Organic Law of the Local People’s Congresses and Local People’s Governments of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

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

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Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979

Amended for the first time at the 18th Meeting of the Standing Committee of the Seventh National People's Congress on February 22, 1986; amended for the second time at the 12th Meeting of the Standing Committee of the Eighth National People's Congress on February 28, 1995; amended for the third time at the 29th Meeting of the Standing Committee of the Tenth National People's Congress on October 31, 2004; amended for the fourth time at the 12th Meeting of the Standing Committee of the 11th National People's Congress on August 27, 2009; amended for the fifth time at the Fifth Session of the 11th National People's Congress on March 14, 2015; and revised at the Fifth Session of the 13th National People's Congress on March 11, 2022

Effective: March 11, 2022

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution to govern the establishment, organizational structure, and functions of local people's congresses at various levels and local people's governments at various levels.

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Article 2 — Local people's congresses at various levels are the local organs of state power. Local people's governments at various levels are the executive organs of the local organs of state power and the local organs of state administration at the corresponding levels.

Article 3 — Local people's congresses at various levels and local people's governments at various levels shall uphold the leadership of the Communist Party of China, adhere to the guidance of Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory, the Important Thought of Three Represents, the Scientific Outlook on Development, and Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, and exercise their functions and powers in accordance with the provisions of the Constitution and laws.

Article 4 — The term of office of local people's congresses at various levels is five years.

Chapter II — Local People's Congresses at Various Levels

Article 5 — Local people's congresses at various levels are established in provinces, autonomous regions, municipalities directly under the Central Government, autonomous prefectures, counties, autonomous counties, cities not divided into districts, municipal districts, townships, ethnic townships, and towns. The election of deputies and the convening of sessions of local people's congresses at various levels shall be conducted in accordance with the provisions of the Electoral Law of the National People's Congress and Local People's Congresses of the People's Republic of China.

Article 6 — Local people's congresses at various levels are local organs of state power. The local people's congresses at or above the county level shall establish standing committees.

Article 7 — A local people's congress shall meet in session at least once a year. An interim session of a local people's congress at or above the county level may be convened if its standing committee deems it necessary or if one-fifth or more of its deputies so propose. An interim session of a people's congress of a township, ethnic township, or town may be convened if the presidium of the people's congress deems it necessary or if one-fifth or more of the deputies so propose.

Article 8 — The first session of each local people's congress at or above the county level shall be convened by the standing committee of the preceding people's congress at the corresponding level within two months after the election of deputies. The first session of each people's congress of a township, ethnic township, or town shall be convened by the presidium of the preceding people's congress at the corresponding level within two months after the election of deputies.

Article 9 — When a local people's congress meets, it shall elect a presidium to conduct its sessions. The local people's congresses at or above the county level shall also elect a secretary-general; the people's congresses of townships, ethnic townships, and towns shall elect a presidium chairperson and vice-chairperson. The secretary-general or the chairperson of the presidium shall preside over the meetings of the presidium.

Article 10 — Local people's congresses at various levels shall, within their administrative areas, ensure the observance and enforcement of the Constitution, laws, and administrative regulations; protect socialist public property owned by the whole people and property owned by collectives of working people; protect the lawful private property of citizens; maintain social order; and safeguard the personal rights, democratic rights, and other rights of citizens.

Article 11 — Local people's congresses at or above the county level shall exercise the following functions and powers: (1) to ensure the observance and enforcement of the Constitution, laws, administrative regulations, and resolutions of the people's congresses and their standing committees at higher levels within their administrative areas, and to ensure the implementation of the state plan and the state budget; (2) to examine and approve the plan for national economic and social development, the budget, and the reports on their implementation within their respective administrative areas; (3) to discuss and decide on major issues

