

# **Establishing a Sound System for Punishing and Preventing Corruption**

## **The Work Plan (2013-2017)**

This work plan has been drawn up to implement the decisions and plans of the Party's 18th National Congress and the Third Plenary Session of the 18th CPC Central Committee, to strengthen the mechanism for punishing and preventing corruption, and to promote sound Party conduct, political integrity and the fight against corruption.

### **I Goals**

The Party's 18th National Congress laid out overall plans for promoting socialism with Chinese characteristics, and put forward the new task of improving Party building with a scientific approach. Under the new circumstances, the Party is challenged in its capacity to govern, reform and open up, develop the market economy and respond to the outer environment, as well as by the dangers of laxity in belief and conviction, incompetence in governance, isolation from the people, and corruption and other misconduct. To promote the modernization of state governance and enhance our capacity to do so, to realize the "two centenary goals"<sup>1</sup> and the Chinese dream of the great rejuvenation of the

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<sup>1</sup> "Complete the building of a moderately prosperous society in all respects when the Communist Party of China celebrates its centenary and turn China into a modern socialist country that is prosperous, strong, democratic, culturally advanced and harmonious when the People's Republic of China marks its centennial," — two goals set at the CPC's 18th National Congress.

Chinese nation, and to ensure that our Party remains the core of leadership of socialism with Chinese characteristics, we must uphold the principle that the Party should supervise its own conduct and run itself with strict discipline, further improve Party conduct and political integrity, resolutely continue the combat against corruption, and preserve the Party's advanced nature and purity.

Comprehensively establishing a mechanism to punish and prevent corruption is a major political task of the Party and the common responsibility of all members of society. Under the strong leadership of the CPC Central Committee, the Party committees and governments at all levels are making great efforts to promote the building of a corruption prevention and punishment institution, and have made remarkable progress in improving Party conduct, clean governance and the fight against corruption. As corruption is still rampant and the seedbed for breeding graft continues to exist, our fight against corruption remains a serious challenge at a time when the Party's image is gravely tarnished by formalism, bureaucracy, hedonism and extravagance. If we fail to handle these issues, it could prove fatal to the Party, and even cause the collapse of the Party and the fall of the state. The whole Party must keep vigilant and pay equal attention to the prevention and punishment of corruption, and continue the efforts to improve Party conduct, political integrity and the fight against corruption.

We must guide our building of the corruption prevention and punishment mechanism with Deng Xiaoping Theory, the Important Theory of the Three Represents and the Scientific Outlook on Development, thoroughly implement the decisions and plans made at the Party's 18th National Congress and the Third Plenary Session of the 18th CPC Central Committee and follow the

guidance of President Xi Jinping as reflected in a series of his important talks. We must act in accordance with the Party's Constitution, focus on pressing ahead with the great cause of socialism with Chinese characteristics and the great new undertaking of Party building, and focus on carrying out the overall plan for comprehensively deepening reform. We must persist in combating corruption in an integrated way, addressing both its symptoms and root causes, and combining punishment with prevention, with emphasis on the latter. We must strengthen the innovation of the anti-corruption institution and mechanism to ensure that it functions efficiently through reform, unswervingly improve our conduct, fight corruption and promote political integrity, and see to it that officials are honest, the government is clean, and political integrity is upheld and the goals set at the Party's 18th National Congress are fulfilled.

It is our resolve that, with five years of tireless efforts from now on, we will be able to curb corruption and make satisfactory progress and achievements. We will make sure that the Party's conduct continues to be improved, that the ills of formalism, bureaucracy, hedonism and extravagance are properly dealt with, and that new progress is made in promoting Party conduct, political integrity, the people's morality and social ethics. We will further strengthen the efforts to punish corruption, and let disciplines and the law function effectively to guard against corruption. We will consolidate our work of corruption prevention, and see to it that Party members and officials perform better in upholding integrity, practicing self-discipline and warding off degeneration and corruption.

## **II Making Unremitting Efforts to Improve Party Conduct**

Malpractices are the breeding ground for corruption, and improving Party conduct is a fundamental solution to corruption. We should thoroughly implement the 8-point Code of Conduct put forth by the Party Central Committee, establish the image of Party members and officials as practical and honest servants of the people, and maintain the close ties between the Party and the people.

