

Active Duty Officers Law of the PRC

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Adopted at the 3rd Meeting of the Standing Committee of the Seventh National People's Congress on September 5, 1988; promulgated by Order No. 8 of the President of the People's Republic of China on September 5, 1988; amended for the first time in accordance with the Decision on Amending the Regulations on the Service of Active-Duty Officers of the Chinese People's Liberation Army adopted at the 7th Meeting of the Standing Committee of the Eighth National People's Congress on May 12, 1994; amended for the second time in accordance with the Decision on Amending the Regulations on the Service of Active-Duty Officers of the Chinese People's Liberation Army adopted at the 19th Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2000
Effective: January 1, 1989

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Chapter I — General Provisions

Article 1 — This Law is formulated in order to build a contingent of active-duty officers that is revolutionary, younger, better educated, and more professional, so as to facilitate the completion by the People's Liberation Army of the tasks assigned by the State.

Article 2 — Active-duty officers of the People's Liberation Army (hereinafter referred to as "officers") are active-duty military personnel who are appointed to positions at or above the platoon level or to professional and technical positions at or above the junior level, and are conferred corresponding military ranks.

Officers are divided, according to the nature of their positions, into military officers, political officers, logistics officers, equipment officers, and professional and technical officers.

Article 3 — Officers are part of the working personnel of the State.

Officers perform the sacred duties conferred by the Constitution and laws, and enjoy status and honor commensurate with their duties in social life.

The State safeguards the lawful rights and interests of officers in accordance with the law.

Article 4 — The selection and use of officers shall adhere to the principles of appointing people on their merits, combining moral integrity and professional competence, stressing actual achievements, and timely exchange, and shall practice democratic supervision and respect public opinion.

Article 5 — The State shall determine the various treatment of officers in accordance with the principle of giving preferential treatment to active-duty military personnel.

Article 6 — Officers who meet the conditions for retiring from active service as prescribed by this Law shall retire from active service.

Article 7 — The General Political Department of the People's Liberation Army shall be in charge of the officer administration work of the whole army, and the political organs of units at or above the regiment level shall be in charge of the officer administration work of their respective units.

Chapter II — Basic Conditions, Sources, and Training of Officers

Article 8 — Officers must meet the following basic conditions:

- (1) being loyal to the motherland and to the Communist Party of China, having firm revolutionary ideals and convictions, serving the people wholeheartedly, and consciously devoting themselves to the cause of national defense;
- (2) observing the Constitution, laws, and regulations, implementing the guidelines and policies of the State and the rules and regulations of the army, and obeying orders and commands;
- (3) having the theoretical and policy levels, modern military, scientific, cultural, and professional knowledge, and organizational and command abilities necessary for being competent in their own work, having received training at academies and obtained corresponding educational qualifications, and being in good health;
- (4) caring for soldiers, leading by example, being fair and upright, being honest and devoted to public duty, working hard, and fearing no sacrifice.

Article 9 — The sources of officers:

- (1) selecting outstanding soldiers and graduates of ordinary secondary schools to study at military academies and graduate;
- (2) accepting graduates of ordinary institutions of higher learning;
- (3) conversion from civilian cadres;
- (4) recruiting professional and technical personnel and other persons from outside the army.

In wartime, officers may be directly appointed from soldiers, recalled reserve officers, and personnel of non-military departments as needed.

Article 10 — The People's Liberation Army implements a system of promoting officers through academy training.

Military, political, logistics, and equipment officers shall receive training at the corresponding academies or other training institutions for each promotion to a higher command position. Officers holding command positions at or below the battalion level shall receive training at junior command academies; officers holding command positions at the regiment and division levels shall receive training at intermediate command academies; officers holding command positions at or above the army level shall receive training at senior command academies.

Officers serving in organs shall receive training at the corresponding academies.

Professional and technical officers shall receive training at academies corresponding to their specialties for each promotion to a higher professional and technical position; where academy training cannot meet the needs, the prescribed continuing education tasks shall be completed through other means.

