Administrative Penalty Law of the People’s Republic of China

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Adopted at the Fourth Session of the Eighth National People's Congress on March 17, 1996

Amended in accordance with the Decision on Amending the Administrative Penalty Law of the People's Republic of China adopted at the 11th Session of the Standing Committee of the Eleventh National People's Congress on August 27, 2009; revised at the 25th Session of the Standing Committee of the Thirteenth National People's Congress on January 22, 2021

Effective: July 15, 2021

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of regulating the establishment and implementation of administrative penalties, safeguarding and supervising the effective exercise of administrative functions by administrative organs, safeguarding the public interest and social order, and protecting the lawful rights and interests of citizens, legal persons, or other organizations.

Article 2 — The term "administrative penalty" means an act whereby an administrative organ imposes, in accordance with law, a penalty by way of reducing the rights and interests or adding obligations on a citizen, legal person, or other organization that has violated the administrative order.

Article 3 — Where there is no legal basis or the statutory procedures are not followed, an administrative penalty shall be null and void.

Article 4 — Citizens, legal persons, or other organizations that violate the administrative order shall be subject to administrative penalties in accordance with law. The establishment and implementation of administrative penalties shall be based on facts and commensurate with the facts, nature, circumstances, and degree of social harm of the violation. Where the violation is minor and promptly rectified, and no harmful consequences have been caused, no administrative penalty shall be imposed. Where a party violates the law for the first time and the harmful consequences are minor and rectified promptly, no administrative penalty may be imposed. Where a party has sufficient evidence to prove that there is no subjective fault, no administrative penalty shall be imposed, except as otherwise provided by laws or administrative regulations. Provisions on administrative penalties for violations shall be publicized; unpublished provisions shall not serve as the basis for administrative penalties.

Article 5 — The implementation of administrative penalties and the rectification of violations shall be combined, so that citizens, legal persons, or other organizations shall consciously abide by the law.

Article 6 — Citizens, legal persons, or other organizations shall have the right to make statements and defend themselves where they are subject to administrative penalties imposed by administrative organs. Where a party is dissatisfied with an administrative penalty, it shall have the right to apply for administrative reconsideration or institute administrative litigation in accordance with law. Where the lawful rights and interests of a party are infringed upon due to an illegally imposed administrative penalty by an administrative organ, the party shall have the right to claim compensation in accordance with law.

Article 7 — Where citizens, legal persons, or other organizations have received administrative penalties for their violations and their acts cause damage to others, they shall bear civil liability in accordance with law. Where a violation is serious enough to constitute a crime, criminal liability shall be pursued in accordance with law, and no administrative penalty shall be substituted for criminal punishment.

Chapter II — Types and Establishment of Administrative Penalties

Article 8 — Types of administrative penalties shall include: warning, notification of criticism; fine, confiscation of illegal gains, or confiscation of illegal property; temporary withholding of a permit or license, downgrading of qualifications, or revocation of a permit or license; restriction of production or business operation, order to suspend production or business operation, order to close down, or restriction of employment; administrative detention; and other administrative penalties prescribed by laws and administrative regulations.

Article 9 — Laws may establish various types of administrative penalties. Administrative penalties involving restriction of personal freedom shall be established only by law.

Article 10 — Administrative regulations may establish administrative penalties other than restriction of personal freedom. Where it is necessary to make specific provisions on administrative penalties prescribed by law, such provisions shall be made in administrative regulations within the scope of the acts and types of administrative penalties and the extent of fines as prescribed by law. Where the law has not yet been enacted on a violation of the administrative order, administrative regulations may establish administrative

penalties other than restriction of personal freedom, and the types of administrative penalties and the extent of fines as prescribed by this Law may be supplemented; however, the types of administrative penalties and the extent of fines to be supplemented shall be formulated by departmental rules of the State Council after hearing the opinions of the relevant parties.

