Civil Servant Law of the People’s Republic of China

Dan Young Business Consultancy — www.danyoungcpa.com

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating the administration of civil servants, safeguarding the lawful rights and interests of civil servants, strengthening the supervision of civil servants, promoting the diligent and honest performance of duties by civil servants, building a high-quality civil servant team with firm convictions, serving the people, being diligent and pragmatic, daring to take responsibility, and being clean and honest, and enhancing the modernization of the national governance system and governance capability.

Article 2 — For the purposes of this Law, “civil servants” means staff members who perform public duties in accordance with the law, are included in the State administrative establishment, and whose salaries and welfare are borne by the State treasury.

Civil servants are an important part of the cadre contingent, the backbone of the socialist cause, and public servants of the people.

Article 3 — The obligations, rights and administration of civil servants shall be governed by this Law. Where laws provide otherwise for the selection, appointment and removal of leading personnel among civil servants, and for the obligations, rights and administration of supervisory officials, judges and procurators, such provisions shall prevail.

Article 4 — The civil servant system shall adhere to the leadership of the Communist Party of China, uphold the Party’s line, principles and policies, and implement the Party’s organizational line in the new era.

Article 5 — The administration of civil servants shall adhere to the principles of openness, equality, competition and selection on merit, and shall be conducted in accordance with the statutory limits of authority, conditions, standards and procedures.

Article 6 — The administration of civil servants shall adhere to the principle of combining supervision and restraint with incentive and guarantee.

Article 7 — Civil servants shall be appointed on the basis of both integrity and ability, with integrity taking precedence, and shall adhere to the principle of selecting personnel from all corners of the country, based on their merits, with emphasis on their actual work performance.

Chapter II — Conditions, Obligations and Rights of Civil Servants

Article 8 — Civil servants shall meet the following conditions:

(1) Having the nationality of the People's Republic of China;

(2) Having reached the age of 18;

(3) Supporting the Constitution of the People's Republic of China and the leadership of the Communist Party of China;

(4) Having good political quality and moral character;

(5) Having the physical and mental condition to perform their duties normally;

(6) Having the educational level and working ability commensurate with the requirements of the position; and

(7) Other conditions as prescribed by law.

Article 9 — Civil servants shall perform the following obligations:

(1) Being loyal to the Constitution, exemplarily abiding by and consciously safeguarding the Constitution and the laws, and consciously accepting the leadership of the Communist Party of China;

(2) Being loyal to the State and safeguarding the security, honor and interests of the State;

(3) Being loyal to the people, serving the people wholeheartedly, and accepting the oversight of the people;

(4) Being devoted to their duties, diligent and responsible, obeying and implementing decisions and orders made by superiors in accordance with the law, and performing their duties in accordance with the prescribed limits of authority and procedures;

(5) Keeping State secrets and work secrets;

(6) Taking the lead in practicing the core socialist values and adhering to the rule of law;

(7) Being honest and upright, impartial, and exemplarily abiding by social ethics, professional ethics and family virtues; and

(8) Other obligations as prescribed by law.

Article 10 — Civil servants shall enjoy the following rights:

(1) Having the working conditions necessary for performing their duties;

(2) Not being removed from office, demoted, dismissed or subjected to punishment without statutory causes and without going through statutory procedures;

(3) Receiving remuneration for their work and enjoying welfare and insurance benefits;

(4) Participating in training;

(5) Raising opinions and suggestions on the work of their organs and leading personnel;

(6) Filing appeals and accusations;

(7) Applying for resignation; and

(8) Other rights as prescribed by law.

Chapter III — Positions, Ranks and Grades

Article 11 — Civil servant positions shall be classified into comprehensive management positions, specialized technical positions, and administrative law enforcement positions. Where separate management is required for special positions, separate management categories may be established according to actual needs.

Article 12 — Civil servants shall be subject to a parallel system of positions and ranks. The ranks of civil servants shall be set up below the department and bureau level.

Article 13 — The leadership ranks of civil servants shall be determined according to the Constitution, relevant laws and the specifications of their organs.

Chapter IV — Recruitment

Article 14 — The recruitment of civil servants for non-leadership positions below the rank of principal staff member, and for other equivalent ranks, shall be conducted by means of open examination, strict inspection, equal competition, and selection on merit.

