



THE LAWS  
OF THE  
PEOPLE'S REPUBLIC  
OF CHINA

(2000)

# **The Laws of the People's Republic of China 2000**

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

**LAW PRESS • CHINA  
BEIJING, CHINA**

First Edition 2001

ISBN 7-5036-3512-6/D·3229(外)  
Copyright 2001 by Law Press·China

All rights reserved. No part of this book may be  
reproduced or transmitted in any form  
or by any means without permission  
in writing from the copyright owner.

Published by  
Law Press·China

*Printed in the People's Republic of China*

**The Laws of  
the People's Republic  
of China  
2000**

## 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—1999, have been translated into English and published in eleven volumes at the Foreign Languages Press, the Science Press, and Law Press·China respectively. We are now publishing, as Volume 12, the English edition of The Laws of the People's Republic of China (2000) at Law Press·China. The publication note in the Chinese edition is not included.

This Volume (Vol. 12) 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 2000.

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 Jiang Guihua and Huang Jinqi 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 Liu Xiangwen 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

*August 2001*

## Contents

### 2000

Legislation Law of the People's Republic of China	3
Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution	29
Decision of the Standing Committee of the National People's Congress on Revision of the Law of the People's Republic of China on Product Quality	51
<i>Appendix</i> : Law of the People's Republic of China on Product Quality	64
Seed Law of the People's Republic of China	83
Decision of the Standing Committee of the National People's Congress on Revision of the Customs Law of the People's Republic of China	105
<i>Appendix</i> : Customs Law of the People's Republic of China	125
Decision of the Standing Committee of the National People's Congress on Revision of the Patent Law of the People's Republic of China	151
<i>Appendix</i> : Patent Law of the People's Republic of China	163
Law of the People's Republic of China on the Standard Spoken and Written Chinese Language	181
Decision of the Standing Committee of the National People's Congress on Revision of the Fisheries Law of the People's Republic of China	189
<i>Appendix</i> : Fisheries Law of the People's Republic of China	199
Decision of the Standing Committee of the National People's Congress on Revision of the Law of the People's Republic of China on the Protection of the Rights and Interests of	

Returned Overseas Chinese and the Family Members of Overseas Chinese	211
<i>Appendix</i> : Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese	218
Decision of the Standing Committee of the National People's Congress on Revision of the Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures	225
<i>Appendix</i> : Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures	228
Decision of the Standing Committee of the National People's Congress on Revision of the Law of the People's Republic of China on Foreign-Capital Enterprises	235
<i>Appendix</i> : Law of the People's Republic of China on Foreign-Capital Enterprise	238
Extradition Law of the People's Republic of China	243
Decision of the Standing Committee of the National People's Congress on Revision of the Regulations of the Chinese People's Liberation Army on the Military Service of Officers in Active Service	261
<i>Appendix</i> : Law of the People's Republic of China on Officers in Active Service	271
Interpretation of the Standing Committee of the National People's Congress on the Second Paragraph of Article 93 of the Criminal Law of the People's Republic of China	285
Decision of the Standing Committee of the National People's Congress on Tightening Supervision over Economic Work	287
Decision of the Standing Committee of the National People's Congress on Preserving Computer Network Security	291



**2 0 0 0**



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

**No.31**

**The Legislation Law of the People's Republic of China, adopted by the 3rd Session of the Ninth National People's Congress of the People's Republic of China on March 15, is hereby promulgated and shall go into effect as of July 1, 2000.**

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

**March 15, 2000**



# Legislation Law of the People's Republic of China

( Adopted at the 3rd Session of the Ninth National  
People's Congress on March 15, 2000 )

## Contents

<i>Chapter I</i>	General Provisions
<i>Chapter II</i>	Laws
<i>Section 1</i>	<i>Limits of Legislative Power</i>
<i>Section 2</i>	<i>Legislation Procedures for the National People's Congress</i>
<i>Section 3</i>	<i>Legislation Procedures for the Standing Committee of the National People's Congress</i>
<i>Section 4</i>	<i>Legal Interpretation</i>
<i>Section 5</i>	<i>Other Provisions</i>
<i>Chapter III</i>	Administrative Regulations
<i>Chapter IV</i>	Local Regulations, Autonomous Regulations, Separate Regulations and Rules
<i>Section 1</i>	<i>Local Regulations, Autonomous Regulations and Separate Regulations</i>
<i>Section 2</i>	<i>Rules</i>
<i>Chapter V</i>	Application and Record
<i>Chapter VI</i>	Supplementary Provisions

## *Chapter I*

### General Provisions

**Article 1** This Law is enacted in accordance with the Constitution with a view to standardizing legislation , establishing a sound legislative

system of the State, establishing and improving the socialist legal system with Chinese characteristics, safeguarding and developing socialist democracy, promoting the government of the country according to law and building a socialist country under the rule of law.

**Article 2** This Law shall be applicable to the enactment, revision and nullification of laws, administrative regulations, local regulations, autonomous regulations and separate regulations.

The rules of the departments under the State Council and of the local governments shall be formulated, revised and nullified in accordance with the relevant provisions of this Law.

