

CHINA – LEGAL ANNEX

REVIEWED LEGISLATION:

- Constitution, 1982
- Rules on Income Reporting by Leading Officials above the level of County Chief in Party and Government Agencies, 1995
- Notice regarding the issuance of the Rules on Family Asset Reporting by Current Leading Officials at the Provincial and Ministerial Level, 2001
- Procedures of the National People's Congress Sessions (*)
- Rules on Income Reporting by Leading Officials above the level of County Chief in Party and Government Agencies, 1995 (Chinese)
- Notice regarding the issuance of the Rules on Family Asset Reporting by Current Leading Officials at the Provincial and Ministerial Level, 2001 (Chinese)

(*) Law(s) reviewed but not containing relevant articles for this study

RELEVANT ARTICLES:

Constitution of the People's Republic of China

Article 65:

The Standing Committee of the National People's Congress is composed of the following:

the Chairman;

the Vice-Chairmen;

the Secretary-General; and

the members.

on the Standing Committee of the National People's Congress.

The National People's Congress elects, and has the power to recall, members of its Standing Committee.

No one on the Standing Committee of the National People's Congress shall hold office in any of the administrative, judicial or procuratorial organs of the state.

RULES ON INCOME REPORTING BY LEADING OFFICIALS ABOVE THE LEVEL OF COUNTY (SECTION) CHIEF IN PARTY AND GOVERNMENT AGENCIES

(Printed and Distributed by the General Office of the Central Committee of the CCP and the General Office of the State Council, April 30, 1995)

Article 1

For the sake of ensuring ethical conduct by leading officials of the Party and the Government, improving the Party's and the Government's relationship with citizens, and enhancing the Party's and the Government's ethical environment, we have established the following Rules.

Article 2

Leading officials above the level of County (Section) Chief (inclusive, same below) in agencies of the Party, People's Congress, Executive Branch, Political Consultative Committees, Courts, Prosecutorial Offices shall report their incomes according to these Rules.

These Rules shall be applicable to leading officials above the level equivalent to County (Section) Chief in civil society organizations and service organizations as well as leaders of state owned large and medium-sized corporations.

Article 3

Reporting officials shall report the following incomes:

1. Wages and salaries;
2. All types of incentive pay, allowances, subsidies and benefits, etc.;
3. Compensation for work such as consulting, lecturing, writing, revising and calligraphy and art;
4. Incomes from subcontracted and leased operations by leaders of service organizations and corporate entities.

Article 4

Reporting officials shall report incomes for the first half of the year during the period of July 1-20 each year; incomes for the second half of the previous year shall be reported during the period of January 1-20 of the following year. The deadlines for reporting incomes may be extended with approval by agencies in charge of reporting under special circumstances where timely reporting is not possible.

Article 5

Human resource departments of the various organizations shall be responsible for receiving income reports from officials in their organizations and shall file the reports with the human resource departments of their respective superior organizations on the basis of their authority in managing officials.

Article 6

In circumstances where the reporting officials fail to report or falsely report incomes, their respective Party organizations, executive branch or disciplinary and supervisory agencies shall order such officials to make or correct their reports and shall reprimand or

discipline them according to Party and Governmental rules, with the severity of the punishment depending on the specific circumstances of their offense.

Article 7

The disciplinary and supervisory agencies at various levels of the Party and the Government shall be responsible for overseeing the implementation of these Rules.

Article 8

The Central Disciplinary and Supervisory Commission of the Party and the Ministry of Supervision shall be responsible for interpreting these Rules.

Article 9

These Rules shall be effective as of the date of issuance.

NOTICE REGARDING THE ISSUANCE OF THE RULES ON FAMILY ASSET REPORTING BY CURRENT LEADING OFFICIALS AT THE PROVINCIAL AND MINISTERIAL LEVEL (TRIAL VERSION)

Date: June 15, 2001

Issued by: Disciplinary Commission of the Central Committee of the CCP,
Organization Department of the Central Committee of the CCP
Document No.: ZJF (2001) 9
Category: General Laws and Rules
Title:
Text:

To: Party committees of the Provinces, Autonomous Regions and Municipalities (directly under the central government); Party committees of the Municipalities (sub-provincial); Ministries and Commissions in the central government; Party offices (committees) at central government Ministries; Party offices at civil society organizations; Party committee of the Xinjiang Production and Construction Corps; Party offices (committees) at large state-owned corporate entities under the central government

With the approval of the Central Committee of the Party, and after adoption by the Fifth Plenary Session of the Central Disciplinary Commission, we are implementing a family asset reporting system first among current Leading Officials at the Provincial and Ministerial Level in 2001. We hereby issue to you the Rules on Family Asset Reporting by Current Leading Officials at the Provincial and Ministerial Level (Trial Version) and request your compliance.

Organization Department of the Central Committee of the CCP

June 15, 2001

Rules on Family Asset Reporting by Current Leading Officials at the Provincial and Ministerial Level (Trial Version)

Article 1

For the sake of ensuring a healthy environment and good governance in the Party and the Government, improving the supervision of Leading Officials, and enhancing their ethical conduct, we have established the following Rules.

