Administrative Penalty Law of the People’s Republic of China

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Chapter I — General Provisions

Article 1. This Law is enacted for the purposes of standardizing the establishment and imposition of administrative penalties, ensuring and supervising administrative authorities in the effective performance of their administrative management functions, safeguarding public interests and social order, and protecting the lawful rights and interests of citizens, legal persons, and other organizations.

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Article 2. For the purposes of this Law, “administrative penalty” means an act by which an administrative authority, in accordance with law, imposes a sanction in the nature of a reduction in rights and interests or an increase in obligations on a citizen, legal person, or other organization that has violated the administrative management order.

Article 3. The establishment and imposition of administrative penalties shall comply with this Law. Where an administrative penalty imposed by an administrative authority lacks a statutory basis or fails to comply with statutory procedures, the administrative penalty shall be invalid.

Article 4. Citizens, legal persons, and other organizations that violate the administrative management order shall be subject to administrative penalties in accordance with law. Where no provision of any law, regulation, or rule provides for an administrative penalty, no administrative penalty shall be imposed.

Article 5. Administrative penalties shall follow the principles of fairness and openness. The establishment and imposition of administrative penalties shall be commensurate with the facts, nature, circumstances, and degree of social harm of the violation. Provisions on administrative penalties that are to be published shall be published. Administrative penalties that have not been published shall not be used as the basis for imposing administrative penalties.

Article 6. In imposing administrative penalties, efforts shall be made to combine punishment with education, so as to encourage citizens, legal persons, and other organizations to observe laws of their own accord.

Article 7. Citizens, legal persons, and other organizations shall have the right to make statements and arguments and the right to apply for administrative reconsideration or file administrative lawsuits in accordance with law with respect to administrative penalties imposed by administrative authorities. Where their lawful rights and interests are damaged by an administrative penalty imposed by an administrative authority, they shall have the right to claim compensation in accordance with law.

Article 8. Where a citizen, legal person, or other organization is subject to an administrative penalty for a violation, and such violation causes damage to others, the same shall bear civil liability in accordance with law. Where a violation constitutes a crime, criminal liability shall be investigated in accordance with law, and no administrative penalty shall be substituted for criminal punishment.

Chapter II — Types and Establishment of Administrative Penalties

Article 9. Administrative penalties include the following types:

(1) Warning and notification of criticism;

(2) Fine and confiscation of illegal gains and illegal property;

(3) Temporary withholding or revocation of a permit or license, lowering the qualification grade, or revoking a permit or license;

(4) Restriction on carrying out production or business activities, ordering suspension of production or business, ordering closure, or restricting employment;

(5) Administrative detention; and

(6) Other administrative penalties prescribed by laws and administrative regulations.

Article 10. Laws may establish administrative penalties of all types. Administrative penalties restricting personal freedom may be established exclusively by law.

Article 11. Administrative regulations may establish administrative penalties other than those restricting personal freedom. Where the law has already provided for administrative penalties for a violation, and an administrative regulation needs to make specific provisions, the administrative regulation shall do so within the scope of the conduct subject to penalties, the types of penalties, and the range of penalties provided for

by the law.

Article 12. Local regulations may establish administrative penalties other than those restricting personal freedom and revoking business licenses. Where the law or administrative regulations have already provided for administrative penalties for a violation, and a local regulation needs to make specific provisions, the local regulation shall do so within the scope of the conduct subject to penalties, the types of penalties, and the range of penalties provided for by the law or administrative regulations.

Article 13. Departmental rules of the State Council may establish warnings, notification of criticism, or fines within the limits prescribed by the State Council. Where the law or administrative regulations have already provided for administrative penalties, departmental rules may make specific provisions within the scope provided for by the law or administrative regulations.

Article 14. Local government rules may establish warnings, notification of criticism, or fines within the limits prescribed by the standing committee of the people's congress of the province, autonomous region, or municipality directly under the Central Government.

Article 15. The State Council departments and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, and their relevant departments shall organize periodic assessments of the necessity of administrative penalties and the implementation thereof, and shall provide opinions on the lapsing, modification, or repeal of provisions on administrative penalties that are unsuitable.

Article 16. No administrative penalty shall be established by any regulatory document other than laws, regulations, and rules.

Chapter III — Authorities Imposing Administrative Penalties

Article 17. Administrative penalties shall be imposed by administrative authorities with the power to impose administrative penalties within the scope of their statutory functions and powers.