**Article 3** Laws shall be made in compliance with the basic principles laid down in the Constitution, principles of taking economic development as the central task, adhering to the socialist road and the people's democratic dictatorship, upholding leadership by the Communist Party of China, upholding Marxism-Leninism, Mao Zetong Thought and Deng Xiaoping theory and persevering in reform and in opening to the outside world.

**Article 4** Laws shall be made in accordance with the statutory limits of power and procedures, on the basis of the overall interests of the State and for the purpose of safeguarding the uniformity and dignity of the socialist legal system.

**Article 5** Laws shall be made in order to embody the will of the people, enhance socialist democracy and guarantee that the people participate in legislative activities through various channels.

**Article 6** Law shall be made by proceeding from reality and scientifically and rationally prescribing the rights and duties of citizens, legal persons and other organizations, and the powers and responsibilities of State organs.

## *Chapter II*

### **Laws**

#### *Section 1*

#### **Limits of Legislative Power**

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

The National People's Congress enacts and amends basic laws governing criminal offences, civil affairs, the State organs and other matters.

The Standing Committee of the National People's Congress enacts and amends laws other than the ones to be enacted by the National People's Congress, and when the National People's Congress is not in session, partially supplements and amends laws enacted by the National People's Congress, but not in contradiction to the basic principles of such laws.

**Article 8** The following affairs shall only be governed by law:

- (1) affairs concerning State sovereignty;
- (2) formation, organization, and the functions and powers of the people's congresses, the people's governments, the people's courts and the people's procuratorates at all levels;
- (3) the system of regional national autonomy, the system of special administrative region, the system of self-government among people at the grassroots level;
- (4) criminal offences and their punishment;
- (5) mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person;
- (6) requisition of non-State-owned property;
- (7) basic civil system;
- (8) basic economic system and basic systems of finance, taxation, customs, banking and foreign trade;
- (9) systems of litigation and arbitration; and
- (10) other affairs on which laws must be made by the National People's

Congress or its Standing Committee.

**Article 9** If laws have not been enacted on the affairs specified in Article 8 of this Law, the National People's Congress or its Standing Committee has the power to make a decision to authorize the State Council to formulate, according to actual needs, administrative regulations first on part of those affairs, except for the affairs concerning criminal offences and their punishment, mandatory measures and penalties involving deprivation of citizens of their political rights or restriction of the freedom of their person, and the judicial system.

**Article 10** in a decision on authorization, the purpose and scope of the authorization shall be clearly defined.

The authorization organ shall exercise the power strictly in compliance with the authorized purpose and scope.

The authorized organ may not impart the authorized power to any other organs.

**Article 11** After the administrative regulations on an affair formulated under authorization have been tested in practice and when the conditions are ripe for making a law on the affair, the National People's Congress or its Standing Committee shall make a law on it in a timely manner. As soon as the law is made, the authorization with regard to that matter shall be terminated accordingly.

## *Section 2*

### **Legislation Procedures for the National People's Congress**

**Article 12** The Presidium of the National People's Congress may submit to the National People's Congress legislative bills, which shall be deliberated by the session of the National People's Congress.

The Standing Committee of the National People's Congress, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate and the special committees of the National People's Congress may submit to the National People's Congress legislative bills, which shall be put on the agenda of a session by decision of the Presidium.

**Article 13** A delegation or a group of thirty or more deputies may submit a legislative bill to the National People's Congress. The Presidium



shall decide whether or not to put it on the agenda of the session, or shall refer do so after referring the bill to a relevant special committee for deliberation and for making a proposal as to whether to put it on the agenda.

When the special committee holds a meeting to deliberate the bill, it may invite the sponsoring person to attend the meeting and express opinions.

**Article 14** A legislative bill to be submitted to the National People's Congress may be submitted first to the Standing Committee when the National People's Congress is not in session, and after the Standing Committee has deliberated on it at its meetings in accordance with the procedures stipulated in Section 3 of Chapter II of this Law and decides to submit it to the National People's Congress for deliberation, the Standing Committee or the sponsor shall make explanations to a plenary meeting of the session.

**Article 15** When the Standing Committee decides to submit a legislative bill to a session of the National People's Congress for deliberation, it shall distribute the draft bill to the deputies one month before the session is convoked.

**Article 16** The legislative bill that has been placed on the agenda of a session of the National People's Congress shall be deliberated on by all the delegations after the explanation made by the sponsor has been heard at a plenary meeting of the session.

When the delegations are deliberating on a legislative bill, the sponsor shall send people to listen to their opinions and answer inquiries.

When the delegations are deliberating on a legislative bill, the relevant organ or organization shall, at the request of the delegations, send people to give briefings therefor.

**Article 17** The legislative bill that has been placed on the agenda of a session of the National People's Congress shall be deliberated by the relevant special committee which shall submit its deliberated opinions to the Presidium, and the opinions shall also be printed and distributed at the session.

**Article 18** The legislative bill that has been placed on the agenda of a session of the National People's Congress shall be subject to a unified deliberation by its Law Committee on the basis of the deliberated opinions of the various delegations and the relevant special committee. The Law Committee shall submit to the Presidium a report on the result of its deliberation and a revised draft law; major dissenting views shall be stated in the report. After examination and approval by the Presidium, the report