



中华人民共和国法律法规汇编

LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA

中英文版

行政法卷 I

Administrative Law I

国务院法制办公室 编

Compiled by the Legislative
Affairs Office of the State Council

中国法制出版社
CHINA LEGAL PUBLISHING HOUSE

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编辑说明

中国改革开放 30 多年来，社会主义法治建设取得了巨大的成就，以宪法为统帅，法律为主干的多层次的中国特色社会主义法律体系已经形成。随着中国对外合作交流活动的进一步深化，一方面，为了让国外的各界人士了解中国的法律体系和现行有效的法律法规，熟悉中国投资的法律环境；另一方面，也为了满足国内从事涉外工作的专业人士对外宣传和使用中国法律的需要，我们编辑出版了这套法律法规中英文对照版本的工具书。

本汇编收录的现行有效的法律和行政法规涵盖了宪法及七个法律部门（宪法相关法、民法商法、行政法、经济法、社会法、刑法、诉讼与非诉讼程序法）。本汇编共分为八卷：宪法卷、民商法卷、行政法卷（Ⅰ、Ⅱ）、经济法卷（Ⅰ、Ⅱ）、社会法卷、刑法和程序法卷。

本汇编的英文译本由全国人民代表大会常务委员会法制工作委员会和国务院法制办公室组织翻译和审定。

本汇编的英文译本与中文本有歧义的，均以中文本为准。

中华人民共和国国务院法制办公室

2011 年 9 月

Editor's Note

Great progress has been made in developing a sound legal system in China over the past three decades since the reform and opening up to the outside world. A multi-tier socialist legal system with Chinese characteristics, that takes the Constitution as the core and the other laws and regulations as the backbone, has taken shape. In response to the deepening of international cooperation and exchange between China and the outside world, we have compiled and are to publish *the Laws and Regulations of the People's Republic of China* (a Chinese-English bilingual edition), in order to, respectively enable foreigners of various circles to get a comprehensive grasp of China's legal system, currently applicable laws and regulations, and to get conversant with China's investment environment, and to meet the needs of the domestic professionals engaged in foreign affairs for making publicity for and using Chinese laws and regulations.

This Collection consists of the Constitution and seven categories of laws and regulations, that is, Constitution-related Law, Civil and Commercial Law, Administrative Law, Economic Law, Social Law, Criminal Law, Litigation and Non-litigation Procedures. They are classified into eight volumes: Constitutional Law, Civil and Commercial Law, Administrative Law (I, II), Economic Law (I , II), Social Law, Criminal Law and Procedure Law.

The English version of the laws and regulations contained in this Collection is translated and finalized under the aegis of the Legislative Affairs Commission of the Standing Committee of the National People's Congress and the Legislative Affairs Office of the State Council.

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

Legislative Affairs Office of the State Council

September, 2011

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(1985 年 11 月 22 日第六届全国人民代表大会常务委员会第十三次会议通过 1985 年 11 月 22 日中华人民共和国主席令 第 31 号公布 自 1986 年 2 月 1 日起施行)

Law of the People's Republic of China on Control of the Entry and Exit of Aliens (351)