Article 11 — Local regulations may establish administrative penalties other than restriction of personal freedom and revocation of a business license. Where it is necessary to make specific provisions on administrative penalties prescribed by laws or administrative regulations, such provisions shall be made in local regulations within the scope of the acts and types of administrative penalties and the extent of fines as prescribed by laws or administrative regulations. Where no laws or administrative regulations have been enacted on a violation of the administrative order, local regulations may establish administrative penalties other than restriction of personal freedom and revocation of a business license, and the types of administrative penalties and the extent of fines as prescribed by this Law may be supplemented; however, the types of administrative penalties and the extent of fines to be supplemented shall be examined by the standing committee of the people's congress at the same level.

Article 12 — Departmental rules of the State Council may, within the scope of the acts, types, and extent as prescribed by laws and administrative regulations, make specific provisions on administrative penalties. Where no laws or administrative regulations have been enacted, departmental rules of the State Council may establish administrative penalties in the form of warning, notification of criticism, or fines. The limit of fines shall be prescribed by the State Council. No other normative document may establish administrative penalties.

Article 13 — Local government rules may, within the scope of the acts, types, and extent as prescribed by laws and regulations, make specific provisions on administrative penalties. Where no laws or regulations have been enacted, local government rules may establish administrative penalties in the form of warning, notification of criticism, or fines. The limit of fines shall be prescribed by the standing committees of the people's congresses of provinces, autonomous regions, or municipalities directly under the Central Government.

Article 14 — No administrative penalty may be established by a normative document other than those specified in Articles 9 to 13 of this Law.

Article 15 — When formulating departmental rules or local government rules, the State Council and the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government shall regularly organize the evaluation of the necessity of the types of administrative penalties and the extent of fines established in the rules and, where inappropriate, recommend amendments or abolition.

Article 16 — Where administrative penalties are to be established in laws, regulations, or rules as required by this Law, the necessity and appropriateness of establishing the penalties shall be evaluated in the drafting stage, and opinions shall be extensively solicited.

Chapter III — Organizations Implementing Administrative Penalties

Article 17 — Administrative penalties shall be implemented by administrative organs that have the power to impose administrative penalties within the scope of their statutory functions and duties.

Article 18 — The State shall implement a system of comprehensive administrative law enforcement in such fields as urban management, market regulation, ecological environment, cultural markets, transportation, emergency management, and agriculture, and relatively concentrate the power to impose administrative penalties. The State Council or the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government authorized by the State Council may decide on an administrative organ to exercise the power to impose administrative penalties of the relevant administrative

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organs. Administrative penalties involving restriction of personal freedom may be exercised only by the public security organs and other organs prescribed by law.

Article 19 — Where an administrative organ is authorized by laws or regulations to exercise the power to impose administrative penalties, it shall implement administrative penalties within the scope of the statutory authorization.

Article 20 — An administrative organ may, within the scope of its statutory authority, entrust an organization that meets the requirements prescribed in Article 21 of this Law with the implementation of administrative penalties in accordance with the provisions of laws, regulations, or rules. An administrative organ shall not entrust other organizations or individuals with the implementation of administrative penalties. The entrusting administrative organ shall be responsible for overseeing the implementation of administrative penalties by the entrusted organization and shall bear legal liability for the consequences of such implementation. The entrusted organization shall implement administrative penalties in the name of the entrusting administrative organ within the scope of entrustment and shall not re-entrust any other organization or individual with the implementation of administrative penalties.

Article 21 — An entrusted organization shall meet the following requirements: it is a public institution established in accordance with law for the purpose of managing public affairs; it has staff members who are familiar with relevant laws, regulations, rules, and business and have obtained qualifications for administrative law enforcement; and it has conditions for conducting technical inspections or technical appraisals as needed.

Chapter IV — Jurisdiction and Application of Administrative Penalties

Article 22 — Administrative penalties shall be under the jurisdiction of the administrative organs of the local people's governments at or above the county level in the places where the violations occur, except as otherwise provided by laws, administrative regulations, or departmental rules.

Article 23 — The administrative penalty imposing organs and the comprehensive administrative law enforcement organs of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government may exercise jurisdiction over administrative penalties that need to be exercised at the provincial, autonomous region, or municipal level.

Article 24 — The people's governments of provinces, autonomous regions, or municipalities directly under the Central Government may, in light of actual circumstances, decide to transfer the power to impose administrative penalties in relation to administrative management matters urgently needed at the grassroots level in townships or sub-districts to township people's governments or sub-district offices that are capable of undertaking the same, and shall organize periodic assessment. The decision shall be publicized.

