


2011年 广州市政府规章汇编 (中英文对照本)

**Compilation of Government
Regulations of Guangzhou Municipality
2011(Chinese-English)**


广州市人民政府法制办公室 编

广州新华出版发行集团
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2. This Compilation includes 11 regulations promulgated by the People's Government of Guangzhou Municipality from January 2011 to December 2011.

3. The Chinese version of the Compilation was printed and distributed by the General Office of the People's Government of Guangzhou Municipality. The translation and finalization of the English version was organized by the Legislative Affairs Office of the People's Government of Guangzhou Municipality. Where there is any disagreement between the Chinese and English versions, the Chinese text shall be regarded as the standard.

**Editorial and Examination Committee,
The Legislative Affairs Office of the People's
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编辑说明

一、按照国务院法制办对法规、规章译审工作的要求，广州市人民政府法制办公室组织编辑了《2011 年广州市政府规章汇编（中英文对照本）》。

二、本书收录了 2011 年 1 月至 2011 年 12 月广州市人民政府公布的规章 11 件。

三、本汇编中文文本由广州市人民政府办公厅印发，英文文本由广州市人民政府法制办公室组织翻译、审定。凡英文与中文原文表述不一致的，以中文文本为准。

广州市人民政府法制办公室编审委员会

二〇一三年五月

CONTENTS

目 录

Decree of the People's Government of Guangzhou Municipality

No. 51 (1)

Measures of Guangzhou Municipality for the Audit of Government-Invested
Projects (2)

广州市人民政府令 第 51 号 (15)

广州市政府投资项目审计办法 (16)

Decree of the People's Government of Guangzhou Municipality

No. 52 (24)

Provisions of Guangzhou Municipality on Administration of Normative
Administrative Documents (25)

广州市人民政府令 第 52 号 (40)

广州市行政规范性文件管理规定 (41)

Decree of the People's Government of Guangzhou Municipality

No. 53 (50)

Interim Provisions of Guangzhou Municipality for Separate Management of
Municipal Solid Waste (51)

广州市人民政府令 第 53 号 (62)

广州市城市生活垃圾分类管理暂行规定 (63)

Decree of the People's Government of Guangzhou Municipality

No. 54 (70)

Measures of Guangzhou Municipality for the Implementation of Supporting the Army and Giving Preferential Treatment to the Families of Servicepersons and Martyrs	(71)
广州市人民政府令 第 54 号	(80)
广州市拥军优属实施办法	(81)
Decree of the People's Government of Guangzhou Municipality	
No. 55	(86)
Provisions of Guangzhou Municipality for Expanding the Regulatory Powers of Districts and County-Level Cities	(87)
广州市人民政府令 第 55 号	(102)
广州市扩大区县级市管理权限规定	(103)
Decree of the People's Government of Guangzhou Municipality	
No. 56	(111)
Decision Concerning the Modification of the Measures of Guangzhou Municipality for Civil Air Defense Administration	(112)
广州市人民政府令 第 56 号	(132)
关于修改《广州市人民防空管理办法》的决定	(133)
Decree of the People's Government of Guangzhou Municipality	
No. 57	(145)
Provisions of Guangzhou Municipality on Work Safety Administration (for Trial Implementation)	(146)
广州市人民政府令 第 57 号	(161)
广州市安全生产管理规定 (试行)	(162)
Decree of the People's Government of Guangzhou Municipality	
No. 58	(171)
Rules of Guangzhou Municipality for Urban Administration and Comprehensive Law Enforcement	(172)
广州市人民政府令 第 58 号	(183)
广州市城市管理综合执法细则	(184)

Decree of the People's Government of Guangzhou Municipality

No. 59	(191)
Provisions of Guangzhou Municipality for Urban and Rural Planning Procedures	(192)
广州市人民政府令 第 59 号	(231)
广州市城乡规划程序规定	(232)

Decree of the People's Government of Guangzhou Municipality

No. 60	(254)
Provisions of Guangzhou Municipality on Local Records Work	(255)
广州市人民政府令 第 60 号	(264)
广州市地方志工作规定	(265)

Decree of the People's Government of Guangzhou Municipality

No. 61	(271)
Measures of Guangzhou Municipality on the Administration of Underground Space Development and Utilization	(272)
广州市人民政府令 第 61 号	(290)
广州市地下空间开发利用管理办法	(291)

Decree of the People's Government of Guangzhou Municipality

No. 51

The Measures of Guangzhou Municipality for the Audit of Government-Invested Projects have been adopted after deliberation at the 129th Executive Meeting of the 13th People's Government of Guangzhou Municipality on December 27, 2010, are hereby promulgated and shall become effective on March 1, 2011.

