Law on Government Sanctions for Public Officials of the PRC

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Adopted at the 21st Session of the Standing Committee of the 13th National People's Congress on June 20, 2020
Effective: July 1, 2020

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of regulating government sanctions, strengthening supervision over all public officials exercising public power, promoting public officials to perform their duties in accordance with the law, impartially exercising power, conducting themselves with integrity, and adhering to professional ethics and social morality.

Article 2 — This Law shall apply to the imposition of government sanctions by supervisory organs on public officials who violate the law. Where this Law is silent on government sanctions, the Supervision Law of the PRC shall apply. For purposes of this Law, public officials means those persons specified in Article 15 of the Supervision Law of the PRC.

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Article 3 — Supervisory organs shall, in accordance with their administrative authority, investigate illegal acts of public officials and impose government sanctions in accordance with the law. The imposition of government sanctions on public officials shall be based on facts and take law as the criterion, and shall be commensurate with the nature, circumstances, and degree of harm of the illegal act.

Article 4 — In imposing government sanctions, the supervisory organ shall adhere to the principle of combining punishment with education, and shall combine leniency with severity. Public officials who voluntarily admit to illegal acts, cooperate with the investigation, or take the initiative to mitigate or eliminate the harmful consequences may be given a lighter or mitigated sanction.

Article 5 — In imposing government sanctions on public officials, the facts shall be clear, the evidence conclusive, the nature correctly determined, the handling appropriate, the procedures legal, and the formalities complete.

Chapter II — Types and Application of Sanctions

Article 6 — Types of government sanctions shall be: (1) warning; (2) demerit recorded; (3) major demerit recorded; (4) demotion; (5) removal from office; and (6) expulsion.

Article 7 — The period of government sanctions shall be: (1) warning — six months; (2) demerit recorded — twelve months; (3) major demerit recorded — eighteen months; (4) demotion and removal from office — twenty-four months. A decision of government sanction shall take effect from the date on which it is made, and the period of the sanction shall be calculated from the effective date of the sanction decision.

Article 8 — During the period of a government sanction, the public official shall not be promoted in position, rank, or grade. Where a public official is subjected to a sanction other than a warning, the public official shall not be promoted in salary scale during the sanction period. Where a public official is subjected to demotion, the public official's salary scale shall be reduced accordingly.

Article 9 — Where a public official commits two or more illegal acts, separate sanctions shall be determined for each act and a combined sanction shall be imposed in accordance with the law. Where the combined sanction period exceeds the longest period for a single sanction, the longer period shall apply but shall not exceed 48 months.

Article 10 — Where a public official commits an illegal act in a group, the ringleader shall be given a heavier sanction. Those coerced or induced to participate shall be given a lighter or mitigated sanction or may be exempted from sanction depending on the circumstances.

Article 11 — Where a public official exhibits meritorious performance, voluntarily confesses illegal acts not yet discovered by the supervisory organ, or provides important clues for investigating other cases, the sanction may be mitigated or exempted.

Article 12 — Where a public official has been subject to expulsion, the public official shall be removed from public office. Where a public official of a people's congress is subject to expulsion, the public official's representative credentials shall be terminated by the appropriate organ in accordance with the law.

Article 13 — Where a public official is deceased at the time the supervisory organ discovers an illegal act, no further sanction decision shall be made, but illegal gains shall be confiscated and recovered in accordance with the law.

Article 14 — If, during the period of a government sanction, a public official shows repentance and no further illegal acts are committed, the sanction shall be automatically lifted upon expiration of the sanction period. After the sanction is lifted, promotion in position, rank, and grade shall no longer be affected by the original sanction.

Chapter III — Illegal Acts and Applicable Sanctions

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Article 15 — Public officials who commit any of the following acts shall be subject to corresponding government sanctions: (1) spreading remarks detrimental to the authority of the Constitution, the leadership of the Communist Party of China, or the reputation of the State; (2) participating in illegal assemblies, processions, demonstrations, or strikes; (3) refusing to implement decisions or orders of superior authorities; (4) failing to perform duties as required or failing to fulfill obligations; or (5) other acts in violation of political discipline.

Article 16 — Public officials who commit any of the following acts shall be subject to corresponding government sanctions: (1) embezzling or accepting bribes; (2) seeking personal gain through abuse of power; (3) accepting gifts, money, negotiable securities, or other benefits that may affect impartial performance of duties; (4) accepting banquets, travel, fitness, entertainment, or other arrangements that may affect impartial performance of duties; or (5) other acts in violation of integrity requirements.

Article 17 — Public officials who commit any of the following acts shall be subject to corresponding government sanctions: (1) abusing authority to harm the lawful rights and interests of citizens, legal persons, or other organizations; (2) failing to disclose information that should be disclosed in accordance with regulations, or infringing upon the public's right to know; (3) engaging in fraud, deceiving superiors, and misleading the public; (4) divulging State secrets, work secrets, or commercial secrets; or (5) other acts constituting abuse of power, neglect of duty, or malpractice for personal gain.