Article 25 — Where two or more administrative organs have jurisdiction over a case, the administrative organ that first accepted the case shall have jurisdiction. Where there is a dispute over jurisdiction, the dispute shall be resolved through consultation. Where consultation fails, the dispute shall be submitted to the common administrative organ at the next higher level for designation of jurisdiction. An administrative organ may also directly request the common administrative organ at the next higher level to designate jurisdiction.

Article 26 — Where an administrative organ, in the course of imposing an administrative penalty, needs the assistance of another administrative organ, the administrative organ concerned shall provide assistance within the scope of its functions and duties. Where an administrative organ considers a violation to be suspected of constituting a crime, the administrative organ shall promptly transfer the case to the judicial organ, and the judicial organ shall handle the case in accordance with law.

Article 27 — Where a violation is suspected of constituting a crime and the administrative organ has transferred the case to the judicial organ in a timely manner, where the judicial organ decides not to pursue

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criminal liability in accordance with law, but an administrative penalty shall be imposed in accordance with law, the judicial organ shall promptly transfer the case back to the relevant administrative organ. In the course of implementing administrative penalties, an administrative organ and a judicial organ shall strengthen coordination and cooperation and establish and improve systems for the transfer of cases and information sharing and notification, among others.

Article 28 — Where a violation constitutes a crime and the people's court sentences the person to criminal detention or fixed-term imprisonment, where the administrative organ has already imposed administrative detention on the party, the period of such detention shall be deducted from the corresponding term of imprisonment in accordance with law. Where a violation constitutes a crime and the people's court imposes a criminal fine, where the administrative organ has already imposed a fine on the party, the amount of such fine shall be deducted from the corresponding criminal fine. Where the administrative organ has not yet imposed a fine on the party, the administrative organ shall not impose a further fine.

Article 29 — Where a party has both subjective and objective fault in the same violation, the law with the heavier legal liability shall apply; where separately-imposed penalties are required by law, separate penalties shall be imposed.

Article 30 — A minor under the age of fourteen who commits a violation shall not be subject to an administrative penalty, and his guardian shall be ordered to discipline him. A minor who has reached the age of fourteen but not the age of eighteen who commits a violation shall be given a lighter or mitigated administrative penalty.

Article 31 — A mentally ill person or an intellectually disabled person who commits a violation at a time when he is unable to recognize or control his own conduct shall not be subject to an administrative penalty, but his guardian shall be ordered to keep him under strict surveillance and provide medical treatment. A mentally ill person who commits a violation when he is intermittently unable to recognize or control his own conduct shall not be subject to an administrative penalty. A mentally ill person or an intellectually disabled person who commits a violation at a time when he has not completely lost the ability to recognize or control his own conduct may be given a lighter or mitigated administrative penalty. An intoxicated person who commits a violation shall be subject to an administrative penalty.

Article 32 — A party shall be given a lighter or mitigated administrative penalty under any of the following circumstances: voluntarily eliminating or mitigating the harmful consequences of the violation; being coerced or induced by another person to commit the violation; voluntarily confessing to a violation that is not yet known to the administrative organ; cooperating with the administrative organ in investigation and exposure and performing meritorious service; or other circumstances for lighter or mitigated administrative penalties as prescribed by laws, regulations, or rules.

Article 33 — Where a violation is minor and promptly rectified without causing harmful consequences, no administrative penalty shall be imposed. Where the violation is a first-time offense and the harmful consequences are minor and promptly rectified, no administrative penalty may be imposed. Where a party has sufficient evidence to prove that there is no subjective fault, no administrative penalty shall be imposed, except as otherwise provided by laws or administrative regulations. Where no administrative penalty is imposed on a party's violation, the administrative organ shall provide education to the party.

Article 34 — An administrative organ may formulate a list of matters for which no administrative penalty is imposed or a lighter or mitigated administrative penalty may be imposed in accordance with law.