Article 18. The State shall, in the fields of urban management, market regulation, ecological environment, cultural markets, transportation, emergency management, and agriculture, establish comprehensive administrative law enforcement systems and relatively centralize the power to impose administrative penalties. The State Council or the people's government of a province, autonomous region, or municipality directly under the Central Government may decide to have an administrative authority exercise the power to impose administrative penalties of other relevant administrative authorities. The power to impose administrative penalties restricting personal freedom may be exercised exclusively by public security authorities and other authorities prescribed by law.

Article 19. Where laws or regulations authorize an organization with public affairs management functions to impose administrative penalties, such organization may impose administrative penalties within the scope of its statutory authorization.

Article 20. An administrative authority may, in accordance with the provisions of laws, regulations, or rules, entrust an organization that meets the conditions prescribed in Article 21 of this Law with the imposition of administrative penalties within the scope of its statutory powers. The entrusting administrative authority shall be responsible for supervising the imposition of administrative penalties by the entrusted organization and shall bear legal liability for the consequences of such imposition.

Article 21. An entrusted organization shall meet the following conditions:

(1) It is a public institution established in accordance with law;

(2) It is staffed with personnel who are familiar with relevant laws, regulations, rules, and professional knowledge and have obtained administrative law enforcement qualifications;

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(3) It has the necessary capacity to conduct technical inspections or appraisals where conditions so require.

Chapter IV — Jurisdiction and Application of Administrative Penalties

Article 22. Administrative penalties shall be under the jurisdiction of the administrative authority at the place where the violation occurs. Where laws, administrative regulations, or departmental rules provide otherwise, such provisions shall prevail.

Article 23. Where two or more administrative authorities have jurisdiction over the same violation, the matter shall be under the jurisdiction of the administrative authority that first placed the case on file.

Article 24. Where a dispute over jurisdiction arises between administrative authorities, the dispute shall be resolved through consultation. Where no resolution is reached through consultation, the matter shall be reported to the superior administrative authority common to the disputing authorities for designation of jurisdiction. Administrative authorities may also directly request designation of jurisdiction by a superior administrative authority common to them.

Article 25. Where an administrative authority discovers that a violation is under the jurisdiction of another administrative authority, it shall transfer the case to such other administrative authority in a timely manner.

Article 26. Where an administrative authority needs assistance in the course of imposing an administrative penalty, it may submit a request for assistance to the relevant authority. Where the matter for which assistance is sought falls within the functions and powers of the requested authority, the requested authority shall provide assistance in accordance with law.

Article 27. Where a violation is suspected of constituting a crime, the administrative authority shall promptly transfer the case to the judicial authority, and criminal liability shall be investigated in accordance with law. Where, in accordance with law, it is unnecessary to investigate criminal liability or criminal punishment is exempted, but an administrative penalty shall be imposed, the judicial authority shall promptly transfer the case to the relevant administrative authority. Administrative penalty enforcement authorities and judicial authorities shall strengthen coordination and cooperation, establish and improve case transfer systems, strengthen the handover and receipt of evidentiary materials, and improve the mechanism for notification of case handling information.

Article 28. Where a violation constitutes a crime, the administrative authority shall transfer the case to the judicial authority, and the people’s court shall impose a criminal penalty in accordance with law. Where a fine has already been imposed as an administrative penalty before the transfer, the amount of such fine shall be offset against the corresponding amount of criminal fine. Where an administrative authority has not yet imposed a fine at the time of the transfer, the fine portion may be decided in conjunction with the criminal penalty in accordance with law. Where a violation constitutes a crime, and the people’s court sentences the offender to criminal detention or fixed-term imprisonment, where the administrative authority has already imposed administrative detention on the party concerned, the period of detention shall be offset against the corresponding term of sentence in accordance with law.

Article 29. Where a violation is not discovered within two years from the date of occurrence, no administrative penalty shall be imposed, unless otherwise provided for 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, the period shall be calculated from the date on which the violation ends.

Article 30. Where a minor under the age of 14 commits a violation, no administrative penalty shall be imposed, and the guardian of such minor shall be ordered to exercise proper discipline. Where a minor who has reached the age of 14 but is under the age of 18 commits a violation, a lighter or mitigated administrative penalty shall be imposed.