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

- 中华人民共和国外国人入境出境管理法实施细则** (357)
 (1986年12月3日国务院批准 1986年12月27日公安部、外交部公布 1994年7月13日国务院批准修订 根据2010年4月24日《国务院关于修改〈中华人民共和国外国人入境出境管理法实施细则〉的决定》修订)
- Rules for the Implementation of the Law of the People's Republic of China on Control of the Entry and Exit of Aliens** (357)
 (Approved by the State Council on December 3, 1986, promulgated by the Ministry of Public Security and the Ministry of Foreign Affairs on December 27, 1986, amended with approval of the State Council on July 13, 1994, and amended in accordance with the Decision of the State Council on Amending the Rules for the Implementation of the Law of the People's Republic of China on Control of the Entry and Exit of Aliens on April 24, 2010)
- 中华人民共和国公民出境入境管理法** (371)
 (1985年11月22日第六届全国人民代表大会常务委员会第十三次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)
- Law of the People's Republic of China on the Control of the Exit and Entry of Citizens** (371)
 (Adopted at the 13th Meeting of the Standing Committee of the Sixth National People's Congress on November 22, 1985, amended in accordance with the Decision on Revising Certain Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009)
- 中华人民共和国公民出境入境管理法实施细则** (376)
 (1986年12月3日国务院批准 1986年12月26日公安部、外交部、交通部发布 1994年7月13日国务院批准第一次修订 1994年7月15日公安部、外交部、交通部发布 根据2011年1月8日《国务院关于废止和修改部分行政法规的决定》第二次修订)
- Rules for the Implementation of the Law of the People's Republic of China on Control of the Exit and Entry of Citizens** (376)
 (Approved by the State Council on December 3, 1986, promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on December 26, 1986, amended for the first time with the approval of the State Council on July 13, 1994 and promulgated by the Ministry of Public Security, the Ministry of Foreign Affairs and the Ministry of Communications on July 15, 1994, and amended for the second time according to the Decision of the State Council on Annuling and Amending Certain Administrative Regulations on January 8, 2011)
- 中华人民共和国出境入境边防检查条例** (384)
 (1995年7月6日国务院第34次常务会议通过 1995年7月20日中华人民共和国国务院令 第182号发布 自1995年9月1日起施行)
- Regulations of the People's Republic of China on Exit and Entry Frontier Inspection** (384)
 (Adopted at the 34th Executive Meeting of the State Council on July 6, 1995, promulgated by Decree No. 182 of the State Council of the People's Republic of China on July 20, 1995, and effective as of September 1, 1995)
- 中国公民因私事往来香港地区或者澳门地区的暂行管理办法** (395)
 (1986年12月3日国务院批准 1986年12月25日公安部公布 自公布之日起施

行)

Interim Measures for the Control of Chinese Citizens Travelling on Private Business to or from the Regions of Hong Kong or Macao (395)

(Approved by the State Council on December 3, 1986, promulgated by the Ministry of Public Security on December 25, 1986, and effective as of the date of promulgation)

中国公民往来台湾地区管理办法 (404)

(1991 年 12 月 17 日中华人民共和国国务院令第 93 号发布 自 1992 年 5 月 1 日起施行)

Measures for the Control of Chinese Citizens Travelling to or from the Region of Taiwan (404)

(Promulgated by Decree No. 93 of the State Council of the People's Republic of China on December 17, 1991, and effective as of May 1, 1992)

5. 治安管理 5. Public Safety

中华人民共和国治安管理处罚法 (414)

(2005 年 8 月 28 日第十届全国人民代表大会常务委员会第十七次会议通过 2005 年 8 月 28 日中华人民共和国主席令第 38 号公布 自 2006 年 3 月 1 日起施行)

Law of the People's Republic of China on Penalties for Administration of Public Security (414)

(Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005, promulgated by Order No. 38 of the President of the People's Republic of China on August 28, 2005, and effective as of March 1, 2006)

企业事业单位内部治安保卫条例 (447)

(2004 年 9 月 13 日国务院第 64 次常务会议通过 2004 年 9 月 27 日中华人民共和国国务院令第 421 号公布 自 2004 年 12 月 1 日起施行)

Regulations on Internal Security of Enterprises and Institutions (447)

(Adopted at the 64th Executive Meeting of the State Council on September 13, 2004, and promulgated by Decree No. 421 of the State Council of the People's Republic of China on September 27, 2004, and effective as of December 1, 2004)

大型群众性活动安全管理条例 (454)

(2007 年 8 月 29 日国务院第 190 次常务会议通过 2007 年 9 月 14 日中华人民共和国国务院令第 505 号公布)

Regulations on Security Administration of Large-scale Mass Activities (454)

(Adopted at the 190th Executive Meeting of the State Council on August 29, 2007, and promulgated by Decree No. 505 of the State Council of the People's Republic of China on September 14, 2007)

保安服务管理条例 (462)

(2009 年 9 月 28 日国务院第 82 次常务会议通过 2009 年 10 月 13 日中华人民共和国国务院令第 564 号公布 自 2010 年 1 月 1 日起施行)

Regulations on Administration of Security Services (462)