1. Party organizations must follow strict discipline and vigorously promote the good traditions and working styles of the Party

Party organizations at all levels must supervise and discipline themselves to fulfill their primary responsibilities and basic tasks, and make steady headway in improving Party conduct. They must bear in mind the “two musts”<sup>2</sup> principle, apply theories in practice, maintain close ties with the people, carry out criticism and self-criticism, and continue the hard-working, truth-seeking and practical style of work. We must strictly discipline, educate, manage and supervise Party members and officials, implement an accountability mechanism for monitoring Party conduct, in which Party organizations at the next-higher level supervise those at the next-lower level and set good examples for them. Leading officials at all levels must display Party spirit, allow no leeway in matters of principle, be honest in office and maintain the political integrity of Communists.

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<sup>2</sup> The comrades must be taught to remain modest, sensible, and free from arrogance and rashness in their style of work. The comrades must be taught to sustain the style of plain living and hard struggle. — Mao Zedong

2. Party organizations must persevere in carrying out the 8-point Code of Conduct of the Party Central Committee, and further improve their conduct

Party organizations should spare no effort in implementing the 8-point Code of Conduct of the Party Central Committee, curb and remove the ills of formalism, bureaucracy, hedonism and extravagance with resolution and determination, and strive to improve the current practices of theoretical study, meetings and official documents. To implement the 8-point Code of Conduct of the Party Central Committee, we must make sure that they are implemented and consolidated in a way that each reinforces the other and that progress is made steadily and firmly. We should start with the small and concrete things before exploring more difficult and complex issues, and proceed in an orderly fashion step by step and from one task to another. We must establish a sound regulating system and reinforce institutional checks to enhance our ability to shoulder the tasks, and strengthen operational supervision and correct misconduct such as underperformance and circumvention in an effort to prevent the reoccurrence of malpractices. Leading officials at all levels should apply the 8-point Code of Conduct in judging themselves, review their work and life, renew their conviction and take the lead in implementing the regulations. Organs of discipline inspection and administrative supervision at all levels should strengthen supervision, ensure that problems are spotted promptly and handled properly with strict law enforcement, and impartially look into, report and publicize violations of laws and regulations.

3. Party organizations must firmly carry out the Party's mass line with education and practice, and establish a long-term mechanism for improving Party conduct

Party organizations at all levels should follow the principle of “looking into the mirror, grooming oneself, taking a bath and seeking remedies,” and thoroughly carry out the Party’s mass line through education and practice. Party members should comprehensively study the important documents issued by the Party Central Committee, and gain a good understanding of the Committee’s decisions and plans for carrying out the mass line and improving Party conduct, renew their dedication to Communism and uphold the fundamental purpose of the Party, and more consciously carry out the Party’s mass line. Party organizations should, with due consideration of the actual conditions of their regions, departments and units, thoroughly check matters of formalism, bureaucracy, hedonism and extravagance, and carry out criticism and self-criticism resolutely to rectify the malpractices of divorcing oneself from the people and isolating oneself from reality. They should summarize positive experiences and measures, enhance the mechanism by which leading officials take the lead to improve work conduct and visit grassroots units to do investigation and research, improve the system whereby Party members and officials maintain direct contact with the people and serve the people, and open more channels for the people to make complaints and report malpractices. They should also reform the system for evaluating official performance, and constantly improve their style of work and retain close ties with the people.

4. Party organizations must strictly enforce the Party’s disciplines to ensure that the campaign of improving Party conduct is carried out effectively

Party organizations at all levels and Party members and officials should more consciously study the Party Constitution, abide by and apply it, and safeguard its integrity, more consciously stand against all tendencies to seek and hang on to privileges, and more consciously follow the Party’s organizational principles and

guiding principles for political activities with firm conviction and strict self-discipline. Party organizations should strictly enforce the Party's political, organizational and financial and economic disciplines, and the disciplines governing work and life, vigorously strengthen organization and avoid laxity in discipline, maintain a high degree of unity theoretically, politically and in action with the Party's central leadership with President Xi Jinping as the General Secretary, and actively safeguard the Party's unity and integrity. We will never allow anyone to take countermeasures against or disregard the Party Central Committee's decisions, and never allow local governments and departments to act on their own free will or feign compliance while acting in opposition. We will strengthen supervision and inspection, take stern actions against violations of Party discipline, and ensure that the Party Central Committee's plan to improve Party conduct is carried out effectively.

### **III Combating Corruption Resolutely**

To comprehensively push forward the building of a corruption prevention and punishment mechanism, we must focus on the important task of resolutely halting the momentum of extensive corruption and maintain a tough position in cracking down on corruption.

