



THE LAWS
OF THE
PEOPLE'S REPUBLIC
OF CHINA

(1996)



**The Laws of
the People's Republic
of China
1996**

Compiled by
the Legislative Affairs Commission of
the Standing Committee of
the National People's Congress of
the People's Republic of China

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Publication Note

Under the guidance of the policy of promoting socialist democracy and building a sound socialist legal system formulated at the Third Plenary Session of the Eleventh Central Committee of the Chinese Communist Party, the National People's Congress and its Standing Committee have, since 1979, enacted many important laws. These laws have been compiled and published in succession by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China.

In order to acquaint readers abroad with China's laws and with what China has achieved in building a new legal system, the collections in Chinese entitled the Laws of the People's Republic of China, covering the period of 1979-1995, have been translated into English and published in seven volumes at the Foreign Languages Press and the Science Press. We are now publishing, as Volume 8, the English edition of The Laws of the People's Republic of China (1996) at the Law Publishing House. The publication note in the Chinese edition is not included.

This Volume (Vol. 8) includes the laws, decisions amending or supplementing the laws and other decisions regarding the laws that were adopted by the National People's Congress or its Standing Committee in 1996.

This English edition represents a collective effort by specialists in law and in English translation working under the aegis of the Legislative Affairs Commission of the Standing Committee of the National People's Congress. We wish to pay tribute to Gao Yunxiang and Jiang Guihua who revised and finalized the translations. Besides, a number of Chinese organizations provided the draft translations of the laws related to their

work, Jing Yunchuan, Xia Jihong and Zhao Zhenhong did much work in the translation and preparation of this Volume. We wish to express our sincere thanks to all the persons and organizations that contributed to the publication of this Volume.

In spite of the great care taken by the translators and editors to produce an accurate translation, shortcomings and oversights are hardly avoidable, and criticism from readers will be appreciated.

In case of discrepancy between the English translation and the original Chinese text, the Chinese edition of The Laws of the People's Republic of China Shall Prevail.

The laws to be formulated by the National People's Congress and its Standing Committee will be translated into English and published in forthcoming volumes.

Legislative Affairs Commission of
the Standing Committee of
the National People's Congress

May 1997

**The Laws of
the People's Republic
of China
1996**

Contents

1996

Martial Law of the People's Republic of China	3
Law of the People's Republic of China on Administrative Penalty	13
Decision of the National People's Congress on Revising the Criminal Procedure Law of the People's Republic of China	31
<i>Appendix: Criminal Procedure Law of the People's Republic of China</i>	63
Decision of the Standing Committee of the National People's Congress on Revising the Statistics Law of the People's Republic of China	115
<i>Appendix: Statistics Law of the People's Republic of China</i>	122
Decision of the Standing Committee of the National People's Congress on Revising the Law of the People's Republic of China on Prevention and Control of Water Pollution	133
<i>Appendix: Law of the People's Republic of China on Prevention and Control of Water Pollution</i>	143
Law of the People's Republic of China on Lawyers	159
Law of the People's Republic of China on Promoting the Transformation of Scientific and Technological Achievements	173
Vocational Education Law of the People's Republic of China	189
Auction Law of the People's Republic of China	199
Decision of the Standing Committee of the National People's Congress on the Revision of the Archives Law of the People's Republic of China	213
<i>Appendix: Archives Law of the People's Republic of China</i>	217

Law of the People's Republic of China on Control of Guns	225
Law of the People's Republic of China on Protection of the Rights and Interests of the Elderly	241
Decision of the Standing Committee of the National People's Congress on Revising the Mineral Resources Law of the People's Republic of China	253
<i>Appendix: Mineral Resources Law of the People's Republic of China</i>	261
Law of the People's Republic of China on the Coal Industry	275
Law of the People's Republic of China on Township Enterprises	293
Law of the People's Republic of China on Prevention and Control of Environmental Noise Pollution	305
Civil Air Defense Law of the People's Republic of China	323
Measures for Election of Deputies from the Chinese People's Liberation Army to the National People's Congress and Local People's Congresses at or Above the County Level	337
Law of the People's Republic of China on Garrisoning the Hong Kong Special Administrative Region	351
Decision of the National People's Congress on Authorizing the People's Congresses of Shantou City and Zhuhai City and their Standing Committees and the People's Governments of Shantou City and Zhuhai City to Formulate Regulations and Rules Respectively for Implementation in the Shantou and Zhuhai Special Economic Zones	361
Interpretation by the Standing Committee of the National People's Congress on Some Questions Concerning Implementation of the Nationality Law of the People's Republic of China in the Hong Kong Special Administrative Region	363
Resolution of the Standing Committee of the National People's Congress on Continued Dissemination of and Education in the Legal System	365

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Order of the President of the People's Republic of China

No. 61

The Martial Law of the People's Republic of China, adopted at the 18th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on March 1, 1996, is hereby promulgated and shall enter into force as of the date of promulgation.

**Jiang Zemin
President of the People's Republic of China**

March 1, 1996

Martial Law of the People's Republic of China

(Adopted at the 18th Meeting of the Standing Committee of the Eighth National People's Congress on March 1, 1996, promulgated by Order No. 61 of the President of the People's Republic of China on March 1, 1996, and effective as of March 1, 1996)

Contents

<i>Chapter</i>	<i>I</i>	General Provisions
<i>Chapter</i>	<i>II</i>	Execution of Martial Law
<i>Chapter</i>	<i>III</i>	Measures for Executing Martial Law
<i>Chapter</i>	<i>IV</i>	Functions and Duties of Martial-law-enforcing Officers
<i>Chapter</i>	<i>V</i>	Supplementary Provisions

Chapter I

General Provisions

Article 1 This Law is enacted in accordance with the Constitution of the People's Republic of China.