Article 35 — Where a violation constitutes a crime and the people's court sentences the person to criminal detention or fixed-term imprisonment, where the administrative organ has already imposed administrative detention on the party, the period of such detention shall be deducted from the corresponding term of imprisonment. Where a violation constitutes a crime and the people's court imposes a criminal fine, where the administrative organ has already imposed a fine on the party, the amount of such fine shall be deducted

from the corresponding criminal fine.

Article 36 — Where a violation is not discovered within two years, no administrative penalty shall be imposed; where the violation involves citizens' life, health, or safety, or financial security and has harmful consequences, this period shall be extended to five years, except as otherwise provided by law. The period specified in the preceding paragraph shall be calculated from the date on which the violation occurs; where the violation is of a continuous or continuing nature, it shall be calculated from the date on which the violation ends.

Article 37 — Where new laws, regulations, or rules are implemented, if the acts carried out before the implementation are violations under the provisions in force at that time, administrative penalties shall be imposed in accordance with the provisions in force at that time; however, where the penalty imposed under the new provisions is lighter or the act is no longer deemed a violation under the new provisions, the new provisions shall apply.

Article 38 — An administrative penalty shall have no legal effect where the provisions on which the administrative penalty is based have not been publicized.

Chapter V — Decision on Administrative Penalties

Article 39 — The procedures provided in this Law shall apply to the implementation of administrative penalties. The procedures for administrative penalties prescribed by this Law are divided into summary procedures and general procedures.

Article 40 — Where citizens, legal persons, or other organizations violate the administrative order and shall be subject to an administrative penalty in accordance with law, the administrative organ shall ascertain the facts. Where the facts of the violation are unclear and the evidence is insufficient, no administrative penalty shall be imposed.

Article 41 — When an administrative organ uses electronic monitoring and recording equipment to collect or fix facts of a violation in accordance with laws and administrative regulations, it shall undergo technical review by the legal institution or the institution responsible for legal affairs. Electronic monitoring and recording equipment shall be set up in a conspicuous position with an obvious sign. The location of such equipment shall be publicized to the public. The illegal facts recorded by electronic monitoring and recording equipment shall be true, clear, complete, and accurate. The administrative organ shall verify whether the recorded content meets the requirements. The illegal facts and the evidence collected in the form of electronic technology shall only serve as evidence for the administrative penalty after being verified by the administrative organ.

Article 42 — Personnel imposing an administrative penalty shall, at or before the time of on-site enforcement of law, present their law enforcement credentials to the parties or relevant persons. Where a party or relevant persons have the right to demand the presentation of law enforcement credentials, the personnel imposing the administrative penalty shall present their credentials. Where the personnel imposing the administrative penalty fail to present their law enforcement credentials, the party or relevant persons shall have the right to refuse to accept the investigation, inspection, or administrative penalty. Where the personnel imposing the administrative penalty present their credentials electronically, the party may verify the same through electronic means or by scanning the QR code.

Article 43 — Where there is a direct conflict of interest between a law enforcement officer and a case, the law enforcement officer shall withdraw; where the party has the right to apply for withdrawal, the application shall be reviewed and decided by the head of the administrative organ. The decision on withdrawal shall be made before the decision on the administrative penalty is rendered. Where the law enforcement officer fails to withdraw voluntarily, the head of the administrative organ shall decide on withdrawal.

Article 44 — Before making a decision on an administrative penalty, an administrative organ shall inform the party of the content, facts, reasons, and basis of the administrative penalty to be imposed, as well as the rights enjoyed by the party in accordance with law, including the right to make statements, defend itself, and request a hearing. The administrative organ shall not impose a heavier penalty on the party as a result of the party's exercise of the right to make statements, defend itself, or request a hearing.

Article 45 — A party shall have the right to make statements and defend itself. The administrative organ shall fully hear the party's statements and defense and shall examine the facts, reasons, and evidence presented by the party; where the facts, reasons, or evidence presented by the party are sustained, the administrative organ shall accept them. The administrative organ shall not impose a heavier penalty on the party as a result of the party's statements, defense, or request for a hearing.

Article 46 — Evidence for administrative penalties shall include documentary evidence, physical evidence, audio-visual materials, electronic data, witness testimony, statements of the parties, expert opinions, transcripts of inquests and on-site records, among others. Evidence may serve as the basis for a decision on an administrative penalty only after it has been verified to be true. Evidence obtained by illegal means shall not serve as the basis for a decision on an administrative penalty.