1. Intensifying efforts to investigate and handle violations of Party discipline and the law, and letting punishment play its role to the full in deterring corruption

We must fight both the "tigers" and "flies," conducting thorough investigations into corruption cases involving leading officials and working hard to resolve

problems of corruption that directly affect the people. We must make no exception when it comes to Party discipline and state laws, and ensure that all those who violate Party discipline and state laws, whoever they are and whatever power or official positions they have, be resolutely brought to justice. The Party will rigorously investigate and handle violations of Party discipline and the laws by Party members and officials, and take stern actions to investigate cases involving leading officials suspected of graft and bribe-taking, power-for-money trade, corruption and degeneration, and dereliction of duty, cases where members of law-enforcement and the judiciary manipulate the law for personal gain, abuse the law to give wrong verdicts and seek benefits through the court, cases that seriously violate disciplinary rules, cases of corruption behind mass incidents and major accidents due to failure to carry out one's responsibilities, and cases of commercial bribery, and give more severe punishment to bribers. We will improve the coordination system in investigation, ensure that reports of crimes and malpractices get through to the authorities effectively, strictly follow the procedure of case investigation, firmly abide by the disciplines during investigations, conduct investigations in accordance with rules and laws, and improve the quality and efficiency of case handling. We must let the investigations play the fundamental role of rectifying misdeeds, learn from the lessons of investigated cases and plug loopholes in our work. We will also strengthen international cooperation in combating corruption.

We must act early and nip corruption in the bud, and cure the disease to save the patient. We must bear in mind our responsibility for the Party's cause and the officials, and ensure that the problems of the Party members and officials are discovered early, that they are educated at the early stage and any wrongdoings are investigated in a timely manner. We must prevent small ills from escalating into big problems. Reported malpractices should be investigated



and verified by meeting and talking with the persons involved or conducting investigation through correspondence with the organizations the reported persons belong to, and Party organizations should educate and admonish officials with potential problems. Party organizations and leading officials neglecting their duty of monitoring their subordinates, which has led to serious violations of Party discipline and the law conducted by members of the organizations' leadership or subordinates directly under an official's supervision, will be held responsible and punished accordingly.

2. Taking stern action against corruption in the appointment of officials, and rectifying malpractices in selecting and appointing officials

Party committees at all levels must uphold the principle that the Party supervises its officials, is impartial in appointing officials and selects the right persons for different positions. We will never tolerate any violations of the Party's discipline on personnel management, but take resolute actions against such malpractices as gaining official positions by bribery. We will never tolerate acts of corruption such as bribing voters and buying or selling official positions, and any such practice will be duly looked into and resolutely handled. Violations of related regulations during official appointment will be looked into and dealt with in a timely manner, and all the individuals involved will be held liable. We will improve the case-specific supervision system, investigate reported malpractices and corruption cases during the appointment and selection of officials, and deliver punishments in accordance with Party discipline and the law. We must ensure that lax and devious officials are openly criticized and punished, so that only upright and able persons are selected, and are appointed to the right positions.

3. Resolutely investigating and correcting unhealthy practices, and striving to solve the pressing problems of keen concern to the people

We will resolutely correct unhealthy practices that harm the interests of the people, and deal with the pressing problems of keen concern to the people's livelihood such as social security, education and medical care, low-income housing, land expropriation and resident resettlement, and environmental protection. We will resolutely investigate and punish abuses of power that affect the immediate interests of the people, and put an end to unauthorized fee-charging, fine-imposing, task-apportioning and such unjustified acts as officials accepting invitations to extravagant dinners, accepting bribes, creating obstacles for others in order to seek benefits, and demanding bribes. We will make earnest efforts to ensure that leading officials discipline themselves and uphold integrity, and resolutely rectify the malpractices of accepting and giving cash gifts, securities, membership cards and prepaid cards. We will also improve the long-term mechanism for the investigation and correction of unhealthy practices.

#### **IV Preventing Corruption Scientifically and Effectively**

We will strengthen our efforts to prevent corruption, enhance education about our ideals and convictions, and uphold the aims of our Party so that leading officials utterly reject corruption. We will strengthen institutional and structural innovations and improve our systemic functions, improve supervision and administration, and stiffen Party discipline so that leading officials do not have a chance to engage in corruption. We will punish all corrupt individuals and resolutely deal with all corruption cases so that leading officials dare not even attempt corruption.