Article 2

Leading Officials at the Provincial and Ministerial Level ("Leading Officials") shall be obligors for reporting their family assets.

Article 3

These Rules shall be applicable to current Leading Officials at the Provincial and Ministerial Level in agencies of the Party, People's Congress, Executive Branch, Political Consultative Committees, Courts, Prosecutorial Offices, civil society organizations, state-owned corporate entities and service organizations.

Article 4

For the purpose of these Rules, "Family Assets" shall refer to personal and shared assets of a Leading Official, his or her spouse and his or her dependent children.

"Dependent children" in the above paragraph shall refer to young children being raised by a Leading Official and his or her adult children who are financially dependent on him or her.

Article 5

Leading Officials shall report the following family assets:

5. Cash and deposits in RMB;
6. Cash and deposits in foreign currencies;
7. Securities, including those in RMB and in foreign currencies;
8. Creditor's rights totaling more than 10,000 yuan and debt obligations totaling more than 10,000 yuan;
9. Privately owned properties
10. Precious items with a value exceeding 10,000 yuan per piece;
11. Paintings and calligraphy by renowned artists and antiques.

12. Investments and equities in business ventures or other business activities, except those listed in Article 3, owned by the spouse of a Leading Official and his or her dependent children;
13. Land use rights;
14. Other assets deemed to be reportable by the relevant individual.

"More than" in the preceding paragraph shall be inclusive of the amount mentioned.

Article 6

A Leading Official shall report family assets every two years, which shall be administered and supervised by his or her respective organizations on a unified basis. The time period during which reporting is conducted shall be January 1-31 of each odd-numbered year. The deadline for reporting family assets may be extended with approval by agencies in charge of reporting under special circumstances where timely reporting is not possible.

A Leading Official shall report family assets within one month after becoming a reporting obligor.

A Leading Official shall report family assets whenever a significant change occurs in such assets while he or she is in office.

A Leading Official shall report family assets within one month after entering into retirement and shall cease to make such reports thereafter.

A Leading Official shall complete a Report of Family Assets by a Leading Official when he or she reports family assets.

Article 7

The reporting obligor shall notify the leadership in his or her organization, or the required circle of individuals, of the content of the Report of Family Assets by a Leading Official completed during the unified biannual reporting cycle.

The family asset report of a newly appointed Leading Official at the Provisional and Ministerial Level and the report of a significant change in family asset while a Leading Official is in office shall not be subject to the notification requirement above.

The family asset report filed by a retired Leading Official shall not be subject to the notification requirement above.

Article 8

The Organization Department of the Central Community of the CCP shall be responsible for receiving Reports of Family Assets by a Leading Official. The reporting obligor shall

complete two copies of the Report and submit one copy each to the Central Organization Department and the Central Disciplinary Commission for their record.

Article 9

In circumstances where a Report of Family Assets by a Leading Official has been deemed as failing to meet the relevant requirements, the Central Organization Department shall notify the concerned Leading Official and request a correction.

The Central Disciplinary Commission and the Central Organization Department may verify the Family Asset Report of a Leading Official.

Article 10

The template for Report of Family Assets by a Leading Official shall be prepared and distributed by the Central Disciplinary Commission and the Central Organization Department.

Article 11

In circumstances where a Leading Official fails to report family assets without justification or fails to do so on a timely basis, such Leading Official shall be ordered to make such report within a specified period of time and shall be reprimanded or disciplined according to rules of the Party and the Government depending on the specific circumstances of the offense; any Leading Official who conceals or falsely reports family assets shall be severely punished.

Article 12

The agencies receiving Reports of Family Assets by a Leading Official shall have dedicated personnel for this task and shall be responsible for keeping the Reports confidential.

Article 13

After these Rules begin to take effect, the reporting obligors shall no longer report incomes according to requirements under the Rules on Income Reporting by Leading Officials above the Level of County (Section) Chief in Party and Government Agencies.

Article 14

The Central Disciplinary and Supervisory Commission and the Central Organization Department of the CCP shall be responsible for interpreting these Rules.

Article 15

These Rules shall be effective as of the date of issuance.

FINANCIAL DISCLOSURE (CHINESE)

关于党政机关县（处）级以上领导干部收入申报的规定

（中共中央办公厅 国务院办公厅1995年4月30日印发）

第一条

为保持党政机关领导干部廉洁从政，密切党和政府同人民群众的关系，加强党风廉政建设，制定本规定。

第二条

各级党的机关、人大机关、行政机关、政协机关、审判机关、检察机关的县（处）级以上（含县、处级，下同）领导干部须依照本规定申报收入。社会团体、事业单位的县（处）级以上领导干部，以及国有大、中型企业的负责人，适用本规定。

第三条 申报人必须申报下列各项收入：

- 1、工资；
- 2、各类奖金、津贴、补贴及福利费等；
- 3、从事咨询、讲学、写作、审稿、书画等劳务所得；
- 4、事业单位的领导干部、企业单位的负责人承包经营、承租经营所得。