Article 31. Where a person with mental illness or intellectual disability commits a violation while unable to recognize or control their own conduct, no administrative penalty shall be imposed, but their guardian shall be ordered to subject them to strict supervision and treatment. Where a person with intermittent mental illness commits a violation while in a state of mental normalcy, an administrative penalty shall be imposed. Where a person with mental illness or intellectual disability who has not completely lost the ability to recognize or control their own conduct commits a violation, a lighter or mitigated administrative penalty may be imposed.

Article 32. Where a party has any of the following circumstances, the administrative penalty shall be mitigated or commuted:

(1) Voluntarily eliminating or mitigating the harmful consequences of the violation;

(2) Being coerced or induced by another person to commit the violation;

(3) Voluntarily confessing to the violation and cooperating with the administrative authority in its investigation, resulting in the uncovering of the facts of the violation;

(4) Performing meritorious service; or

(5) Other circumstances provided for by laws, regulations, or rules.

Article 33. Where a violation is minor and promptly corrected, and no harmful consequences have been caused, no administrative penalty shall be imposed. Where a party has committed a violation for the first time, the harmful consequences are minor, and the party has promptly corrected the violation, no administrative penalty may be imposed. Where a party has sufficient evidence to prove that it had no subjective fault, no administrative penalty shall be imposed, unless otherwise provided for by law. Education shall be provided to the party against whom no administrative penalty is imposed.

Article 34. An administrative authority may, in accordance with law, formulate standards for the discretion of administrative penalties, so as to regulate the exercise of the discretionary power to impose administrative penalties. The standards for the discretion of administrative penalties shall be made public.

Article 35. Where a violation constitutes a crime and the people’s court sentences the offender to criminal detention or fixed-term imprisonment, where the administrative authority has already imposed administrative detention on the party concerned, the duration of such detention shall be offset against the corresponding term of sentence in accordance with law. Where a violation constitutes a crime and the people’s court imposes a criminal fine, where the administrative authority has already imposed an administrative fine on the party concerned, such fine shall be offset against the corresponding criminal fine; where the administrative authority has not yet imposed an administrative fine, no administrative fine shall be imposed.

Article 36. Where a violation is not discovered within two years, no administrative penalty shall be imposed; where the violation involves the life and health safety of citizens or financial safety and has caused harmful consequences, the aforesaid period shall be extended to five years, unless otherwise provided for 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, the period shall be calculated from the date on which the violation ends.

Article 37. When imposing an administrative penalty, the administrative authority shall order the party concerned to correct the violation or shall order the same to do so within a prescribed time limit. Where a party has illegal gains, the illegal gains shall be confiscated, unless otherwise provided for by law or administrative regulations.

Article 38. Where an administrative penalty decision has been made, the administrative authority shall disclose information on the administrative penalty in accordance with law, except where State secrets, trade secrets, or personal privacy are involved. Where an administrative penalty decision is revoked or modified in

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accordance with law, the administrative authority shall update or withdraw the disclosed information in a timely manner. Where an administrative penalty is found to be in error, the administrative authority shall take the initiative to correct the same.

Chapter V — Decision on Administrative Penalties

Section 1: General Provisions

Article 39. The facts on the basis of which an administrative penalty is imposed by an administrative authority shall be clearly established. Where the facts of a violation are unclear or the evidence is insufficient, no administrative penalty shall be imposed.

Article 40. Where an administrative authority discovers a citizen, legal person, or other organization that has committed an act for which an administrative penalty shall be imposed in accordance with law, the administrative authority shall conduct a comprehensive, objective, and fair investigation, and collect relevant evidence in a timely manner. Where necessary, an inspection may be conducted in accordance with the provisions of laws, regulations, or rules.

Article 41. An administrative authority shall, in accordance with the provisions of laws and administrative regulations, make public the facts of the administrative penalty and the basis, reasons, and results thereof.

Article 42. Where an administrative penalty is to be imposed using electronic monitoring and recording equipment, the administrative authority shall ensure that such equipment complies with national standards and metrological calibration requirements. The place where electronic monitoring and recording equipment is installed shall be clearly marked and made public. The facts of a violation recorded by electronic monitoring and recording equipment shall be verified by the administrative authority before being used as evidence; where the party concerned raises an objection, the administrative authority shall conduct a review. Where an administrative authority uses electronic methods to serve documents or collect party statements, arguments, or evidence, it shall obtain the consent of the party concerned.