Chapter III — Assessment and Appointment and Removal of Officers

Article 11 — Chief officers and political organs at all levels shall assess their subordinate officers in accordance with the division of work.

The assessment of officers shall combine leadership with the masses, and shall be comprehensive with work achievements as the main focus, in accordance with the basic conditions of officers and the standards, procedures, and methods for officer assessment prescribed by the Central Military Commission. The assessment results are divided into three grades: outstanding, competent, and incompetent, and shall serve as the main basis for the appointment and removal of officer positions. The assessment results shall be notified to the persons concerned.

The appointment and removal of officer positions shall be preceded by assessment; without assessment, no appointment or removal shall be made.

Article 12 — The authority for the appointment and removal of officer positions:

(1) officer positions from the Chief of the General Staff and the Director of the General Political Department up to principal positions at the division level shall be appointed and removed by the Chairman of the Central Military Commission;

(2) officer positions at the deputy division level (principal brigade level) and the principal regiment level (deputy brigade level), and senior professional and technical officer positions, shall be appointed and removed by the Chief of the General Staff, the Director of the General Political Department, the Director and Political Commissar of the General Logistics Department, the Director and Political Commissar of the General Equipment Department, and the principal leaders of grand military regions and services and arms, or of units at the grand military region level; the principal regiment-level (deputy brigade-level) officer positions of units at the deputy grand military region level shall be appointed and removed by the principal leaders of units at the deputy grand military region level;

(3) officer positions at the deputy regiment level and the principal battalion level, and intermediate professional and technical officer positions, shall be appointed and removed by the principal leaders of group armies or other units at the army level with appointment and removal authority; the principal battalion-level officer positions of independent divisions shall be appointed and removed by the principal leaders of the independent divisions;

(4) officer positions at or below the deputy battalion level and junior professional and technical officer positions shall be appointed and removed by the principal leaders of divisions (brigades) or other units at the division (brigade) level with appointment and removal authority.

The appointment and removal of the officer positions listed in the preceding paragraph shall be handled in accordance with the procedures prescribed by the Central Military Commission.

Article 13 — When performing emergency tasks such as combat and disaster rescue and relief, the chief officer at a higher level shall have the authority to temporarily remove from office subordinate officers who disobey orders, fail to perform their duties, or are incompetent, and may temporarily designate other military personnel to act in their stead; where officer positions become vacant for other reasons, the chief officer at a higher level may also temporarily designate military personnel to act in their stead.

Where officers are temporarily removed from office or military personnel are temporarily designated to act as officers in accordance with the provisions of the preceding paragraph, the matter shall be reported to the higher level with appointment and removal authority for review and decision as soon as possible, and the appointment and removal formalities shall be completed.

Article 14 — The maximum ages for serving in peacetime in military, political, logistics, and equipment officer positions in combat forces are as follows:

- (1) thirty years for platoon-level positions;
- (2) thirty-five years for company-level positions;
- (3) forty years for battalion-level positions;
- (4) forty-five years for regiment-level positions;
- (5) fifty years for division-level positions;
- (6) fifty-five years for army-level positions;
- (7) sixty-three years for deputy positions and sixty-five years for principal positions at the grand military region level.

For officers at the battalion and regiment levels serving on ships, the maximum ages for serving are forty-five years and fifty years, respectively; for officers at the regiment level engaged in flying, the maximum age for serving is fifty years.

For a small number of officers at the division and army levels in combat forces whose work requires it, the maximum age for serving may be appropriately extended upon approval in accordance with the appointment and removal authority, but the extension shall not exceed five years for officers at the division level and principal positions at the army level, and shall not exceed three years for officers at deputy positions at the army level.

Article 15 — For officers at or below the deputy regiment level in units other than combat forces and officers at the grand military region level, the maximum ages for serving shall be implemented in accordance with the corresponding provisions of paragraph 1 of Article 14 of this Law; for officers at the principal regiment level, the maximum age for serving is fifty years; for officers at the division level, the maximum age for serving is fifty-five years; for officers at deputy and principal positions at the army level, the maximum ages for serving are fifty-eight years and sixty years, respectively.