Article 47 — Administrative organs shall, in accordance with law, disclose to the public administrative penalty decisions in such forms as text, audio and video, in a timely and accurate manner, except as otherwise provided by law. An administrative penalty decision that is subject to public disclosure shall not disclose the private information of citizens such as their portrait, name, or address. However, the penalty decision against an enterprise shall disclose its social credit code, address, and other information in accordance with law.

Article 48 — Where an administrative penalty decision involves the disclosure of State secrets, the administrative organ shall keep it confidential in accordance with law. Where an administrative penalty decision involves trade secrets of a third party, the information shall not be disclosed unless the third party agrees in writing or the administrative organ considers it not to be a trade secret and disclosure is necessary for the public interest.

Article 49 — Where any emergency event such as a natural disaster, accident disaster, public health event, or social security event occurs, the administrative organ may impose heavier penalties for violations that disrupt the market economic order, disrupt social order, or infringe upon the lawful rights and interests of citizens in accordance with law, in an expedited manner.

Article 50 — Where the illegal facts are conclusive and there is a legal basis, and a citizen is to be fined not more than RMB two hundred or a legal person or other organization is to be fined not more than RMB three thousand or given a warning, a decision on an administrative penalty may be made on the spot, except as otherwise provided by law. The parties shall perform the administrative penalty decision made in accordance with the provisions of this Article.

Article 51 — Law enforcement officers shall present their law enforcement credentials when making a decision on an administrative penalty on the spot, fill in a predetermined format and numbered written decision on an administrative penalty, and serve the same on the party on the spot. The written decision on an administrative penalty made on the spot shall specify the violation of the party, the type and amount of the administrative penalty, the time and location, the basis for the penalty, the method of applying for administrative reconsideration or instituting an administrative litigation, the time limit, and the name of the administrative organ, and shall be signed or sealed by the law enforcement officer. The parties shall be informed of the contents of the written decision on an administrative penalty on the spot. Where a law enforcement officer makes a decision on an administrative penalty on the spot, he shall report the same to the administrative organ to which he belongs for filing within two days from the date of return to the administrative organ.

Article 52 — Where a decision on an administrative penalty is made on the spot, and the party refuses to accept the decision and signs for it, the law enforcement officer shall state the circumstances on the written decision on an administrative penalty, which shall be deemed to have been served.

Article 53 — After filing a case for a violation that shall be subject to an administrative penalty in accordance with law, the administrative organ shall appoint law enforcement officers to conduct investigation and collect evidence. Where the illegal facts are established, an administrative penalty shall be imposed in accordance with law. Where the illegal facts are not established, the case shall not be subject to an administrative penalty. Where the violation is suspected of constituting a crime, the case shall be transferred to the judicial organ.

Article 54 — Where the illegal facts are not clear upon completion of investigation by the administrative organ, a decision not to impose an administrative penalty shall be made. Where an investigation reveals that a violation exists and an administrative penalty shall be imposed in accordance with law, the administrative organ shall, in accordance with the type and seriousness of the violation, determine the type and extent of the penalty and make a decision on an administrative penalty.

Article 55 — Where law enforcement officers conduct an investigation or inspection, they shall not be fewer than two persons and shall present their law enforcement credentials to the party or relevant persons. Where a party or relevant persons have the right to demand the presentation of law enforcement credentials, the law enforcement officers shall present their credentials. Where the number of law enforcement officers is fewer than two or they fail to present their law enforcement credentials, the party or relevant persons shall have the right to refuse to accept the investigation or inspection. Law enforcement officers shall be polite and shall respect and protect the lawful rights and interests of the party. When questioning or inspecting, law enforcement officers shall prepare transcripts.

Article 56 — Administrative organs may adopt sampling and evidence preservation measures when collecting evidence. Under circumstances where the evidence might be lost or difficult to obtain in the future, an administrative organ may, with the approval of the head of the administrative organ, register and preserve the evidence in advance and shall make a decision on the disposition thereof within seven days. During this period, the party or relevant persons shall not destroy or transfer the evidence.