Article 43. Where a law enforcement officer has a direct interest in the case, the law enforcement officer shall withdraw. Where the party concerned believes that a law enforcement officer has a direct interest in the case, the party concerned shall have the right to request the withdrawal of such law enforcement officer. The withdrawal of a law enforcement officer shall be decided by the responsible person of the administrative authority; the withdrawal of the responsible person of the administrative authority shall be decided by the administrative authority at a higher level.

Article 44. Before making a decision on an administrative penalty, the administrative authority shall inform the party concerned of the content and facts, basis, and reasons for the proposed administrative penalty decision, and shall inform the party concerned of the rights it is entitled to in accordance with law, such as the right to make statements and arguments and to request a hearing.

Article 45. The party concerned shall have the right to make statements and arguments. The administrative authority shall fully hear the statements and arguments of the party concerned and shall review the facts, reasons, and evidence presented by the party concerned. Where the facts, reasons, or evidence presented by the party concerned are found to be valid, the administrative authority shall adopt the same. The administrative authority shall not impose a heavier penalty on the party concerned for making statements or arguments.

Section 2: Summary Procedure

Article 46. Where the facts of a violation are clearly established and there is a statutory basis, and a fine of not more than 200 yuan on a citizen or a fine of not more than 3,000 yuan on a legal person or other organization, or a warning, is to be imposed, the administrative penalty may be decided on the spot in accordance with the summary procedure. Where otherwise provided for by law, such provisions shall prevail.

Article 47. Where an administrative penalty is imposed on the spot in accordance with the summary procedure, the law enforcement officer shall present their administrative law enforcement credentials to the party concerned, fill out a predetermined-format and pre-numbered written decision on the administrative penalty, and serve the same on the party concerned on the spot. The written decision on the administrative penalty as specified in the preceding paragraph shall set forth the specific violation of the party concerned, the types and basis of the administrative penalty, the amount of the fine, the time and place of the penalty, the channels for applying for administrative reconsideration or filing an administrative lawsuit, and the name of the administrative authority, and shall be signed or sealed by the law enforcement officer. The party concerned shall sign or affix their seal to the written decision on the administrative penalty as specified in the preceding paragraph, and shall sign to confirm receipt of the written decision on the administrative penalty.

Article 48. Where an administrative penalty is imposed on the spot in accordance with the summary procedure, the party concerned shall comply with the administrative penalty decision within the prescribed time limit.

Article 49. Where an administrative penalty decision is made on the spot, the law enforcement officer shall report the same to the administrative authority to which they belong for filing within two days from the date on which the decision is made.

Article 50. Where a party concerned raises objections to a decision on an administrative penalty made on the spot, enforcement shall be carried out in accordance with the relevant provisions of this Law.

Section 3: Ordinary Procedure

Article 51. An administrative authority that discovers a citizen, legal person, or other organization that has committed an act for which an administrative penalty shall be imposed in accordance with law shall place the case on file in a timely manner. Where the case is not to be placed on file, the reasons therefor shall be explained.

Article 52. Where an administrative authority investigates or conducts an inspection, there shall be not fewer than two law enforcement officers, and they shall present their administrative law enforcement credentials to the party concerned or other relevant persons. The party concerned or other relevant persons shall have the right to refuse to accept an investigation or inspection conducted by a single law enforcement officer.

Article 53. Law enforcement officers shall collect evidence in accordance with the provisions of laws, regulations, and rules. Evidence includes:

(1) Documentary evidence;

(2) Physical evidence;

(3) Audiovisual materials;

(4) Electronic data;

(5) Witness testimony;

(6) Statements of the party concerned;

(7) Expert conclusions; and

(8) Inspection records and on-site records.

Evidence shall be verified before being used as the basis for determining the facts of a case. Evidence obtained by illegal means shall not be used as the basis for determining the facts of a case.

Article 54. When law enforcement personnel investigate and collect evidence in the course of investigating or inspecting a violation, they shall present their administrative law enforcement credentials to the party concerned or other relevant persons. Where law enforcement personnel fail to present their administrative

law enforcement credentials, the party concerned or other relevant persons shall have the right to refuse to accept the investigation or inspection.

Article 55. Where, during the course of an investigation, evidence is at risk of being destroyed or lost, or may be difficult to obtain at a later time, the responsible person of the administrative authority may, upon approval, take measures to register and preserve such evidence, and shall make a timely disposition within seven days. During the period of registration and preservation, the party concerned or relevant persons shall not destroy or transfer the evidence.