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concerning politics, the economy, education, science, culture, health, environmental and resource protection, civil affairs, ethnic affairs, and other fields within their administrative areas; (4) to elect the members of the standing committee of the people's congress at the corresponding level; (5) to elect the governor and deputy governors of the province, the chairperson and vice-chairpersons of the autonomous region, the mayor and deputy mayors of the municipality, the governor and deputy governors of the prefecture, the head and deputy heads of the county or district, and to elect the president of the people's court and the chief procurator of the people's procuratorate at the corresponding level; (6) to decide on the choice of the chairperson of the people's government of the prefecture, county, or district upon nomination by the presidium or by a joint nomination of a prescribed number of deputies; (7) to elect deputies to the people's congress at the next higher level; (8) to hear and deliberate on the work reports of the standing committee of the people's congress, the people's government, the people's court, and the people's procuratorate at the corresponding level; (9) to alter or annul inappropriate resolutions of the standing committee of the people's congress at the corresponding level; (10) to annul inappropriate decisions and orders of the people's government at the corresponding level; (11) to protect the rights of all ethnic minorities; (12) to protect the rights of women, children, the elderly, and persons with disabilities; and (13) to exercise such other functions and powers as are vested in them by higher organs of state power.

Article 12 — The people's congresses of townships, ethnic townships, and towns shall exercise the following functions and powers: (1) to ensure the observance and enforcement of the Constitution, laws, administrative regulations, and resolutions of the people's congresses and their standing committees at higher levels within their administrative areas; (2) to adopt and promulgate resolutions within the scope of their functions and powers; (3) to decide on plans for economic, cultural, and public utility development within their administrative areas; (4) to examine and approve the budget and the report on its implementation within their administrative areas; (5) to decide on plans for civil affairs within their administrative areas; (6) to elect the chairperson and vice-chairperson of the presidium of the people's congress and the head and deputy heads of the township or town; (7) to hear and deliberate on the work reports of the people's governments of the townships, ethnic townships, and towns; (8) to annul inappropriate decisions and orders of the people's governments of the townships, ethnic townships, and towns; (9) to protect socialist public property owned by the whole people and property owned by collectives of working people, protect the lawful private property of citizens, maintain social order, and safeguard the personal rights, democratic rights, and other rights of citizens; (10) to protect the lawful rights and interests of various types of economic organizations; and (11) to protect the rights of all ethnic minorities.

Article 13 — A delegation or a group of ten or more deputies to a local people's congress at or above the county level, or a group of five or more deputies to a people's congress of a township, ethnic township, or town, may submit bills and proposals to the people's congress at the corresponding level that fall within the scope of its functions and powers; the presidium shall decide whether to place such bills and proposals on the agenda, or to refer them to the relevant special committees for deliberation and then decide, based on the report of the special committees, whether to place them on the agenda.

Article 14 — When the people's congress at the corresponding level meets, a group of ten or more deputies may jointly submit a written proposal for the recall of a member of the standing committee of the people's congress, a member of the people's government, a member of the supervision commission, the president of the people's court, or the chief procurator of the people's procuratorate at the corresponding level. A group of five or more deputies to a people's congress of a township, ethnic township, or town may jointly submit a written proposal for the recall of the chairperson or vice-chairperson of the presidium, the head or deputy head of the people's government, or a member of the people's congress presidium at the corresponding level.

Article 15 — When a local people's congress holds its sessions, the presidium, the standing committee, and the special committees of the people's congress at the corresponding level, the people's government at the

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corresponding level, and a group of ten or more deputies may submit bills and proposals to the people's congress at the corresponding level that fall within the scope of its functions and powers; the presidium shall decide whether to place such bills and proposals on the agenda.

Article 16 — The presidium of a local people's congress at or above the county level, the standing committee of the local people's congress, and the relevant special committees, and the people's government, the people's court, and the people's procuratorate at the corresponding level may submit proposals and opinions to the local people's congress. Deputies may also submit suggestions, criticisms, and opinions on all aspects of the work. The standing committee of the local people's congress at or above the county level and the presidium of the people's congress of a township, ethnic township, or town shall refer such suggestions, criticisms, and opinions to the relevant organs and organizations for handling and response.