Article 15 — The recruitment of civil servants shall be organized by the central and provincial-level civil servant authorities. When necessary, the provincial-level civil servant authorities may authorize the civil servant authorities of cities divided into districts to organize recruitment.

Article 16 — The recruitment of civil servants shall be conducted in accordance with the following procedures:

(1) Publishing recruitment announcements, lists of positions to be filled, and qualification requirements;

(2) Registration and qualification examination;

(3) Written examination;

(4) Interview;

(5) Physical examination;

(6) Inspection; and

(7) Public announcement and approval.

Chapter V — Assessment

Article 17 — Civil servants shall be assessed comprehensively in terms of their morality, ability, diligence, performance and integrity, with emphasis on political quality and actual work performance. The assessment indicators shall be determined according to different position categories and different ranks of civil servants.

Article 18 — The assessment of civil servants shall consist of routine assessments, special assessments and regular assessments. Regular assessments shall be based on routine assessments and special assessments, and shall be conducted annually.

Article 19 — The results of regular assessments shall be classified into four grades: excellent, competent, basically competent and incompetent. The assessment results shall serve as the basis for the adjustment of civil servants' positions, ranks, grades and salaries, as well as for rewards, punishments, training and dismissal.

Chapter VI — Appointment and Removal

Article 20 — Civil servants for leadership positions shall be appointed and removed in accordance with the provisions of the Constitution, relevant laws and the articles of association of their organs.

Article 21 — Civil servants shall be appointed upon selection, and shall be removed from office upon the expiration of the term of office, retirement, or other circumstances where removal from office is required.

Chapter VII — Promotion, Demotion and Transfer

Article 22 — Civil servants shall be promoted level by level. Those who have particularly outstanding moral character and work performance or who have special work needs may be promoted exceptionally or beyond the prescribed levels.

Article 23 — Where a civil servant is found to be incompetent for the current position in the regular assessment, the position shall be adjusted in accordance with the provisions.

Article 24 — Civil servants may be transferred between different positions within the civil service contingent, or transferred to positions outside the civil service contingent in accordance with the provisions.

Chapter VIII — Rewards

Article 25 — Civil servants or civil servant collectives that have made outstanding achievements or contributions shall be rewarded. Rewards shall adhere to the principles of combining spiritual rewards with material rewards, with spiritual rewards playing the primary role.

Article 26 — Rewards shall be classified into: commendation, award of merit of the third class, award of merit of the second class, award of merit of the first class, and conferral of an honorary title.

Chapter IX — Supervision and Punishment

Article 27 — Organs shall exercise supervision over the performance of duties by civil servants and shall urge civil servants to perform their duties in a diligent and honest manner. Civil servants shall accept supervision in accordance with the law.

Article 28 — Civil servants shall not commit any of the following acts:

(1) Disseminating statements that undermine the authority of the Constitution, the leadership of the Communist Party of China or the reputation of the State;

(2) Failing to perform duties in accordance with the law, causing losses;

(3) Refusing to implement decisions and orders made by superiors in accordance with the law;

(4) Engaging in fraudulent practices to deceive or mislead leaders or the public;

(5) Taking bribes, engaging in graft or accepting gifts in violation of regulations;

(6) Abusing powers, infringing upon the lawful rights and interests of citizens, legal persons or other organizations; and

(7) Other acts in violation of laws and disciplines.

Article 29 — Civil servants shall be subject to disciplinary action for violations of laws and disciplines. Disciplinary actions shall include: warning, recording of a demerit, recording of a major demerit, demotion, removal from office, and dismissal.

Chapter X — Training

Article 30 — Organs shall provide training to civil servants based on the requirements of their positions and responsibilities and the needs of economic and social development, in order to enhance their political quality, theoretical level, professional ability and comprehensive quality.

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Article 31 — The training of civil servants shall include pre-service training, on-the-job training, specialized business training and on-the-job further education, among others.

Chapter XI — Exchange and Avoidance

Article 32 — The State shall implement a system of exchange of civil servants. Civil servants may exchange positions within the civil servant contingent, or with staff members of state-owned enterprises, public institutions and people's organizations engaged in public service.

Article 33 — Civil servants shall implement a system of avoidance of posts, avoidance of regions, and avoidance of official duties to prevent conflicts of interest.

