得，并处以1万元以上10万元以下罚款；违法所得10万元以上的，并处违法所得1倍以上5倍以下罚款；对有关责任人员，处以2000元以上2万元以下罚款；构成犯罪的，依法追究刑事责任。

第八十一条 旅馆业经营者及其从业人员违反本条例第五十四条规定，为非法一日游经营活动提供便利的，由旅游行政部门责令改正，对旅馆业经营者处以1万元以上10万元以下罚款，对有关责任人员处以2000元以上2万元以下罚款。

第八十二条 旅行社违反本条例第五十五条规定，在旅游合同中未明示所游览景区的具体名称或者对不进入游览的收费景区未予注明的，由旅游行政部门按照《中华人民共和国旅游法》第九十七条规定处罚。

第八十三条 旅游行政部门和有关部门的工作人员有下列行为之一的，依法给予行政问责、行政处分；构成犯罪的，依法追究刑事责任：

- （一）未按照法律、法规规定的条件、程序实施行政许可的；
- （二）未按照本条例规定履行旅游监督管理职责的；
- （三）未按照规定职责和法定程序实施行政处罚的；
- （四）其他滥用职权、玩忽职守、徇私舞弊的行为。

cyberspace affairs shall make an appointment with its major person in charge for discussion of the matter.

The information about the appointment for discussion with the major person in charge of an Internet information search service provider shall be included in the credit information system of this Municipality, and may be publicized by the administrative department for tourism or the authority for cyberspace affairs through such channels as newspaper, radio, television and the Internet.

Article 80 Where any unit or individual violates Article 53 of these Regulations and there are provisions on its or his legal liability in the Tourism Law of the People's Republic of China, the Law of the People's Republic of China on Penalties for Administration of Public Security and the Regulations of the People's Republic of China on Road Transportation and other relevant laws and regulations, such provisions shall prevail; where there are no such provisions, it or he shall be punished in accordance with this Article.

Those who violates Article 53 of these Regulations shall be ordered to make corrections, confiscated illegal gains and imposed upon a fine of not less than 10,000 Yuan but not more than 100,000 Yuan by the administrative department for tourism, industry and commerce, transport or urban management law enforcement; where illegal gains are more than 100,000 Yuan, a fine of not less than 1 time but not more than 5 times of illegal gains shall be imposed; a fine of not less than 2,000 Yuan but not more than 20,000 shall be imposed on the relevant responsible persons; where a crime is constituted, the criminal liability shall be investigated for in accordance with the law.

Article 81 Where any hotel operator or its employee violates Article 54 of these Regulations and provides convenience to illegal one-day tour operation activities, the administrative department for tourism shall order him to make corrections, impose a fine of not less than 10,000 Yuan but not more than 100,000 Yuan upon the operator and a fine of not less than 2,000 Yuan but not more than 20,000 Yuan upon the relevant responsible person.

Article 82 Where any travel agency violates Article 55 of these Regulations and fails to make clear the specific names of scenic spots or fails to indicate paid scenic spot not to be visited in the tourism contract, it shall be punished by the administrative department for tourism in accordance with Article 97 of the Tourism Law of the People's Republic of China.

Article 83 Where any staff member of administrative departments for tourism and the relevant departments commits any of the following acts, he shall be held for administrative accountability or given administrative sanctions; where a crime is constituted, his criminal liability shall be investigated for in accordance with the law:

- (1) failing to grant administrative licenses in accordance with the conditions and procedures stipulated by laws and regulations;
- (2) failing to perform tourism supervision and administration duties in accordance with these Regulations;
- (3) failing to make administrative punishments in accordance with stipulated duties and legal procedures; or
- (4) other acts constituting abuse of power, negligence of duty or malpractice for personal gain.

第七章 附 则

第八十四条 本条例自 2017 年 8 月 1 日起施行。1999 年 3 月 30 日北京市第十一届人民代表大会常务委员会第九次会议通过，2004 年 9 月 10 日北京市第十二届人民代表大会常务委员会第十四次会议修订，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》修正的《北京市旅游管理条例》同时废止。

Chapter VII Supplementary Provisions

Article 84 These Regulations shall be effective as of August 1, 2017. The Regulations of Beijing Municipality on Tourism Administration adopted at the 9th Meeting of the Standing Committee of the Eleventh Beijing Municipal People's Congress on March 30, 1999, revised at the 14th Meeting of the Standing Committee of the Twelfth Beijing Municipal People's Congress on September 10, 2004, and amended by the Decision on Revising Some Local Regulations of the 22nd Meeting of the Standing Committee of the Thirteenth Beijing Municipal People's Congress on December 23, 2010 shall be repealed simultaneously.