Article 57 — Upon completion of investigation, the head of the administrative organ shall examine the investigation results and make the following decisions according to different circumstances: where it is truly necessary to impose an administrative penalty, a decision on an administrative penalty shall be made according to the seriousness of the circumstances and the specific circumstances of the case; where the violation is minor and no administrative penalty shall be imposed in accordance with law, no administrative penalty shall be imposed; where the illegal facts are not established, no administrative penalty shall be imposed; or where the violation is suspected of constituting a crime, the case shall be transferred to the judicial organ. Where the circumstances are complicated or a severe penalty is to be imposed in accordance with law, the head of the administrative organ shall make a collective discussion and decision.

Article 58 — Under any of the following circumstances, before making a decision on the administrative penalty, the person responsible for legal review in the administrative organ shall conduct a legal review, and the decision on the administrative penalty shall be made collectively by the head of the administrative organ upon discussion: where it involves a major public interest; where it directly concerns the major rights and interests of a party and passes the hearing procedure; where the case is difficult and complex and involves multiple legal relationships; or other circumstances prescribed by laws or regulations that require legal review. Where no legal review is conducted or the legal review fails to pass, no decision on the administrative penalty shall be made.

Article 59 — Where a decision on an administrative penalty is to be made in accordance with the provisions of Article 57 of this Law, a written decision on the administrative penalty shall be made. The written decision

on an administrative penalty shall specify the following: the name and address of the party; the facts and evidence in support of the violation of laws, regulations, or rules; the type and basis of the administrative penalty; the method and time limit for performance of the administrative penalty; the method and time limit for applying for administrative reconsideration or instituting an administrative litigation where the party is dissatisfied with the decision on the administrative penalty; and the name of the administrative organ that made the decision on the administrative penalty and the date on which the decision is made. The written decision on an administrative penalty must bear the seal of the administrative organ that made the decision.

Article 60 — An administrative organ shall make a decision on an administrative penalty within ninety days from the date of filing of the administrative penalty case, except as otherwise provided by laws, regulations, or rules. The term "ninety days" as mentioned in the preceding paragraph refers to the period for handling the administrative penalty case, which does not include the time for inspection, quarantine, testing, notarization, authentication, or appraisal, among others.

Article 61 — The written decision on an administrative penalty shall be served on the party on the spot after announcement; where the party is not present, the administrative organ shall serve the written decision on the administrative penalty on the party within seven days in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where the party agrees and signs a confirmation letter, the administrative organ may serve the written decision on the administrative penalty through electronic service methods such as fax or email.

Article 62 — Where an administrative organ and its law enforcement officers, in violation of the provisions of Articles 44 and 45 of this Law, fail to inform the party of the content, facts, reasons, and basis of the administrative penalty to be imposed before making the decision on the administrative penalty, or refuse to hear the party's statements and defense, the decision on the administrative penalty shall be null and void, except where the party waives the right to make statements or defend itself.

Article 63 — Where an administrative organ intends to impose any of the following administrative penalties, it shall inform the party of the right to request a hearing: a relatively large fine; confiscation of relatively large illegal gains or confiscation of relatively high-value illegal property; downgrading of qualifications or revocation of a permit or license; order to suspend production or business operation, order to close down, or restriction of employment; other severe administrative penalties; or other circumstances prescribed by laws, regulations, or rules that require a hearing. Where a party does not bear the costs of the hearing organized by the administrative organ.

Article 64 — A hearing shall be organized according to the following procedures: where a party requests a hearing, it shall make the request within five days after being informed by the administrative organ; the administrative organ shall notify the party and relevant persons of the time and location of the hearing seven days before the hearing; the hearing shall be held in public, except where State secrets, trade secrets, or personal privacy are involved; the hearing shall be presided over by a person not from the case investigation personnel designated by the administrative organ, and where the party considers the presiding person to have a direct conflict of interest with the case, the party shall have the right to apply for withdrawal; the party may participate in the hearing in person or entrust one or two agents to do so; the case investigation personnel shall put forward the facts, evidence, and suggestions for the administrative penalty in respect of the party's violation, and the party shall make defense and cross-examination; and a transcript shall be prepared for the hearing. The transcript of the hearing shall be signed or sealed by the party or its agent after verification. Where the party or its agent refuses to sign or seal, the presiding person shall record this in the transcript. After the hearing is concluded, the administrative organ shall, based on the transcript of the hearing and in accordance with the provisions of Article 57 of this Law, make a decision.