1. Deepening education in Party conduct and political integrity, and fortifying the defenses against corruption and degeneration

We will deepen education in socialism with Chinese characteristics and the Chinese Dream, and also in our ideals and convictions, the aims of our Party and the socialist core values. We will strengthen education in Party discipline and state laws, and the regulations on upholding integrity and political ethics, and incorporate it into the building of the Party organizations that keep learning. The central groups of Party committees (Party groups) should hold annual study sessions on enhancing political integrity, and all Party schools, colleges of administration and other educational and training institutes for officials at all levels should include education in integrity in their compulsory courses. Party members and officials should learn from the models who exemplify political integrity, and the good examples should be publicized for this purpose. Violations of Party discipline and the law should be thoroughly analyzed to serve as warnings, and leading officials with potential problems should be admonished and educated.

We will promote the culture of upholding integrity. Learning from the Chinese tradition of honoring political integrity, we will include the cultivation of integrity in the education of the people, as well as in our efforts to promote cultural progress and the rule of law. Cultural centers, memorial halls and educational bases for promoting political integrity will be given a greater role, and more quality cultural projects that publicize clean governance will be set up. We will strengthen our efforts to laud the true and despise the false, praise the good and suppress the bad, and uphold the virtuous and eliminate the vicious to ensure healthy social morality and ethics.

We will strengthen our efforts to publicize and guide public opinion about promoting political integrity and clean governance. We will make sure that improving Party conduct, upholding integrity and publicity and education concerning combating corruption are included in the Party's overall publicity and education plans and annual agendas, and make proactive efforts to make known to the public the Party's policies, guidelines, plans, measures and achievements of its campaign to promote clean governance and combat corruption. The Party's newspapers and publications, radio and television stations, and key news portals should carry feature reports of the campaign. We must uphold the correct orientation of public opinion, and improve the mechanism for soliciting online public opinion on combating corruption and upholding integrity. We will improve institutionalized press releases, strictly enforce discipline for journalists and strengthen international publicity.

## 2. Improving the laws and regulations on combating corruption and promoting integrity, and putting power under institutional checks

We should learn to combat corruption within the rule of law, and ensure that the legal system runs independently. We will formulate rules that help improve Party conduct on a regular basis, and strictly implement the Regulations on Practicing Thrift and Fighting Waste for Party and Government Organs, as well as the rules that regulate short outbound business visits of regular employees of state organs, the management of domestic business receptions, and the construction of office buildings and other facilities, as well as the return of offices that exceed official standards for Party and government organs. We will improve the management of automobile use for official business purposes, strictly implement the regulations on authorizing benefits for the life and work

of leading officials, and make earnest efforts to deal with violations of related regulations and the exceeding of set standards. We will improve Party regulations on combating corruption and upholding integrity, amend the Regulations on Intra-Party Supervision of the Communist Party of China (Trial), and ensure that leading officials make honest reports on items related to personal information. We will carry out pilot runs to publicize selected information for newly appointed officials, and work out regulations to manage state functionaries whose spouses have already moved to live outside the country. We will continue to improve legislation on punishing and preventing corruption, improve the laws and regulations on punishing corruption, bribery, dereliction of duty, infringement of rights and related crimes, and develop and improve the laws and regulations that apply to the acts of state employees while in office.

### 3. Strengthening checks and monitoring concerning the exercise of power, and ensuring that power is properly exercised

We will enhance intra-Party supervision, and reinforce inspection and supervision over the implementation of democratic centralism. We will take concrete measures to ensure that Party and government organs are run by group leadership with divided responsibilities, important information is notified to lower levels and reported to higher levels, and that officials report on their work and how they have upheld integrity while in office. Party organizations will hold regular meetings to discuss issues democratically, and make sure that petition letters and visits are responded to, officials with potential problems are admonished and educated, members of the standing committees of the people's congresses can question the work of the government. We will strengthen and improve checks and monitoring of the exercise of power by