Article 17 — Sessions of local people's congresses at various levels shall be conducted in public. When necessary, the presidium may, by a decision approved by the people's congress, decide that a session be held in closed session.

Chapter III — The Standing Committees of Local People's Congresses

Article 18 — The standing committee of a local people's congress at or above the county level shall be composed of a chairperson, several vice-chairpersons, a secretary-general, and several other members, all of whom shall be elected by the people's congress at the corresponding level from among its deputies. No member of the standing committee of a local people's congress at or above the county level shall hold office in an administrative, supervisory, adjudicatory, or procuratorial organ of the state.

Article 19 — The standing committee of a local people's congress at or above the county level shall discuss and decide on major issues concerning all aspects of work within its administrative area; supervise the work of the people's government, the supervision commission, the people's court, and the people's procuratorate at the corresponding level; annul inappropriate decisions and orders of the people's government at the corresponding level; annul inappropriate resolutions of the people's congress at the next lower level; decide on the appointment or removal of functionaries of state organs within the scope of its functions and powers as prescribed by law; and, when the people's congress at the corresponding level is not in session, recall and by-elect deputies to the people's congress at the next higher level.

Article 20 — The standing committee of a local people's congress at or above the county level shall meet at least once every two months. An interim meeting of the standing committee may be convened when the council of chairpersons deems it necessary or upon a proposal by one-fifth or more of the members of the standing committee. The standing committee shall adopt resolutions by a simple majority of all its members.

Article 21 — The chairperson of the standing committee shall preside over the meetings and work of the standing committee; the vice-chairpersons and the secretary-general shall assist the chairperson in his or her work. The chairperson, vice-chairpersons, and secretary-general shall constitute the council of chairpersons, which shall handle the important day-to-day work of the standing committee.

Article 22 — The people's government, the supervision commission, the people's court, and the people's procuratorate at the corresponding level, the special committees of the people's congress at the corresponding level, and a group of five or more members of the standing committee of the people's congress at or above the county level may submit bills and proposals to the standing committee at the corresponding level that fall within the scope of its functions and powers; the council of chairpersons shall decide whether to place such bills and proposals on the agenda of a meeting of the standing committee.

Article 23 — In the standing committee of a local people's congress at or above the county level, a group of five or more members of the standing committee at the provincial, autonomous region, municipality directly under the Central Government, or autonomous prefecture level, or a group of three or more members of the standing committee at the county, autonomous county, city not divided into districts, or municipal district level

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may jointly submit a written proposal for the recall of an individual member of the people's government, a member of the supervision commission, the president of the people's court, or the chief procurator of the people's procuratorate at the corresponding level to the standing committee.

Article 24 — The standing committee of a local people's congress at or above the county level shall establish a working body for letters and visits, and may establish other working bodies as needed. The establishment, increase, decrease, or merger of working bodies of the standing committee shall be decided by the standing committee at the corresponding level.

Chapter IV — Local People's Governments at Various Levels

Article 25 — Local people's governments at various levels are the executive organs of the local organs of state power at the corresponding levels and the local organs of state administration at the corresponding levels. Local people's governments at various levels shall be responsible and report on their work to the people's congress at the corresponding level and its standing committee. Local people's governments at various levels shall all be state administrative organs under the unified leadership of the State Council and shall all be subordinate to the State Council.