Article 65 — Where the hearing is concluded, the administrative organ shall make a decision based on the hearing transcript and in accordance with the provisions of Article 57. A stamp or seal shall be affixed to the hearing transcript.

Chapter VI — Enforcement of Administrative Penalties

Article 66 — A decision on an administrative penalty shall be performed by the party within the prescribed time limit after it is made in accordance with law. The party's application for administrative reconsideration or institution of an administrative litigation shall not suspend the enforcement of the administrative penalty, except as otherwise provided by law. Where the party fails to perform the decision on an administrative penalty within the time limit, the administrative organ that made the decision may take enforcement measures in accordance with the provisions of this Law.

Article 67 — An organ that makes a decision on an administrative penalty imposing a fine shall be separate from the organ that collects the fine. Law enforcement officers who make a decision on an administrative penalty on the spot shall not collect the fine themselves under any of the following circumstances: a fine of not more than RMB one hundred is imposed in accordance with law; or it is difficult to enforce the penalty if the fine is not collected on the spot. Law enforcement officers who collect the fine on the spot in accordance with the provisions of the preceding paragraph must issue a receipt uniformly made and issued by the financial department of the State Council or the financial departments of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government to the party. Where no such receipt is issued, the party shall have the right to refuse to pay the fine.

Article 68 — Where a fine is imposed in accordance with the provisions of Articles 51 and 53 of this Law, law enforcement officers may collect the fine on the spot. The law enforcement officers shall issue the receipt specified in the second paragraph of Article 67 when collecting the fine.

Article 69 — Where law enforcement officers collect a fine on the spot, they shall, within two days from the date of collection of the fine, hand over the fine to the administrative organ. Where a fine is collected on the spot on water, the law enforcement officers shall, within two days from the date of landing, hand over the fine to the administrative organ. The administrative organ shall, within two days, hand over the fine to the designated bank.

Article 70 — Where a party fails to pay a fine within the time limit, the administrative organ that made the decision on the administrative penalty may impose an additional fine at the rate of three percent of the amount of the fine for each day of delay. An additional fine may not exceed the amount of the original fine.

Article 71 — Where a party fails to perform a decision on an administrative penalty within the time limit, the administrative organ that made the decision on the administrative penalty may apply to the people's court for compulsory enforcement in accordance with the provisions of the Administrative Compulsory Law of the People's Republic of China. Where the administrative organ has the power to enforce the decision on an administrative penalty as authorized by law, it may enforce the decision directly in accordance with law. Where an administrative organ approves a party's application to postpone payment or pay the fine by installments, the period for application to the people's court for compulsory enforcement shall be calculated from the date of expiration of the postponed or installment payment period.

Article 72 — The organ that collects a fine shall turn over the fine to the State Treasury. No administrative organ or individual may retain or privately divide a fine in any form. The appropriation for an administrative law enforcement organ shall be fully allocated by the financial department in accordance with relevant State provisions; the system of linking penalty and confiscation receipts and payments shall be strictly enforced; and the organs imposing fines and confiscating property and personnel conducting administrative punishments shall not receive any economic benefit from the fines and confiscations.

Article 73 — Where a fine or confiscation of illegal gains or illegal property is imposed in accordance with law, the auction proceeds or proceeds from disposal shall be turned over to the State Treasury in full. No administrative organ or individual may withhold, privately divide, or dispose of such proceeds in disguised form. No fine, confiscation of illegal gains, or confiscation of illegal property may be linked to the performance assessment or welfare benefits of the administrative organ or its staff members. The financial

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department shall not return the fines and confiscated property turned over by the administrative organ in any form.

Article 74 — Except for the fines that shall be destroyed in accordance with law, the illegal property confiscated in accordance with law shall be auctioned or disposed of in accordance with the relevant State provisions. Where the illegal property confiscated involves goods subject to the State's special management, the administrative organ shall transfer the goods to the relevant department or institution for disposal in accordance with law.