北京市人力客运三轮车胡同游特许经营若干规定

(2007年8月26日北京市人民政府第193号令公布)

第一条 为了规范本市人力客运三轮车胡同游经营行为，合理控制发展规模，维护旅游市场秩序，根据《北京市旅游管理条例》，制定本规定。

第二条 在本市旧城内开展人力客运三轮车胡同游（以下简称胡同游），依照本规定实施特许经营。

本规定所称胡同游特许经营，是指取得特许经营权的经营者在一定期限和区域内，利用胡同资源为旅游者提供乘坐人力客运三轮车（以下简称三轮车）游览服务的经营活动。

第三条 市旅游行政管理部门负责全市胡同游特许经营行政管理的组织、协调工作。

区人民政府按照属地管理的原则，负责本行政区域内胡同游特许经营的实施和监督管理。

市发展改革、公安交通、道路运输、规划、文物、市政管理、工商行政管理等行政管理部门以及城市管理综合执法部门，应当按照职责分工做好相关工作。

第四条 市旅游行政管理部门会同市规划、文物、公安交通、道路运输等行政管理部门以及相关区人民政府确定胡同游特许经营区域和三轮车控制总量，报市人民政府批准并公布。

第五条 区人民政府负责制订胡同游特许经营实施方案。实施方案应当包括以下内容：

（一）项目名称；

Several Provisions of Beijing Municipality on Concession for Hutong Tour by Manpower Tricycles for Passenger Transport

(Promulgated by Decree No. 193 of the People's Government of Beijing
Municipality on August 26, 2007)

Article 1 These Provisions are formulated, in accordance with the Regulations of Beijing Municipality on Administration of Tourism, for the purposes of regulating the operational activities of hutong tour by manpower tricycles for passenger transport, reasonably controlling the development scale and maintaining the order of the tourism market in this Municipality.

Article 2 Concession shall be adopted for hutong tour by manpower tricycles for passenger transport within the old city of this Municipality (hereinafter referred to as “ hutong tour”)in accordance with these Provisions.

The term “concession for hutong tour” in these Provisions means the operational activities of the concessionaires who have obtained the concession rights to provide the tourists with the tour services of riding manpower tricycles for passenger transport (hereinafter referred to as “ tricycles”)by using hutong resources within certain periods and areas.

Article 3 The municipal administrative department of tourism shall be responsible for the organization and coordination of the administration of the concession for hutong tour in the whole city.

The district people's governments shall, in accordance with the principle of local administration, be responsible for the implementation, supervision and administration of the concession for hutong tour within their respective administrative areas.

The municipal administrative departments for development and reform, traffic for public security, road transportation, planning, cultural relics, municipal administration, industry and commerce, etc. as well as the department of comprehensive law enforcement in urban administration shall bring to success the relevant work according to their respective functions and duties.

Article 4 The municipal administrative department of tourism shall, together with the municipal administrative departments for planning, cultural relics, traffic for public security, road transportation, etc. as well as the relevant district people's governments, determine the areas for the concession for hutong tour and the controlled total amount of tricycles, report them to the municipal people's government for approval and then make them public.

Article 5 The district people's governments shall be responsible for working out the implementation plans for the concession for hutong tour. The implementation plans shall include the following contents:

- (1)the names of projects;

- (二) 实施机构及其权限、职责；
- (三) 区人民政府所属相关管理部门的职责；
- (四) 经营区域、行驶路线、固定与临时停车场（站）；
- (五) 三轮车的控制总量；
- (六) 特许经营者应当具备的条件和选择方式；
- (七) 价格测算、投资回报和特许经营权使用费；
- (八) 特许经营者的主要权利和义务；
- (九) 经营期限以及续约方式；
- (十) 保护文物、环境以及维护交通秩序等方面的措施；
- (十一) 政府承诺和保障；
- (十二) 其他事项。

第六条 实施方案拟订经营区域、行驶路线、固定与临时停车场（站）以及三轮车的控制总量，应当符合历史文化名城保护和道路交通安全管理的要求。

第七条 区人民政府应当通过适当方式将实施方案征求当地居民的意见后，报市旅游行政管理部门审批。

市旅游行政管理部门审批实施方案时，应当征求市发展改革、规划、文物、公安交通、道路运输、市政管理、工商行政管理等行政管理部门的意见；其中涉及第五条第（四）项的内容，应当征得公安交通管理部门的同意。