Article 26 — Local people's governments at various levels shall exercise the following functions and powers: (1) to implement the resolutions of the people's congress and its standing committee at the corresponding level, as well as the decisions and orders of the state administrative organs at higher levels, prescribe administrative measures, and issue decisions and orders; (2) to direct the work of their subordinate departments and the people's governments at lower levels; (3) to alter or annul inappropriate orders and directives of their subordinate departments and inappropriate decisions and orders of the people's governments at lower levels; (4) to appoint or remove, and train, assess, and award or punish, functionaries of state administrative organs in accordance with the provisions of law; (5) to implement the plan for national economic and social development and the budget, and administer the economic, educational, scientific, cultural, health, sports, urban and rural development, financial, civil affairs, public security, ethnic affairs, judicial administration, family planning, and other administrative work within their administrative areas; (6) to protect socialist public property owned by the whole people and property owned by collectives of working people, and protect the lawful private property of citizens; maintain social order; safeguard the personal rights, democratic rights, and other rights of citizens; (7) to protect the lawful rights and interests of various types of economic organizations; (8) to safeguard the rights of all ethnic minorities and respect their folkways and customs; (9) to safeguard the rights of women, children, the elderly, and persons with disabilities; and (10) to handle other matters assigned by the state administrative organs at higher levels.

Article 27 — The people's governments of provinces, autonomous regions, municipalities directly under the Central Government, autonomous prefectures, and cities divided into districts shall be respectively composed of the governor and deputy governors, the chairperson and vice-chairpersons of the autonomous region, the mayor and deputy mayors, or the governor and deputy governors of the prefecture, and additionally the secretary-general, the heads of the departments (or bureaus), and the heads of the commissions. The people's governments of counties, autonomous counties, cities not divided into districts, and municipal districts shall be respectively composed of the head and deputy heads of the county or district, the mayor and deputy mayors, and additionally the heads of the bureaus and sections. The people's governments of townships, ethnic townships, and towns shall be composed of the head and deputy heads of the township or town.

Article 28 — The term of office of local people's governments at various levels is the same as that of the people's congresses at the corresponding levels. When a local people's congress at the corresponding level completes its term, the people's government shall continue to perform its functions until a new people's government is formed by the newly elected people's congress.

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Article 29 — Local people's governments at or above the county level shall, in accordance with the provisions of the state, establish auditing organs. Local auditing organs at various levels shall independently exercise their power of supervision through auditing in accordance with law, and shall be responsible and report on their work to the people's government at the corresponding level and the auditing organ at the next higher level.

Article 30 — The working departments of local people's governments at or above the county level shall, under the unified leadership of the people's government at the corresponding level, conduct their respective work in accordance with the provisions of law or administrative regulations. Such working departments shall be subject to the operational guidance or leadership of the competent departments of the people's government at the next higher level.

Article 31 — The people's governments of provinces, autonomous regions, municipalities directly under the Central Government, autonomous prefectures, counties, autonomous counties, cities, municipal districts, townships, ethnic townships, and towns shall assist in the work of all state organs, enterprises, public institutions, and other organizations that are located within their administrative areas but not under their jurisdiction, and shall supervise their observance and enforcement of laws and decrees.

Article 32 — When necessary, and with the approval of the State Council, the people's governments of provinces and autonomous regions may establish certain prefectural-level administrative offices as their dispatched agencies. When necessary, and with the approval of the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government, the people's governments of counties or autonomous counties may establish certain district administrative offices as their dispatched agencies. When necessary, and with the approval of the people's government at the next higher level, the people's governments of municipal districts and cities not divided into districts may establish certain neighborhood offices as their dispatched agencies.

Chapter V — Supplementary Provisions

Article 33 — The standing committees of the people's congresses of provinces, autonomous regions, municipalities directly under the Central Government, and cities divided into districts, and of autonomous prefectures may, in accordance with the provisions of law, formulate, adopt, and promulgate local regulations, and report them to the Standing Committee of the National People's Congress and the State Council for the record.

Article 34 — The people's governments of provinces, autonomous regions, municipalities directly under the Central Government, and cities divided into districts, and of autonomous prefectures may, in accordance with the provisions of law and administrative regulations, formulate rules and regulations, and report them to the State Council and the standing committee of the people's congress at the corresponding level for the record.

Article 35 — This Law shall enter into force on the date of its promulgation.

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