Article 16 — The maximum ages for serving in peacetime in professional and technical officer positions are as follows:

- (1) forty years for junior professional and technical positions;
- (2) fifty years for intermediate professional and technical positions;

(3) sixty years for senior professional and technical positions.

For a small number of officers holding senior professional and technical positions whose work requires it, the maximum age for serving may be appropriately extended upon approval in accordance with the appointment and removal authority, but the extension shall not exceed five years.

Article 17 — The minimum years for serving in peacetime in principal officer positions at the platoon, company, battalion, regiment, division (brigade), and army levels are three years respectively.

Article 18 — For officers serving as section chiefs, division chiefs, office directors, bureau directors, and department directors in organs and academies, and in equivalent leading positions, the minimum years for serving shall be implemented by reference to the provisions of Article 17 of this Law.

For officers serving as staff officers, political officers, secretaries, assistants, and instructors in organs and academies, the minimum years for serving in each position grade are three years.

Article 19 — The minimum years for serving in peacetime in professional and technical officer positions shall be implemented in accordance with the relevant provisions of the Central Military Commission.

Article 20 — Only after an officer has served for the minimum years in a position may he or she be promoted position by position in accordance with the vacancies in the establishment and his or her moral character and ability.

Officers with outstanding moral character and ability, remarkable achievements, and whose work requires it may be promoted ahead of schedule; especially outstanding officers may be promoted by skipping positions.

Article 21 — Officers promoted to a higher position shall possess the qualifications of service experience, educational level, and academy training required for the proposed position. The specific conditions shall be prescribed by the Central Military Commission.

Article 22 — Officer positions shall be appointed in accordance with the establishment posts and establishment position grades.

Article 23 — Officers found incompetent through assessment shall be transferred to lower positions or assigned other work, and their treatment shall be determined in accordance with the new positions.

Article 24 — For officers holding positions at the division, army, and grand military region levels, the maximum years for serving in peacetime in principal and deputy positions are ten years respectively. Officers who have served for the maximum years shall be removed from their current positions.

Article 25 — In accordance with the needs of national defense construction, the army may dispatch officers to non-military departments to perform tasks assigned by the army.

Article 26 — Officers may be converted to civilian cadres in accordance with the provisions of the Central Military Commission.

Chapter IV — Exchange and Recusal of Officers

Article 27 — Officers shall be exchanged between different posts or different units, and the specific measures shall be prescribed by the Central Military Commission in accordance with this Law.

Article 28 — Officers who have served in one post for the following years shall be exchanged:

(1) four years for principal officer positions at or below the division level in combat forces, and five years for principal officer positions at the army level;

(2) five years for principal officer positions at or below the army level in units other than combat forces;

(3) four years for section chiefs, division chiefs, office directors, and equivalent leading positions in organs, and five years for bureau directors, department directors, and equivalent leading positions; except for a small

number of posts with strong professionalism or especially required by work.

Officers holding leading positions at the division and army levels who have worked continuously in the same unit for twenty-five years and thirty years respectively shall be exchanged.

Officers holding other positions shall also be exchanged as needed.

Article 29 — The exchange of officers working in hardship areas to other areas shall be implemented in accordance with the relevant provisions of the Central Military Commission.

Article 30 — Where officers have a spousal relationship, a direct blood relationship, a collateral blood relationship within three generations, or a close relationship by marriage, they shall not hold positions in a direct superior-subordinate relationship or in a leadership relationship with one level in between, shall not hold positions in the same unit where both are directly subordinate to the same chief, and shall not serve in the organ of the party holding a leading position.

Article 31 — Officers shall not serve as principal officers in the military sub-districts (division-level garrison commands) and the people's armed forces departments of counties, cities, and municipal districts at their places of origin, except where especially required by work.

Article 32 — When performing their duties, officers shall recuse themselves where their own interests or the interests of persons who have the kinship relationships listed in Article 30 of this Law with them are involved, except when performing combat tasks and other emergency tasks.

Chapter V — Rewards and Punishments of Officers

Article 33 — Officers who have made outstanding contributions or achieved remarkable results in combat and army construction, and who have made other relatively great contributions to the State and the people, shall be rewarded in accordance with the provisions of the Central Military Commission.