Article 75 — The administrative organ shall establish and improve a supervision system for administrative penalties. The people's governments at or above the county level shall organize and carry out the supervision and inspection of administrative penalties on a regular basis. The justice administrative departments of the people's governments at or above the county level shall exercise specific supervision over the work of administrative penalties. Where the administrative penalty decision is found to be erroneous, the administrative organ shall take the initiative to correct it.

Chapter VII — Legal Liability

Article 76 — Where an administrative organ, in implementing an administrative penalty, falls under any of the following circumstances, the organ at the next higher level or the relevant organ shall order it to make rectification, and administrative sanctions may be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law: no statutory basis for the administrative penalty; altering the type or extent of the administrative penalty without authorization; violating the statutory procedures for the administrative penalty; violating the provisions of Article 18 of this Law concerning entrustment of the imposition of administrative penalties; or failing to obtain a fine receipt uniformly issued by the financial department when collecting a fine on the spot, or failing to truthfully complete the information on the fine receipt.

Article 77 — Where an administrative organ uses or destroys the seized or detained property, administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law; where the circumstances are serious, they shall be dismissed; and where damage is caused, compensation shall be made in accordance with law.

Article 78 — Where an administrative organ, in violation of the provisions of Article 67 of this Law, collects a fine on its own, or where a financial department, in violation of the provisions of Article 73 of this Law, returns a fine or auction proceeds to an administrative organ, the organ at the next higher level or the relevant organ shall order it to make rectification, and administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law.

Article 79 — Where an administrative organ withholds, privately divides, or retains a fine in disguised form, the financial department or the relevant organ shall recover the same, and administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law; where the circumstances are serious, they shall be dismissed; and where a crime is constituted, criminal liability shall be pursued in accordance with law. Where law enforcement officers, taking advantage of their positions, solicit or illegally accept property from another person, or take possession of a fine collected, and a crime is constituted, criminal liability shall be pursued in accordance with law; and where the act does not constitute a crime, administrative sanctions shall be imposed in accordance with law.

Article 80 — Where an administrative organ uses or damages the seized or detained property, thereby causing losses to the party, compensation shall be made in accordance with law, and administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law.

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Article 81 — Where an administrative organ, in violation of the provisions of this Law, fails to transfer a case that should be transferred to the judicial organ, or transfers a case in lieu of imposing an administrative penalty, the organ at the next higher level or the relevant organ shall order it to make rectification, and administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law; where the circumstances are serious, they shall be dismissed; and where a crime is constituted, criminal liability shall be pursued in accordance with law.

Article 82 — Where an administrative organ fails to stop a violation that should be stopped, thereby causing damage to the lawful rights and interests of a citizen, legal person, or other organization or to the public interest or social order, administrative sanctions shall be imposed on the directly responsible person in charge and other directly responsible persons in accordance with law; where the circumstances are serious, they shall be dismissed.

Article 83 — Where an administrative organ implements an administrative penalty in violation of this Law, and the party has the right to claim State compensation in accordance with law, the administrative organ shall make compensation in accordance with law. After making compensation, the administrative organ shall order the functionaries who committed intentional or gross negligence to bear part or all of the compensation expenses, and shall impose administrative sanctions on the responsible functionaries in accordance with law.

Chapter VIII — Supplementary Provisions

Article 84 — For the purposes of this Law, an entity engaged in public affairs entrusted by an administrative organ to exercise the power to impose administrative penalties may impose administrative penalties within the scope of the statutory authority as prescribed by laws or regulations. The relevant provisions of this Law on administrative organs shall apply, mutatis mutandis, to the imposition of administrative penalties by legally authorized organizations that have the function of administering public affairs.

Article 85 — The meaning of a relatively large fine or a relatively large amount of illegal gains as mentioned in this Law shall be prescribed by the standing committees of the people's congresses of provinces, autonomous regions, or municipalities directly under the Central Government or by the local people's congresses at the corresponding level.

Article 86 — This Law shall take effect as of July 15, 2021.

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