第八条 实施机构应当根据国家和本市的有关规定，按照实施方案，通过招标投标方式确定胡同游特许经营者并与中标人签订书面特许经营协议。特许经营协议应当符合实施方案，并包括以下内容：

- (一) 项目名称；
- (二) 特许经营方式、范围、期限以及续约方式；
- (三) 经营区域、三轮车的数量、行驶路线、停车方案；

- (2)the implementation agencies as well as their authorities, functions and duties;
- (3)the functions and duties of the relevant administrative departments subordinate to the district people's governments;
- (4)the operational areas, riding routes, fixed and temporary parking lots (stations);
- (5)The controlled total amount of tricycles;
- (6)the conditions the concessionaires shall possess and the methods for choosing them;
- (7)the prices evaluated, investment returns and the concession royalties;
- (8)the main rights and obligations of the concessionaires ;
- (9)the concession periods and the methods for extension of agreements;
- (10)the measures on such aspects as protection of cultural relics and environment and maintenance of traffic order;
- (11)the government commitments and assurances; and
- (12)other matters.

Article 6 The determination of the operational areas, riding routes, fixed and temporary parking lots (stations) and the controlled total amount of tricycles in the implementation plans shall conform to the requirements for the protection of famous historic and cultural cities and the safety administration of road transportation.

Article 7 The district people's governments shall report the implementation plans to the municipal administrative department of tourism for examination and approval after soliciting the opinions of local residents on the plans by proper means.

When examining and approving the implementation plans, the municipal administrative department of tourism shall solicit the opinions of the municipal administrative departments for development and reform, planning, cultural relics, traffic for public security, road transportation, municipal administration, industry and commerce, etc.; as to the contents involve in Item (4) of Article 5, the consent of the administrative departments of traffic for public security shall be obtained.

Article 8 The implementation agencies shall, based on relevant provisions of the State and this Municipality and in accordance with the implementation plans, determine the concessionaires of hutong tour by bid invitation and bidding, and sign the concession agreements with them in writing. The concession agreements shall conform to the implementation plans and include the following contents:

- (1)the names of projects;
- (2)the ways, scopes, periods of concession and the methods for-extension of agreements;
- (3)the operational areas, amount of tricycles, riding routes and parking plans;

(四) 三轮车及其行驶牌证、特许经营证件的提供、使用和收回；

(五) 三轮车运营标准、安全标准、外观标准、服务标准；

(六) 收费标准、投资回报、调整机制；

(七) 特许经营权使用费；

(八) 特许经营者的权利和义务；

(九) 政府承诺和保障；

(十) 特许经营权收回的方式和程序；

(十一) 违约责任和争议解决方式；

(十二) 其他事项。

第九条 特许经营者应当持特许经营协议和其他有关文件，到相关行政管理部门办理手续。相关行政管理部门对其在审查实施方案时同意的内容，不再做重复审查；对其他内容的审查结果，不应当导致特许经营协议主要内容的实质性变更。

第十条 公安交通管理部门根据实施方案确定的三轮车控制总量，为实施机构办理在指定经营区域内行驶的三轮车行驶牌证。实施机构按照特许经营协议向特许经营者发放三轮车行驶牌证和特许经营证件。

特许经营权收回后，特许经营者应当按照特许经营协议向实施机构交还行驶牌证和特许经营证件。

第十一条 从事胡同游特许经营的三轮车应当符合特许经营协议确定的运营标准、安全标准、外观标准，并在显著位置喷涂、悬挂统一标识。

第十二条 特许经营者不得擅自转让、出租、质押、抵押或以其他方式处分特许经营权，不得擅自转让、出租、出借三轮车行驶牌证和特许经营证件。

第十三条 实施机构应当按照特许经营协议履行相关义务。

相关行政管理部门应当履行特许经营协议中的政府承诺。

第十四条 实施机构应当建立服务质量投诉处理机制，对特许经营者的经营行为进行动态管理和定期评价。对于严重违反特许经营协议的，可以根据特许经营协议的

(4)the provision, use and calling back of tricycles, riding licenses and plates and the concession certificates;

(5)the operational standards, safety standards, appearance standards and service standards of tricycles;

(6)the charging standards, investment returns and the adjustment mechanisms;

(7)the concession royalties;

(8)the rights and obligations of concessionaires;

(9)the government commitments and assurances;

(10)the ways and procedures for the calling back of concession;

(11)the breach of contract and ways of dispute settlement; and

(12)other matters.