Article 2 The State may decide to apply martial law when such state of emergency as unrest, rebellion or grave riot occurs which seriously endangers unification and security of the State or public security and under which public order cannot be maintained and safety of people's lives and property cannot be ensured unless extraordinary measures are taken.

Article 3 When it is necessary to impose martial law in the country as a whole or in an individual province, autonomous region or municipality

directly under the Central Government, the matter shall be submitted by the State Council to the Standing Committee of the National People's Congress for decision; the President of the People's Republic of China shall, in accordance with the decision made by the Standing Committee of the National People's Congress, proclaim the order of martial law.

When it is necessary to impose martial law in part(s) of a province, autonomous region or municipality directly under the Central Government, the matter shall be decided on by the State Council, and the Premier of the State Council shall proclaim the order of martial law.

Article 4 In order to guarantee execution of martial law and preserve public security and public order during the period of martial law, the State may, in accordance with this Law, lay down special rules and regulations regarding the citizens' exercising of their rights and freedom as stipulated by the Constitution and laws in the area under martial law.

Article 5 The people's government of the area under martial law shall, in conformity with this Law, adopt measures necessary for bringing public order to normal as soon as possible and ensuring safety of people's lives and property and supply of their daily necessities.

Article 6 All organizations and individuals in the area under martial law shall strictly observe the order of martial law and the rules and regulations for executing the order of martial law and actively assist the people's government in bringing public order to normal.

Article 7 With regard to the organizations and individuals that observe the order of martial law and the rules and regulations for executing the order of martial law, the State adopts effective measures to protect their lawful rights and interests from encroachment.

Article 8 Martial law tasks shall be performed by the People's Police and the People's Armedpolice. When necessary, the State Council may make a suggestion to the Central Military Commission that it decide to dispatch troops of the People's Liberation Army to help perform the martial law tasks.

Chapter II

Execution of Martial Law

Article 9 The State Council shall organize execution of martial law

in the country as a whole or in an individual province, autonomous region or municipality directly under the Central Government.

The people's government of a province, autonomous region or municipality directly under the Central Government shall organize execution of martial law in part(s) of the province, autonomous region or municipality directly under the Central Government; when necessary, the State Council may directly organize the execution thereof.

The organ that organizes execution of martial law is referred to as martial-law-executing organ.

Article 10 The martial-law-executing organ shall set up a martial law command, which shall coordinate actions taken by the units concerned to fulfill martial law tasks and shall work out unified plans and measures for enforcing martial law.

The units of the People's Liberation Army assigned with martial law tasks shall, in carrying out the unified plans of the martial law command, be directed by a military organ designated by the Central Military Commission.

Article 11 In an order of martial law such matters as the territorial scope under the martial law, the time the martial law begins to be enforced and the organ that executes it shall be stipulated.

Article 12 As soon as the state of emergency as cited in Article 2 of this Law, for which martial law is enforced, is eliminated, the martial law shall be lifted.

The procedure for lifting the martial law is the same as the procedure for deciding to impose it.

Chapter III

Measures for Executing Martial Law

Article 13 During the period of martial law, the martial-law-executing organ may decide to take the following measures in the area under martial law and may also adopt specific execution methods:

- (1) to ban or restrict assembly, procession, demonstration, street speeches, and other mass activities;
- (2) to ban strikes of workers, shop assistants and students;
- (3) to impose press embargo;
- (4) to enforce control over communications, postal services and telecommunications;

- (5) to enforce control over entry into and exit from the country; and
- (6) to ban any activities against the martial law.

Article 14 During the period of martial law, the martial-law-executing organ may decide on measures to impose traffic control in the area under martial law, restricting entry and exit of the area under traffic control and checking the papers, vehicles and other things of people entering or leaving such an area.

Article 15 During the period of martial law, the martial-law-executing organ may decide to impose a curfew in the area under martial law. During the curfew, people passing through the streets or other public places in the area under curfew must carry their identification papers and special passes issued by the martial-law-executing organ.

Article 16 During the period of martial law, the martial-law-executing organ or the martial law command may adopt special measures to control the following things in the area under martial law:

- (1) weapons and ammunition;
- (2) knives under control;
- (3) inflammable or explosive goods; and
- (4) hazardous chemicals, radioactives, deadly poisons, etc.

Article 17 Where it is necessary for fulfilling tasks of martial law, the people's government at or above the county level in the area under martial law may temporarily requisition houses, places, facilities, means of transport, engineering machinery, etc. of State organs, enterprises, institutions, public organizations and individual citizens. Under conditions of unusual emergencies, on-the-spot commanders of the People's Police, the People's Armed-police and the People's Liberation Army may make immediate decisions on temporary requisition of things, and the local people's government shall give assistance. A receipt of the things requisitioned shall be made out.

The things temporarily requisitioned, as prescribed in the preceding paragraph, shall be returned to the owner immediately after their use or after the martial law is lifted. The things that are damaged shall be compensated, as appropriate, by the people's government at or above the county level in accordance with relevant regulations of the State.

Article 18 During the period of martial law, measures shall be taken to mount rigid guard over the following units and places in the area under martial law.

- (1) headquarters;
- (2) military organs and key military facilities and installations;
- (3) foreign embassies and consulates in China, representative agencies