Rewards are divided into commendation, third-class merit, second-class merit, first-class merit, honorary titles, and other rewards prescribed by the Central Military Commission.

Article 34 — Officers who violate military discipline shall be given sanctions in accordance with the provisions of the Central Military Commission.

Sanctions are divided into warning, serious warning, demerit recording, major demerit recording, demotion in position (grade) or rank, removal from office, expulsion from military service, and other sanctions prescribed by the Central Military Commission.

Article 35 — For officers removed from office, new positions shall be appointed in accordance with the specific circumstances of the mistakes they committed; where no new position is appointed, their treatment shall be determined at the corresponding position grade.

Article 36 — Officers who violate the law and constitute a crime shall be pursued for criminal liability in accordance with the law.

Chapter VI — Treatment of Officers

Article 37 — Officers shall be subject to a salary system based on position and military rank grades and a system of periodic salary increases, shall enjoy allowances and subsidies in accordance with the relevant provisions of the State and the army, and their salaries shall be adjusted in a timely manner with the development of the national economy. The specific standards and measures shall be prescribed by the Central Military Commission.

Officers shall continue to receive salaries during periods of leaving office for training, vacation, medical treatment and recuperation, and while removed from office pending reassignment in accordance with the provisions.

Article 38 — Officers shall enjoy free medical treatment. The relevant departments shall do a good job in the medical and health care of officers and make proper arrangements for the medical treatment and recuperation of officers.

Officers shall enjoy military personnel insurance benefits in accordance with the relevant provisions of the State and the army.

Article 39 — Officers shall be subject to a housing guarantee system combining apartment housing with self-owned housing. Officers shall reside in apartment housing or purchase self-owned housing in accordance with the provisions, and shall enjoy corresponding housing subsidies and preferential treatment.

Article 40 — Officers shall enjoy vacation benefits. The chief officer at a higher level shall arrange vacations for officers in accordance with the provisions each year.

Officers of combat forces performing tasks shall suspend their vacations.

After the State issues a mobilization order, officers on vacation who are required to return to their units in accordance with the mobilization order shall automatically end their vacations and immediately return to their units.

Article 41 — The families of officers shall enjoy preferential treatment by the State and society in accompanying the army, employment, work transfer, and children's education.

Where officers meet the conditions for their families to accompany the army, upon approval by the political organ of a unit at or above the division (brigade) level, their spouses and minor children and children without independent living ability may accompany the army; where they hold rural household registration, it shall be converted to urban household registration.

Where troops are relocated or officers are transferred for work, the accompanying family members may be transferred accordingly.

Officers aged fifty or above who have no children living with them may transfer one working child to the place where the officer is located. Where the transferred child is married, the child's spouse and minor children and children without independent living ability may be transferred accordingly.

The employment and work transfer of the accompanying family members of officers and of the transferred children and their spouses shall be handled in accordance with the relevant provisions of the State Council and the Central Military Commission.

Article 42 — After an officer sacrifices his or her life or dies of illness, his or her accompanying family members shall be handed over to the government for resettlement and management. The specific measures shall be prescribed by the State Council and the Central Military Commission.

Chapter VII — Retirement from Active Service of Officers

Article 43 — The minimum years of active service in peacetime for military, political, logistics, and equipment officers are as follows:

- (1) eight years for platoon-level positions;
- (2) ten years for deputy positions and twelve years for principal positions at the company level;
- (3) fourteen years for deputy positions and sixteen years for principal positions at the battalion level;
- (4) eighteen years for deputy positions and twenty years for principal positions at the regiment level.

Article 44 — The minimum years of active service in peacetime for professional and technical officers are as follows:

- (1) twelve years for junior professional and technical positions;

- (2) sixteen years for intermediate professional and technical positions;
- (3) twenty years for senior professional and technical positions.