Article 56. Where an administrative authority, in the course of investigating or inspecting a violation, needs to conduct an inspection, test, or appraisal, it shall do so in accordance with law. The administrative authority shall serve a copy of the inspection, testing, or appraisal opinion on the party concerned. The party concerned shall have the right to raise objections to the inspection, testing, or appraisal opinion and apply for a re-inspection, re-testing, or re-appraisal.

Article 57. After the conclusion of an investigation, the responsible person of the administrative authority shall examine the investigation findings and make a decision in one of the following manners:

(1) Where there is a violation for which an administrative penalty shall be imposed in accordance with law, a decision on the administrative penalty shall be made on the basis of the circumstances;

(2) Where a violation is minor and an administrative penalty may not be imposed in accordance with law, a decision not to impose an administrative penalty shall be made;

(3) Where the facts of the violation are not established, a decision not to impose an administrative penalty shall be made; and

(4) Where a violation is suspected of constituting a crime, the case shall be transferred to the judicial authority.

Article 58. In any of the following circumstances, before the responsible person of the administrative authority makes a decision on an administrative penalty, the decision shall be subject to review by a person in the administrative authority who is responsible for legal review; no decision on an administrative penalty shall be made without legal review or without passing legal review:

(1) Where major public interests are involved;

(2) Where the matter is directly related to the major rights and interests of the party concerned or a third party, and a hearing has been held;

(3) Where the case is complex and involves multiple legal relationships; or

(4) Other circumstances provided for by laws, regulations, or rules.

The administrative authority shall have a person responsible for legal review as its first review. Where an administrative authority preliminarily engages a lawyer or public lawyer to conduct legal review, the administrative authority shall arrange for the first review by a person responsible for legal review.

Article 59. The decision on an administrative penalty made by an administrative authority in accordance with the provisions of Article 57 of this Law shall state the following in writing:

(1) The name and address of the party concerned;

(2) The facts and evidence of the violation of any law, regulation, or rule;

(3) The types of administrative penalty and the basis thereof;

(4) The method and time limit for the enforcement of the administrative penalty;

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(5) The channels and time limit for applying for administrative reconsideration or filing an administrative lawsuit where the party concerned is dissatisfied with the decision on the administrative penalty; and

(6) The name of the administrative authority that has made the decision on the administrative penalty and the date of the decision.

Article 60. An administrative authority shall make a decision on an administrative penalty within 90 days from the date on which the case is placed on file for an administrative penalty, unless otherwise provided for by laws, regulations, or rules.

Article 61. The written decision on an administrative penalty shall be served on the party concerned on the spot upon announcement. Where it cannot be served on the spot, the administrative authority shall serve the written decision on the administrative penalty on the party concerned within seven days of the announcement and deliver the same in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where the party concerned agrees and has confirmed the method of electronic service, the administrative authority may serve the written decision by electronic means. The party concerned shall sign or affix their seal on the service receipt, and the date of signing or affixing the seal shall be the date of service.

Article 62. Where an administrative authority and its law enforcement officers violate the provisions of Articles 46 and 51 of this Law in imposing an administrative penalty on the spot, or fail to issue a written decision on the administrative penalty to the party concerned, the party concerned shall have the right to refuse to accept the penalty and shall have the right to report the matter.

Section 4: Hearing Procedure

Article 63. Where an administrative authority intends to impose any of the following administrative penalties, it shall inform the party concerned of the right to request a hearing, and the party concerned shall have the right to make such request. Where the party concerned requests a hearing, the administrative authority shall organize a hearing:

(1) A relatively large fine;

(2) Confiscation of a relatively large amount of illegal gains or illegal property of a relatively large value;

(3) Lowering the qualification grade or revoking a permit or license;

(4) Ordering suspension of production or business, ordering closure, or restricting employment;

(5) Other relatively heavy administrative penalties; or

(6) Other circumstances provided for by laws, regulations, or rules.