Wan Qingliang
Mayor of Guangzhou Municipality
January 13, 2011

Measures of Guangzhou Municipality for the Audit of Government-Invested Projects

Article 1 These Measures are formulated in accordance with the Audit Law of the People's Republic of China, the Regulations of the People's Republic of China for Implementing the Audit Law and other relevant laws and regulations, in light of the specific situation of the Municipality, and with a view to strengthening the audit of and supervision over government-invested projects, regulating investment activities, and improving investment returns.

Article 2 These Measures are applicable to the audit of government-invested projects in the Municipality by auditing organs at all levels of the Municipality.

Article 3 For the purposes of these Measures, government-invested projects refer to those construction projects invested by governments and those invested mainly by governments, including:

(1) Those construction projects completely financed from fiscal budget funds, government special construction funds, government debt funds, and other fiscal funds;

(2) Those construction projects that are not completely financed from fiscal funds, provided that fiscal funds account for over fifty percent (50%) of the total investment in projects, or those projects the construction and operation of which are actually controlled by the government if fiscal funds account for less than fifty percent (50%) of the total investment;

(3) Those public or public-welfare construction projects using funds donated by the public, aid or loan funds from international organizations or foreign governments or such public-welfare funds as funds from welfare lottery or sports lottery, provided that the construction and operation of such projects are actually controlled by the government; and

(4) Other government-invested project as provided in laws, regulations and rules.

Article 4 For projects where funds at the municipal level play a leading role, audit supervision shall be done by the municipal auditing organ; for projects where funds of a district or county-level city play a leading role, audit supervision shall be done by the auditing organ of the district or county-level city; if audit jurisdiction is disputed, then the unit of competent audit jurisdiction shall be determined by the municipal auditing organ.

The auditing organ may delegate the power to audit projects under its audit jurisdiction to the auditing organ of a district or county-level city, or directly audit any project that falls under the audit jurisdiction of the auditing organ of a district or county-level city.

Article 5 The audit of government-invested projects shall be administered in a planned way.

Each auditing organ shall, in accordance with the provisions of laws, regulations and rules and, as required by the people's government at the corresponding level and its superior auditing organ, determine the priority of the annual audit work, list those government-invested projects proposed to be audited in its annual project audit plans, and carry on audit work in a planned way.

The auditing organ shall, within seven (7) business days from the date when an annual project audit plan is determined, notify the competent department in charge and the owner entity of each government-invested project listed in the plan.

Article 6 The funds necessary for an auditing organ to perform its duty of audit supervision over government-invested projects shall be listed in the fiscal budgets and shall be provided by the people's government at the corresponding level.

The auditing organ of the Municipality or of a district or county-level city shall, based on the actual needs of government-invested project audit and in accordance with the budget preparation requirements of the competent department of finance at the corresponding level, submit to the department of finance a request for funds necessary for retaining persons with professional knowledge with respect to audit matters. The auditing organ shall plan and arrange such funds in

its annual budget, depending on actual local situation.

Article 7 To implement the audit of a government-invested project, an auditing organ may employ persons with relevant professional knowledge and skills with respect to audit matters to participate in the audit.

An auditing organ shall strengthen their supervision over and administration of those persons employed by it, and shall be liable for the authenticity and legality of audit results.

If a professional person employed by an auditing organ is in one of the following circumstances, then he or she shall not participate in the audit:

(1) Having a spousal relationship, direct blood relationship, kinship relationship by blood within three generations as well as close in-law relationship by marriage with the principal and other related persons in charge of the entity to be audited;

(2) Having an economic interest in the entity to be audited or project to be audited; or

(3) Having other interest in the entity to be audited or project to be audited, which may affect the results of audit.

Article 8 Such relevant departments as departments of development and reform, departments of construction, and departments of finance shall, according to their respective functions and duties, assist auditing organs in implementing audit supervision over government-invested projects.

When formulating or adjusting any annual project plan or plan for the implementation of project construction and management, such relevant departments as departments of development and reform and departments of construction shall notify the auditing organ of the investment size and standards for a construction project, the annual investment arrangements, the description and estimates of construction, and other relevant information.

If the competent department of finance conducts a fiscal appraisal of a government-invested project, then upon completion of such appraisal, a copy of the appraisal results shall be simultaneously sent to the auditing organ.