Article 45 — Officers who have not reached the minimum years of active service in peacetime shall not retire from active service. However, officers under any of the following circumstances shall retire from active service ahead of schedule:

- (1) being unable to persist in normal work due to injury, illness, or disability;
- (2) being found incompetent through assessment and unsuitable for other arrangements;
- (3) having committed serious mistakes and being unsuitable to continue serving on active duty;
- (4) being transferred out of the army to work in non-military departments;
- (5) needing to retire from active service due to the adjustment and streamlining of the army's system and establishment.

Where an officer who has not reached the minimum years of active service in peacetime requests to retire from active service ahead of schedule but is not approved, and still insists on retiring after education, the officer may be dealt with by retiring from active service after being given a sanction of demotion in position (grade) or having his or her status as an officer cancelled.

Article 46 — Officers who reach the maximum age for active service in peacetime shall retire from active service.

The maximum ages for active service in peacetime for officers are as follows:

- (1) fifty years for principal positions at the regiment level;
- (2) fifty-five years for positions at the division level;
- (3) fifty-eight years for deputy positions and sixty years for principal positions at the army level;
- (4) for other positions, the maximum age for active service is the same as the maximum age for serving in the position.

Article 47 — Officers who have not reached the maximum age for active service in peacetime shall retire from active service under any of the following circumstances:

- (1) needing to retire from active service after serving for the maximum years in the position;
- (2) being unable to persist in normal work due to injury, illness, or disability;
- (3) being unable to be adjusted for use due to the limitation of the army's establishment posts;
- (4) being transferred out of the army to work in non-military departments;
- (5) having other reasons for retiring from active service.

Article 48 — The authority for approving the retirement of officers from active service shall be the same as the authority for the appointment and removal of officer positions.

Article 49 — After retiring from active service, officers shall be resettled by way of transfer to civilian work with work and positions arranged by the government, or by way of the government assisting employment and issuing retirement benefits; some may also be resettled by way of demobilization or retirement.

Officers holding positions at or above the division level and senior professional and technical positions shall, after retiring from active service, be resettled by retirement, and some may also be resettled by transfer to civilian work or other means.

Officers holding positions at or below the regiment level and junior and intermediate professional and technical positions shall, after retiring from active service, be resettled by transfer to civilian work or other means.

For officers retiring from active service whose work and positions are arranged by the government, and officers for whom the government assists employment and issues retirement benefits, the government shall provide vocational training as needed.

Officers who have not reached the maximum age for active service but have basically lost their ability to work shall be resettled by retirement after retiring from active service.

Officers who have served on active duty for thirty years or more, or who have served on active duty and participated in work for a combined thirty years or more, or who are aged fifty or above, and who hold positions at or above the division level, may be resettled by retirement after retiring from active service upon their own application and organizational approval; officers holding positions at the regiment level who are unsuitable for transfer to civilian work or other resettlement may be resettled by retirement after retiring from active service upon organizational approval.

Article 50 — Officers who reach the maximum age for active service and meet the conditions for leave of retirement prescribed by the State may retire from work for recuperation. Where work or other reasons require it, retirement may be advanced or postponed upon approval.

Article 51 — The specific measures for the resettlement and management of officers after retiring from active service shall be prescribed by the State Council and the Central Military Commission.

The resettlement and management of officers on leave of retirement and of retired officers holding positions at or above the army level shall be implemented in accordance with the relevant provisions of the State Council and the Central Military Commission.

Chapter VIII — Supplementary Provisions

Article 52 — The General Political Department of the People's Liberation Army shall formulate implementation measures in accordance with this Law and implement them after reporting to the State Council and the Central Military Commission for approval.

Article 53 — This Law shall apply to active-duty police officers of the Chinese People's Armed Police Force, and the specific measures shall be prescribed by the State Council and the Central Military Commission.

Article 54 — This Law (originally named the Regulations on the Service of Active-Duty Officers of the Chinese People's Liberation Army) shall come into force on January 1, 1989. The Regulations on the Service of Cadres of the Chinese People's Liberation Army approved by the Standing Committee of the Fifth National People's Congress on August 18, 1978 and promulgated by the State Council and the Central Military Commission on August 19, 1978 shall be repealed simultaneously.

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