Article 64. Hearings shall be organized in accordance with the following procedures:

(1) Where a party concerned requests a hearing, the party shall make the request within five days after being informed by the administrative authority. The administrative authority shall, within 20 days before convening the hearing, notify the party concerned and other relevant persons of the time and place of the hearing;

(2) The hearing shall be held in public, except where State secrets, trade secrets, or personal privacy are involved;

(3) The hearing shall be presided over by a person designated by the administrative authority who is not an investigator in the case. Where the party concerned believes that the presiding officer has a direct interest in the case, the party shall have the right to request the withdrawal of the presiding officer;

(4) The party concerned may participate in the hearing in person or entrust one or two agents to do so. Where a party concerned and its agent do not appear at the hearing without justifiable grounds, the hearing shall be deemed to have been waived;

(5) At the hearing, investigators shall present the facts, evidence, and proposed administrative penalty against the party concerned, and the party concerned shall have the right to conduct cross-examination and defense;

(6) Hearing transcripts shall be prepared and signed or sealed by the party concerned or its agent after verification of the correctness thereof; and

(7) On the basis of the hearing transcripts, the administrative authority shall make a decision in accordance with Article 57 of this Law.

Article 65. After a hearing has been concluded, the administrative authority shall, on the basis of the hearing transcripts and in accordance with the provisions of Article 57 of this Law, make a decision. The administrative authority shall not impose an administrative penalty on the party concerned on the basis of facts, reasons, or evidence that have not been presented at the hearing. Where a hearing is held, the time taken for the hearing shall not be counted within the time limit for making a decision on an administrative penalty.

Chapter VI — Enforcement of Administrative Penalties

Article 66. A decision on an administrative penalty shall be enforced by the party concerned within the prescribed time limit after it takes effect in accordance with law. Fines imposed by an administrative penalty decision shall be paid within 15 days from the date of receipt of the decision, unless otherwise provided for.

Article 67. The authority that makes the decision on a fine shall be separated from the authority that collects the fine. The decision on a fine and the collection of the fine shall be separated. No fine shall be collected by an administrative authority that has made a decision on an administrative penalty, except where a fine is collected on the spot in accordance with the provisions of Articles 51 and 52 of this Law.

Article 68. Where an administrative penalty decision imposes a fine, the party concerned shall, within 15 days from the date of receipt of the written decision on the administrative penalty, pay the fine at the designated bank or through the electronic payment system. Banks shall accept and collect fines and remit the fines directly to the State treasury. Where a party concerned has real difficulty in paying a fine, the party may, upon approval by the administrative authority, pay the fine in installments or defer payment of the fine.

Article 69. Where an administrative penalty decision imposes a fine, no entity or individual may retain or withhold the fine, or turn over the fine in any disguised form, without authorization. All fines and any confiscated illegal gains or property shall be turned over to the State treasury. No return or percentage of the fine shall be paid to the administrative authority that made the decision on the administrative penalty in any form. No indicator for the amount of fines may be assigned to lower levels by the administrative authority.

Article 70. Where a party concerned applies for administrative reconsideration or files an administrative lawsuit against a decision on an administrative penalty, enforcement of the administrative penalty shall not be suspended, unless otherwise provided for by law.

Article 71. Where a party concerned fails to apply for administrative reconsideration or file an administrative lawsuit within the prescribed time limit and fails to comply with the administrative penalty decision, the administrative authority that made the decision on the administrative penalty may, in accordance with the provisions of the Administrative Compulsory Enforcement Law of the People’s Republic of China, apply to the people’s court for compulsory enforcement. Where an administrative authority has the power to enforce compulsorily in accordance with law, it may do so in accordance with the provisions of the Administrative Compulsory Enforcement Law.

Article 72. Where a party concerned fails to comply with an administrative penalty decision within the prescribed time limit, the administrative authority that made the decision on the administrative penalty may adopt the following measures:

(1) Where a fine is not paid upon expiration of the time limit, impose an additional fine at the rate of 3% of the fine amount per day, provided that the total amount of the additional fine shall not exceed the amount of the original fine;

(2) Where the party concerned continues to engage in the illegal act after the expiration of the time limit, impose additional penalties;

(3) In accordance with the provisions of laws, auction off seized or attached property or transfer frozen deposits to offset the fine; and

(4) Apply to the people's court for compulsory enforcement in accordance with the provisions of the Administrative Compulsory Enforcement Law.

Article 73. Where a party concerned has real economic difficulties and needs to pay a fine in installments or defer payment, the party shall make an application to the administrative authority. Upon approval by the administrative authority, the party may pay the fine in installments or defer payment.