(Adopted at the 82nd Executive Meeting of the State Council on September 28, 2009, promulgated by Decree No. 564 of the State Council of the People's Republic of China on October 13, 2009, and effective as of January 1, 2010)

6. 危险物品、特种行业管理

6. Administration of Dangerous Goods and Special Industries

- 中华人民共和国枪支管理法** (478)
 (1996年7月5日第八届全国人民代表大会常务委员会第二十次会议通过 根据2009年8月27日第十一届全国人民代表大会常务委员会第十次会议《关于修改部分法律的决定》修正)
- Law of the People's Republic of China on Control of Guns** (478)
 (Adopted at the 20th Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1996, amended in accordance with the Decision on Revising Certain Laws adopted at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009)
- 专职守护押运人员枪支使用管理条例** (492)
 (2002年7月27日中华人民共和国国务院令第356号公布 自公布之日起施行)
- Regulations on Administration of Use of Guns by Full-time Guards and Escorts** (492)
 (Promulgated by Decree No. 356 of the State Council of the People's Republic of China on July 27, 2002, and effective as of the date of promulgation)
- 中华人民共和国计算机信息系统安全保护条例** (498)
 (1994年2月18日中华人民共和国国务院令第147号发布 根据2011年1月8日《国务院关于废止和修改部分行政法规的决定》修订)
- Regulations of the People's Republic of China for Safety Protection of Computer Information Systems** (498)
 (Promulgated by Decree No. 147 of the State Council of the People's Republic of China on February 18, 1994, and amended according to the Decision of the State Council on Annuling and Amending Certain Administrative Regulations on January 8, 2011)
- 计算机信息网络国际联网安全保护管理办法** (503)
 (1997年12月11日国务院批准 1997年12月16日公安部令第33号发布 根据2011年1月8日《国务院关于废止和修改部分行政法规的决定》修订)
- Measures for Administration of Security Protection for International Interconnection of Computer-based Information Networks** (503)
 (Approved by the State Council on December 11, 1997, promulgated by Decree No. 33 of the Ministry of Public Security on December 16, 1997, and amended according to the Decision of the State Council on Annuling and Amending Certain Administrative Regulations on January 8, 2011)
- 烟花爆竹安全管理条例** (510)
 (2006年1月11日国务院第121次常务会议通过 2006年1月21日中华人民共和国国务院令第455号公布 自公布之日起施行)
- Regulations on Safety Administration of Fireworks and Firecrackers** (510)
 (Adopted at the 121st Executive Meeting of the State Council on January 11, 2006, promulgated by Decree No. 455 of the State Council of the People's Republic of China on January 21, 2006, and effective as of the date of promulgation)
- 民用爆炸物品安全管理条例** (525)
 (2006年4月26日国务院第134次常务会议通过 2006年5月10日中华人民共和国国务院令第466号公布 自2006年9月1日起施行)

- Regulations on Safety Administration of Civil Explosives** (525)
 (Adopted at the 134th Executive Meeting of the State Council on April 26, 2006, promulgated by Decree No. 466 of the State Council of the People's Republic of China on May 10, 2006, and effective as of September 1, 2006)
- 中华人民共和国监控化学品管理条例** (544)
 (1995 年 12 月 27 日中华人民共和国国务院令 第 190 号发布 根据 2011 年 1 月 8 日《国务院关于废止和修改部分行政法规的决定》修订)
- Regulations of the People's Republic of China on Administration of Controlled Chemicals** (544)
 (Promulgated by Decree No. 190 of the State Council of the People's Republic of China on December 27, 1995, and amended according to the Decision of the State Council on Annuling and Amending Certain Administrative Regulations on January 8, 2011)
- 易制毒化学品管理条例** (551)
 (2005 年 8 月 17 日国务院第 102 次常务会议通过 2005 年 8 月 26 日中华人民共和国国务院令 第 445 号公布 自 2005 年 11 月 1 日起施行)
- Regulations on Administration of Precursor Chemicals** (551)
 (Adopted at the 102nd Executive Meeting of the State Council on August 17, 2005, promulgated by Decree No. 445 of the State Council of the People's Republic of China on August 26, 2005, and effective as of November 1, 2005)