Article 9 The concessionaires shall, on the strength of the concession agreements and other relevant documents, go to the relevant administrative departments to handle the procedure. Relevant administrative departments shall not repeatedly examine the contents they approved in the examination of the implementation plans; and the examination results of other contents shall not lead to the substantial changes of the main contents of the concession agreements.

Article 10 The administrative departments of traffic for public security shall, in accordance with the controlled total amount of tricycles determined in the implementation plans, handle the riding licenses and plates for the tricycles riding within the designated operational areas for the implementation agencies. The implementation agencies shall, in accordance with the concession agreements, issue the riding licenses and plates for the tricycles and the concession certificates as well to the concessionaires.

After the concession rights are called back, the concessionaires shall, in accordance with the concession agreements, returned the riding licenses and plates and the concession certificates as well to the implementation agencies.

Article 11 The tricycles engaged in the concession for hutong tour shall measure up to the operational standards, safety standards and appearance standards determined in the concession agreements, and the uniform signs shall be sprayed or hung in the conspicuous positions.

Article 12 Without authorization, the concessionaires shall not transfer, rent, pledge, mortgage or dispose of the concession rights in other ways, and shall not transfer, rent or lend the riding licenses and plates for the tricycles and the concession certificates as well.

Article 13 The implementation agencies shall perform relevant obligations in accordance with the concession agreements.

Relevant administrative departments shall perform the government commitments in the concession agreements.

Article 14 The implementation agencies shall establish the mechanism for settling the complaints on the service quality so as to carry out dynamic management and regular assessment of the operational activities of the concessionaires. As to the concessionaires who seriously breach the concession agreements, the implementation agencies may call

约定收回特许经营权。

第十五条 特许经营者应当遵守国家和本市文物保护、市容环境卫生、交通管理、旅游管理等规定，履行特许经营协议，建立健全管理制度，为旅游者提供安全、优质的服务。

第十六条 驾驶三轮车未按照指定行驶路线行驶的，由公安交通管理部门按照非机动车违反限制通行规定的行为予以处罚。

驾驶三轮车未在指定的停车场（站）停车或者有其他违反国家和本市有关道路交通安全管理规定行为的，由公安交通管理部门依法予以处罚。

对取得行驶牌证和特许经营证件的三轮车驾驶者予以处罚后，公安交通管理部门应当将处罚情况告知实施机构，由实施机构按照特许经营协议追究特许经营者的相关责任。

第十七条 驾驶未取得行驶牌证和特许经营证件的三轮车从事胡同游经营活动的，由城市管理综合执法部门按照国家和本市有关无照经营查处取缔的规定进行处罚。

第十八条 本规定自 2007 年 10 月 1 日起施行。

back the concession rights in accordance with the provisions agreed upon in the concession agreements.

Article 15 The concessionaires shall abide by the provisions of the State and this Municipality on the protection of cultural relics, city appearance and environmental sanitation, traffic administration, tourism administration, etc., perform the concession agreements and establish and improve the management system so as to provide safe and quality services to the tourists.

Article 16 The concessionaries who ride the tricycles failing to follow the designated routes shall be punished by the administrative department of traffic for public security in accordance with the provisions on violation of the provisions on restricted passage of traffic by non-motor vehicles.

The concessionaries who fail to park within the designated parking lots (stations) or commit other acts in violation of the provisions of the State and this Municipality on the safety administration of road traffic shall be punished by the administrative department of traffic for public security according to law.

After imposing punishments on the drivers of the tricycles with the riding licenses and plates and the concession certificates as well, the administrative department of traffic for public security shall notify the punishments to the implementation agencies and the implementation agencies shall prosecute the concessionaires for relevant responsibilities in accordance with the concession agreements.

Article 17 Anyone who rides a tricycle without a riding license and plate and the concession certificate as well to engage in the operational activities of hutong tour shall be punished by the administrative department of comprehensive law enforcement in urban administration in accordance with the relevant provisions of the State and this Municipality on the investigation ,dealing with and banning of unlicensed operations.

Article 18 These Provisions shall be effective as of October 1, 2007.