Article 74. Except for the items that shall be destroyed in accordance with law, illegal property confiscated in accordance with law shall be publicly auctioned or disposed of in accordance with the relevant provisions of the State. Fines, confiscated illegal gains, or the proceeds from the auction of confiscated illegal property shall be turned over to the State treasury in full. No entity or individual may withhold, privately divide, or dispose of such funds or property in a disguised manner.

Chapter VII — Legal Liability

Article 75. An administrative authority shall establish and improve a supervision system for administrative penalties. The people's government at or above the county level shall periodically organize and carry out reviews and evaluations of administrative penalty law enforcement, strengthen supervision and inspection of the establishment and imposition of administrative penalties, and regulate and safeguard the imposition of administrative penalties. Citizens, legal persons, and other organizations shall have the right to file complaints or reports with administrative authorities regarding their imposition of administrative penalties; the administrative authorities receiving such complaints or reports shall verify and handle the same in a timely manner in accordance with law and maintain the confidentiality of the complainants or reporters.

Article 76. Where an administrative authority imposes an administrative penalty in any of the following circumstances, the authority at a higher level or the relevant authority shall order it to make corrections, and the directly responsible person in charge and other directly responsible persons may be subject to sanctions in accordance with law:

(1) Imposing an administrative penalty without a statutory basis for the administrative penalty;

(2) Altering the types or range of administrative penalties without authorization;

(3) Imposing an administrative penalty in violation of statutory procedures;

(4) Imposing an administrative penalty in violation of the provisions of Articles 18 and 19 of this Law on entrustment;

(5) Failing to use a fine receipt, or using a fine receipt not produced or issued by a statutory authority, against the relevant provisions.

Article 77. Where an administrative authority retains or withholds fines privately or turns over fines in a disguised form, the finance department or relevant authority shall order it to make corrections and may impose sanctions on the directly responsible person in charge and other directly responsible persons in accordance with law.

Article 78. Where an administrative authority intercepts, privately divides, or disposes of fines, confiscated illegal gains, or property in a disguised manner, the finance department or relevant authority shall order it to make corrections and may impose sanctions on the directly responsible person in charge and other directly responsible persons in accordance with law. Where the circumstances are serious and a crime is constituted, criminal liability shall be investigated in accordance with law. Where a law enforcement officer exploits their position to solicit or illegally accept property from another person or to take possession of a fine collected, and a crime is constituted, criminal liability shall be investigated in accordance with law. Where the circumstances are minor and do not constitute a crime, sanctions shall be imposed in accordance with law.

Article 79. Where an administrative authority uses or damages seized or attached property, thereby causing loss to the party concerned, the administrative authority shall compensate for the loss in accordance with law. Administrative sanctions shall be imposed in accordance with law on the directly responsible person in charge and other directly responsible persons.

Article 80. Where an administrative authority illegally imposes inspection measures or enforcement measures, thereby causing personal injury or death of a citizen or property damage to a legal person or other organization, the administrative authority shall pay compensation in accordance with law. Administrative sanctions shall be imposed in accordance with law on the directly responsible person in charge and other directly responsible persons. Where the circumstances are serious and a crime is constituted, criminal liability shall be investigated in accordance with law.

Article 81. Where an illegal act constitutes a crime, criminal liability shall be investigated for abusing power, neglecting duties, engaging in malpractice for personal gain, shielding, or connivance.

Chapter VIII — Supplementary Provisions

Article 82. The time limit for the party concerned to apply for administrative reconsideration or file an administrative lawsuit, as provided for in this Law, shall be calculated in accordance with the provisions of the Administrative Reconsideration Law and the Administrative Litigation Law.

Article 83. The dates of receipt of documents served on a party concerned as provided for in this Law shall be determined in accordance with the relevant provisions of the Civil Procedure Law of the People's Republic of China. Where the date of service to the party concerned cannot be determined in accordance with the provisions of the Civil Procedure Law, the date of service shall be the date on which the documents are posted, announced, or published, or the date on which they are confirmed as received by the party concerned through other means.

Article 84. For purposes of this Law, the calculation of working days shall be conducted in accordance with the State Council regulations on working hours, excluding statutory holidays.

Article 85. This Law shall enter into force as of 15 July 2021.

Article 86. The laws and regulations on administrative penalties promulgated before the effective date of this Law that are inconsistent with the provisions of this Law shall be revised in accordance with the provisions of this Law before 31 December 2022. Where such revision has not been completed within the prescribed time limit, the provisions of this Law shall prevail.

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