Article 18 — Public officials who commit any of the following acts shall be subjected to heavier sanctions: (1) committing illegal acts during the period of a previous sanction; (2) obstructing or refusing to cooperate with an investigation by the supervisory organ; (3) colluding with others to give false testimony or destroy evidence; (4) retaliating against the accuser, witness, or case handler; or (5) other circumstances warranting heavier sanctions as prescribed by law.

Chapter IV — Procedures for Imposing Sanctions

Article 19 — After the supervisory organ has investigated and verified an illegal act by a public official, it shall, based on the findings, handle the matter in accordance with the law: (1) where the facts of the illegal act are clear and the evidence is conclusive, a decision on government sanction shall be made; (2) where the illegal act is minor and does not warrant a government sanction after criticism and education, the case may be closed without sanction; and (3) where the public official is suspected of committing a crime, the case shall be transferred to the judicial organ for handling.

Article 20 — When a supervisory organ investigates an illegal act by a public official, there shall be at least two investigators. Investigators shall produce their credentials and the investigation notice. The investigated public official shall have the right to present a statement and a defense.

Article 21 — Before making a decision on government sanction, the supervisory organ shall inform the investigated public official of the facts of the illegal act found through investigation, the basis for the proposed sanction, and the right to a statement and a defense. Such statement and defense by the investigated public official shall be recorded.

Article 22 — Where the facts, evidence, or determination of the nature of the illegal act change after the investigated public official presents a statement or defense, the supervisory organ shall conduct a reexamination. The facts, reasons, and evidence presented by the investigated public official shall not be the sole basis for a heavier sanction.

Article 23 — The supervisory organ shall make a decision on government sanction within six months from the date of case filing. For complex cases, the period may be extended upon approval, but the total period shall not exceed twelve months.

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Article 24 — The decision on government sanction shall be in writing and shall state: (1) the name, position, and work unit of the sanctioned person; (2) the facts and evidence of the illegal act; (3) the type and basis of the sanction; (4) the right to apply for review or reconsideration and the channel and time limit for doing so; and (5) the name and date of the organ making the decision.

Article 25 — The decision on government sanction shall be served on the sanctioned person in a timely manner and shall be announced to a certain scope within the unit to which the sanctioned person belongs. The sanctioned person's personnel file and the organ that made the decision shall retain a copy of the decision.

Chapter V — Review and Remedy

Article 26 — Where a public official is dissatisfied with a government sanction decision made by the supervisory organ, the public official may, within one month from the date of receipt of the decision, apply to the supervisory organ that made the decision for review. The supervisory organ shall make a review decision within one month from the date of receipt of the application.

Article 27 — Where a public official is dissatisfied with the review decision, the public official may, within one month from the date of receipt of the review decision, apply to the supervisory organ at the next higher level for reconsideration. The supervisory organ receiving the reconsideration application shall make a reconsideration decision within two months.

Article 28 — Upon review or reconsideration, the supervisory organ shall handle the matter according to the following circumstances: (1) where facts are clear, the evidence is conclusive, and the procedure is legal, the original sanction decision shall be upheld; (2) where the facts are unclear or the evidence is insufficient, the original sanction decision shall be revoked; and (3) where the sanction is inappropriate, the original sanction decision shall be changed.

Article 29 — Execution of the sanction decision shall not be suspended during the period of review or reconsideration. Where the sanction decision is revoked or changed through review or reconsideration, the supervisory organ shall restore the reputation of the sanctioned person and compensate for the loss caused by the erroneous sanction.

Chapter VI — Legal Liability

Article 30 — Where a staff member of a supervisory organ commits any of the following acts, the responsible leaders and directly responsible persons shall be subject to sanctions in accordance with the law: (1) imposing a government sanction in violation of prescribed procedures; (2) exceeding authority or abusing power to impose a government sanction; (3) retaliating against the accuser, witness, or case handler; (4) illegally depriving a public official of the right to a statement or defense; or (5) other acts constituting abuse of power, neglect of duty, or malpractice for personal gain.

Article 31 — Where a relevant unit refuses to implement a government sanction decision made by a supervisory organ or retaliates against the accuser, witness, or case handler, the responsible leaders and directly responsible persons shall be subject to sanctions in accordance with the law.

Article 32 — Where a public official retaliates against an accuser, witness, or case handler by means of violence, threat, or other means, or frames another person to make them wrongfully subject to a government sanction or criminal investigation, the public official shall be given a heavier or the heaviest government sanction in accordance with the law.

Chapter VII — Supplementary Provisions

Article 33 — The Standing Committee of the National People's Congress shall have the power to interpret this Law.

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Article 34 — This Law shall come into force on July 1, 2020.

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