Chapter XII — Salaries, Welfare and Insurance

Article 34 — Civil servants shall implement a unified salary system for positions and ranks in accordance with the State provisions. The salary system shall reflect the principles of distribution according to work, giving due consideration to both equity and performance, and taking into account factors such as the job responsibilities, work capacity, actual performance and length of service.

Article 35 — Civil servants shall enjoy welfare benefits such as housing allowances and medical subsidies in accordance with the State provisions. Civil servants shall participate in social insurance in accordance with the State provisions and enjoy insurance benefits such as endowment insurance, medical insurance, work injury insurance, unemployment insurance and maternity insurance.

Chapter XIII — Resignation and Dismissal

Article 36 — A civil servant may resign from his or her public office in accordance with the law. However, a civil servant shall not resign from his or her public office under any of the following circumstances:

(1) Having not yet reached the minimum term of service prescribed by the State;

(2) Holding a position involving State secrets or having not yet completed the declassification period after leaving such a position; or

(3) Being under investigation for suspected violations of laws or disciplines, or where the judicial authority has not yet made a final decision on a case involving the civil servant.

Article 37 — A civil servant may be dismissed under any of the following circumstances:

(1) Being assessed as incompetent for two consecutive years in the annual assessment;

(2) Being incompetent for the current position and refusing to accept other arrangements;

(3) Refusing to accept reasonable arrangements when the organ needs to adjust or abolish the position due to restructuring or downsizing;

(4) Failing to perform the obligations of a civil servant or violating laws and disciplines, and failing to make corrections after education; or

(5) Being absent from work without justifiable reasons for 15 consecutive working days or more, or 30 cumulative working days or more within one year.

Chapter XIV — Retirement

Article 38 — A civil servant shall retire upon reaching the retirement age prescribed by the State or upon complete loss of working capability.

Article 39 — A civil servant may retire before reaching the retirement age under any of the following circumstances and upon application by the civil servant and approval by the appointment and removal

authority:

(1) Having worked for 30 full years;

(2) Being less than five years from the retirement age prescribed by the State and having worked for 20 full years; or

(3) Other circumstances where early retirement is permitted under State provisions.

Chapter XV — Appeals and Accusations

Article 40 — A civil servant who disagrees with a personnel decision such as a disciplinary action, dismissal, or cancellation of recruitment may, within 30 days of becoming aware of the decision, apply for reconsideration to the original decision-making authority; where the civil servant disagrees with the reconsideration decision, he or she may appeal to the civil servant authority at the same level or to the authority at the next higher level.

Article 41 — A civil servant who believes that an organ or its leading personnel has infringed upon his or her lawful rights and interests may file an accusation with the relevant authority in accordance with the law.

Chapter XVI — Appointment-Based Civil Servants

Article 42 — Organs may, in accordance with work needs and upon approval by the provincial-level or higher civil servant authority, implement an appointment system for specialized positions requiring special talents and for auxiliary positions.

Chapter XVII — Legal Liability

Article 43 — Where an organ, in violation of the provisions of this Law, commits any of the following acts in the administration of civil servants, the civil servant authority at or above the county level or the superior organ shall, based on the circumstances, order it to make corrections or declare the act void, and the leading personnel who are directly responsible and other directly responsible personnel shall be subject to criticism and education, organizational sanctions or disciplinary action in accordance with the law:

(1) Exceeding the authorized staffing size, position establishment limits, or rank establishment limits in recruiting, transferring or promoting civil servants;

(2) Failing to recruit, transfer, promote, demote, assess, reward or punish civil servants in accordance with the statutory conditions and procedures;

(3) Failing to determine or adjust the salaries, welfare or insurance benefits of civil servants in accordance with the provisions; or

(4) Other acts in violation of the provisions of this Law.

Chapter XVIII — Supplementary Provisions

Article 44 — This Law shall take effect on June 1, 2019. The Civil Servant Law of the People's Republic of China, adopted on April 27, 2005, shall be repealed simultaneously.

Disclaimer: This English translation is provided for informational and reference purposes only. While every effort has been made to ensure accuracy, it is not an official translation and may contain differences from the original Chinese text. For legal purposes, the original Chinese version adopted by the Standing Committee of the National People's Congress and published by the Chinese government authorities shall prevail. Dan Young Business Consultancy assumes no liability for any errors, omissions, or reliance on this translation. Users should consult qualified legal professionals for advice on specific legal matters in China.

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