The auditing organ shall, jointly with the competent authority in charge of

the government-invested project, establish an information sharing and collaboration mechanism for the government-invested project audit work. The information sharing and collaboration mechanism covers exchanging relevant information in government-invested project audit work, circulating a notice of outstanding issues and serious violations and irregularities found in government-invested project audit work, and inspection of compliance with audit results, and so on.

Article 9 The audited entity shall assist the auditing organ in carrying out government-invested project audit, provide necessary working conditions for the auditing organ, and provide materials with respect to the government-invested project concerned, in accordance with such time limit and requirements as stipulated.

Article 10 The entity audited and such units directly involved in a government-invested project as those engaged in construction contracting, survey, design, bidding invitation, inspection and testing, construction, supervision, purchasing and supply shall, as required by the competent auditing organ, provide the following materials with respect to the government-invested project concerned, shall not refuse, delay, conceal facts or provide false information, and shall be liable for the authenticity and integrity of materials submitted thereby:

(1) Project proposals, feasibility study reports, environmental impact assessment reports, general explanation of preliminary design, preliminary design and estimates, estimate adjustments, materials on budget preparation, construction commencement reports and other relevant materials, as well as approvals issued by relevant government departments;

(2) The annual investment plan, land use approval, land use permit, building permit and other permits for the construction project;

(3) Materials regarding bid invitation and bidding in terms of design, construction, supervision, purchasing, consulting, agency, demolition and relocation for land acquisition, etc., and copies of relevant contracts and agreements;

(4) Design, shop drawings, construction schemes, shop drawing review documents, design changes and other relevant materials;

(5) Inspection and acceptance records of concealed works, inspection and acceptance records of the main structure of the project, material inspection reports, equipment inspection reports, and construction quality inspection reports, as well as materials regarding construction schedule, measurement and payment, field sign-offs, project payment settlement;

(6) Materials regarding internal audit and internal control rules, and annual audit reports issued by non-government intermediary agencies;

(7) Financial and accounting statements, accounting books, accounting vouchers, and other accounting materials;

(8) Construction quality acceptance documents, preliminary inspection and acceptance reports upon completion of construction, final inspection and acceptance reports, final accounting reports and final accounting statements, list of assets handed over, details of assets handed over and other relevant materials;

(9) Final accounting reports and final accounting statements examined and approved by the department of finance at the corresponding level; and

(10) Other materials as required by laws, regulations and rules.

Article 11 When auditing a government-invested project, the auditing organ shall exercise the following powers according to law:

(1) The power to require the audited entity to provide materials, assets, electronic data and computer information system, etc. with respect to government-invested project audit work;

(2) The power to inspect the audited entity's materials, assets, electronic data and computer information system, etc. with respect to government-invested project audit;

(3) The power to conduct an investigation into relevant units and individuals about issues and circumstances with respect to government-invested project audit, and the power to obtain relevant supporting materials;

(4) The power to make enquiry into the audited entity's accounts with financial institutions, with the approval by the people's government concerned at

the county level or above;

(5) The power to make enquiry into the audited entity's funds deposited in an individual's name with any financial institution with the approval by the principal officer of the auditing organ of the people's government concerned at the county level or above, if there is evidence to prove that the audited entity's funds have been deposited in an individual's name;

(6) The power to stop the entity being audited from transferring, concealing, altering or destroying any accounting vouchers, accounting books, financial accounting reports or other materials pertinent to fiscal revenues and expenditures and/or financial revenues and expenditures, or from transferring or concealing the assets obtained from violation of the provisions of the State; the power to seal relevant materials and assets obtained from violation of the provisions of the State if necessary and with the approval by the principal officer of the auditing organ of the people's government concerned at the county level or above, provided that a request shall be filed with a people's court of competent jurisdiction if it is necessary to freeze relevant funds deposited with a financial institution;

(7) The power to stop the audited entity from committing any act in connection with fiscal or financial revenue or expenditure that violates any provisions of the State. In case of failure to effectively stop such an act, a notice shall, with the approval by the principal officer of the auditing organ of the people's government concerned at the county level or above, be given to the competent department of finance and other competent authorities requesting a suspension of any appropriation of funds directly related to the act; if the funds have been appropriated, the use thereof shall be suspended; and

(8) Other powers granted by laws, regulations and rules.

When an auditing organ exercises any of its powers set forth in the previous paragraph according to law, no unit or individual may refuse or obstruct.

Article 12 The execution of master budgets or estimates of government-invested projects, the execution of annual budgets, and the authenticity, legality and efficiency of annual final accounts, single construction settlement and final