第四条

申报人于每年7月1日至20日申报本年度上半年的收入；次年1月1日至20日申报前一年度下半年的收入。因特殊情况不能按时申报的，经接受申报部门批准，可以适当延长申报时限。

第五条

各单位组织人事部门负责接受本单位申报人的收入申报，并须按照干部管理权限将申报材料报送相应的上级组织人事部门备案。

第六条

申报人不申报或者不如实申报收入的，由所在党组织、行政部门或者纪检监察机关责令其申报、改正，并视情节轻重给予批评教育或者党纪政纪处分。

第七条 各级纪检监察机关负责对本规定执行情况进行监督检查。

第八条 本规定由中央纪律检查委员会、监察部负责解释。

第九条 本规定自发布之日起施行。

RULES REGARDING ASSET DISCLOSURE (CHINESE)

您现在的位置：北京农委党风廉政网->政策法规->综合法规

关于印发《关于省部级现职领导干部报告家庭财产的规定（试行）》的通知

【颁布单位】中共中央纪委、中共中央组织部

【文 号】中纪发〔2001〕9号

【内容分类】综合法规

【题 注】

【正 文】

各省、自治区、直辖市党委，副省级城市党委，中央各部委，中央国家机关各部委党组(党委)，各人民团体党组，新疆生产建设兵团党委，中央管理的有关国有重要骨干企业党组(党委)：

经党中央同意，并经中央纪委第五次全体会议通过，2001年首先在省部级现职领导干部中实行报告家庭财产制度。现将《关于省部级现职领导干部报告家庭财产的规定(试行)》印发给你们，请遵照执行。

中共中央纪委

中共中央组织部

2001年6月15日

关于省部级现职领导干部报告家庭财产的规定(试行)

第一条为加强党风廉政建设，强化对领导干部的监督，促进领导干部廉洁履行职责，制定本规定。

第二条省部级现职领导干部(以下简称领导干部)是家庭财产报告的义务人。

第三条本规定适用于党的机关、人大机关、行政机关、政协机关、审判机关、检察机关和人民团体、国有企业、事业单位中的省部级现职领导干部。

第四条本规定所称“家庭财产”，是指领导干部本人及其配偶和由其抚养的子女的个人财产和共有财产。

前款所称“由其抚养的子女”，是指由领导干部抚养的未成年子女和不能独立生活的成年子女。

第五条领导干部应当报告下列各项家庭财产：

(一)人民币现金、存款；

(二)外币现金、存款；

(三)有价证券，包括人民币和外币；

(四)合计价值10000元人民币以上的债权，合计价值10000元人民币以上的债务；

(五)私有房产；

(六)单件(套)价值10000元人民币以上的贵重物品；

(七)名人字画、古董；

(八)领导干部的配偶和由其抚养的子女经商办企业或者从事其他经营性活动的除本条第三项规定以外的投资、股份；

(九)土地使用权；

(十)本人认为应当报告的其他财产。

前款所称“以上”，均包含本数。

第六条领导干部报告家庭财产每二年由各单位统一组织报告一次，报告时间为奇数年份的一月一日至一月三十一日。因特殊原因不能按时报告的，经接受报告部门批准，可以适当延长报告时间。

领导干部成为报告义务人的一个月以内，应当报告家庭财产。

领导干部任职期间，家庭财产有重大变化的，应当随时报告。

领导干部退(离)休后的一个月以内，应当进行家庭财产的报告，以后不再报告。

领导干部报告家庭财产，应当填写《领导干部家庭财产报告书》。

第七条每二年一次统一组织报告的《领导干部家庭财产报告书》的内容，由报告义务人在所在单位领导班子内或者规定的范围内通报。

新任省部级职务的领导干部的家庭财产报告和领导干部任职期间的家庭财产重大变化的报告，不单独通报。

领导干部退(离)休后的家庭财产报告，不通报。

第八条中央组织部是《领导干部家庭财产报告书》的接受部门。报告义务人填写《领导干部家庭财产报告书》一式两份，一份报中央组织部，一份报中央纪委备案。

第九条中央组织部发现填写不符合要求的《领导干部家庭财产报告书》，应将有关情况通知该领导干部，并要求其更正。

中央纪委、中央组织部对领导干部的家庭财产报告，可以核查。

第十条《领导干部家庭财产报告书》由中央纪委、中央组织部统一制发。

第十一条领导干部无正当理由不报告或者不按时报告的，应责令其限期报告，并根据情节给予批评教育或者党纪政纪处分；对瞒报、伪报的，要从严处理。

第十二条《领导干部家庭财产报告书》的接受部门要有专人负责这项工作并注意保密。

第十三条本规定发布实施后，报告义务人不再进行《关于党政机关县(处)级以上领导干部收入申报的规定》所要求的收入申报。

第十四条本规定由中共中央纪律检查委员会、中共中央组织部负责解释

第十五条本规定自发布之日起施行。

【颁布日期】 2001年6月15日

主办单位：中共北京市委农村工作委员会

北京市农村工作委员会
承办单位：北京市农村工作委员会信息中心