7. 消防

7. Fire Prevention

- 中华人民共和国消防法** (571)
 (1998 年 4 月 29 日第九届全国人民代表大会常务委员会第二次会议通过 2008 年 10 月 28 日第十一届全国人民代表大会常务委员会第五次会议修订通过 2008 年 10 月 28 日中华人民共和国主席令 第 6 号公布 自 2009 年 5 月 1 日起施行)
- Fire Protection Law of the People's Republic of China** (571)
 (Adopted at the 2nd Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 1998, revised at the 5th Meeting of the Standing Committee of the Eleventh National People's Congress on October 28, 2008, and promulgated by Order No. 6 of the President of the People's Republic of China on October 28, 2008, and effective as of May 1, 2009)

8. 禁毒

8. Drug Control

- 中华人民共和国禁毒法** (595)
 (2007 年 12 月 29 日第十届全国人民代表大会常务委员会第三十一次会议通过 中华人民共和国主席令 第 79 号公布 自 2008 年 6 月 1 日起施行)
- Anti-drug Law of the People's Republic of China** (595)
 (Adopted at the 31st Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2007, promulgated by Order No. 79 of the President of the People's Republic of China, and effective as of June 1, 2008)

(五) 交通安全

V. Safety of Transportation

- 中华人民共和国道路交通安全法** (613)

(2003 年 10 月 28 日第十届全国人民代表大会常务委员会第五次会议通过 根据 2007 年 12 月 29 日第十届全国人民代表大会常务委员会第三十一次会议《关于修改〈中华人民共和国道路交通安全法〉的决定》修正)

Law of the People's Republic of China on Road Traffic Safety (613)

(Adopted at the 5th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2003, amended according to the Decision on Amending the Law of the People's Republic of China on Road Traffic Safety adopted at the 31st Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2007)

中华人民共和国道路交通安全法实施条例 (647)

(2004 年 4 月 28 日国务院第 49 次常务会议通过 2004 年 4 月 30 日中华人民共和国国务院令 405 号公布 自 2004 年 5 月 1 日起施行)

Regulations for the Implementation of the Law of the People's Republic of China on Road Traffic Safety (647)

(Adopted at the 49th Executive Meeting of the State Council on April 28, 2004, and promulgated by Decree No. 405 of the State Council of the People's Republic of China on April 30, 2004, and effective as of May 1, 2004)

中华人民共和国海上交通安全法 (680)

(1983 年 9 月 2 日第六届全国人民代表大会常务委员会第二次会议通过 1983 年 9 月 2 日中华人民共和国主席令第 7 号公布 自 1984 年 1 月 1 日起施行)

Maritime Traffic Safety Law of the People's Republic of China (680)

(Adopted at the Second Meeting of the Standing Committee of the Sixth National People's Congress on September 2, 1983, promulgated by Order No. 7 of the President of the People's Republic of China on September 2, 1983, and effective as of January 1, 1984)

中华人民共和国内河交通安全管理条例 (690)

(2002 年 6 月 28 日中华人民共和国国务院令 355 号公布 根据 2011 年 1 月 8 日《国务院关于废止和修改部分行政法规的决定》修订)

Regulations of the People's Republic of China on Administration of Traffic Safety in Inland Waters (690)

(Promulgated by Decree No. 355 of the State Council of the People's Republic of China on June 28, 2002, and amended according to the Decision of the State Council on Annuling and Amending Certain Administrative Regulations on January 8, 2011)

中华人民共和国海上交通事故调查处理条例 (714)

(1990 年 1 月 11 日国务院批准 1990 年 3 月 3 日交通部令 14 号发布 自发布之日起施行)

Regulations of the People's Republic of China on the Investigation and Handling of Maritime Traffic Accidents (714)

(Approved by the State Council on January 11, 1990, promulgated by Decree No. 14 of the Ministry of Communications on March 3, 1990, and effective as of the date of promulgation)

中华人民共和国搜寻援救民用航空器规定 (724)

(1992 年 12 月 8 日国务院批准 1992 年 12 月 28 日中国民用航空总局令 29 号发布 自发布之日起施行)

Provisions of the People's Republic of China on Search and Rescue of Civil Aircraft (724)

(Approved by the State Council on December 8, 1992, promulgated by Decree No. 29 of