leading officials. The persons in charge of central and state organs and the Party committees and governments of provinces, autonomous regions and municipalities must file annual reports with the Party Central Committee on how they have upheld integrity while in office. We will intensify legal supervision, support the people's congresses and their standing committees to strengthen supervision of the government, the courts and the procuratorates and the implementation of the law, ensure that judicial bodies independently and impartially exercise their powers pursuant to law, and improve procuratorial organs' monitoring over the registration and investigation of cases, trials and execution of court orders. We will fortify administrative supervision of functional government departments to ensure they properly exercise monitoring and administration, strengthen the monitoring of administrative supervision and audit supervision, and reinforce the administrative accountability system. We will strengthen democratic supervision, and listen to the opinions, suggestions and criticisms of the people's political consultative conferences, non-communist parties, federations of industry and commerce, and public figures without party affiliation. We will bring into full play the supervision role of people's organizations such as trade unions, the Chinese Communist Youth League and the Women's Federations, and support and guarantee the people's right of supervision. We will attach importance to and strengthen supervision by public opinion, and apply and regulate Internet supervision. We will introduce a list of the power of local governments and their working departments at all levels, and make known to the public the power-exercising processes in accordance with the law. We will continue to promote information disclosure in Party, government, the judiciary and other fields, raise the degree of information disclosure of financial budgets and final accounts, department budgets and final accounts, key projects and social and public welfare undertakings, and promote e-government to ensure that power is exercised in a transparent manner. We will prevent and defuse risks that may

undermine clean governance, and improve our work efficiency. We will strengthen the supervision of state-owned enterprises and financial institutions concerning their implementation of the “three keys and one large”<sup>3</sup> system, and improve the systems of execution, accountability and economic audit. We must use set rules and regulations to manage power, matters and people and ensure that the powers of decision, execution and supervision check and balance each other, and that state organs exercise their power in accordance with the statutory authority and procedures.

#### 4. Deepening reform and transforming government functions, and eliminating defects in our systems that give rise to corruption

We will thoroughly carry out the plans on comprehensively deepening reform set at the Third Plenary Session of the 18th CPC Central Committee. We will deepen reform of the administrative approval system, further transform government functions, let the market play the decisive role in allocating resources, and ensure that the government performs its functions better. We will cancel all administrative approval procedures for economic activities under the effective regulation of the market mechanism, handle matters that require administrative approval with standard management and high efficiency, and strengthen follow-up supervision of cancelled matters that previously require administrative approval to avoid absence of administrative function, misplaced function or partially performed function. We will deepen the reform of the management of officials and personnel, and increase public trust in the

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<sup>3</sup> Key decisions, the appointment and dismissal of key officials, the arrangement of key projects, and the decision on the use of large sums of money must be made after group discussion.

appointees. We will deepen reform of the judicial system, and solve deep-seated problems that hamper judicial justice. We will deepen reform of the administrative law-enforcement system, and promote strict, standardized, fair and civilized law enforcement. We will deepen reform to make public resources trading more market-oriented, and promote reform in finance and taxation, banking, the investment system and SOEs to prevent corruption. We will continue to explore the channels for preventing corruption and learn from past experiences in this regard.

## **V Strengthening the Party's Unified Leadership over the Work of Improving Party Conduct, Upholding Integrity and Combating Corruption**

To further improve Party conduct and uphold integrity and deepen our fight against corruption, we must unite under the strong leadership of the Party Central Committee and wage the campaign throughout the Party and society.

1. Party committees at all levels should take the core responsibility for improving Party conduct, upholding integrity and combating corruption

We will improve the leadership system and working mechanism to combat corruption, implement the system of accountability for improving Party conduct and upholding integrity under which the Party committees shoulder the major responsibility, and the Party commission for discipline inspection is responsible for supervision. We should reform and improve the functions of anti-corruption coordination groups at all levels, and let the Party committees' leading groups for inspection play their role fully. Party committees and governments at all levels should include this work plan in their prioritized agendas, adopt measures



for its implementation and examine their progress along with plans for promoting economic and social development. We will support the work of discipline inspection commissions, and ensure that they perform their duties faithfully, so that Party discipline is strictly followed. Persons in charge of the main leading bodies at all levels must take primary responsibility for improving Party conduct, upholding integrity and combating corruption, and make sure that they personally tend to the planning of key tasks, look into key issues, coordinate key links, and supervise the investigation of key cases. Other members of the leading bodies should perform dual duties in their posts, and strive to improve Party conduct, uphold integrity and combat corruption in their respective areas of responsibility. Party organizations at all levels should mobilize and organize the people to participate in the work in an orderly manner, and let all related sectors of society play a positive role.

## 2. Being more innovative in creating mechanisms and institutions to combat corruption, and reforming the Party's discipline-inspection system

Party commissions for discipline inspection at all levels should assist Party committees in strengthening Party building, and organizing and coordinating anti-corruption work. We will comprehensively adopt the practice of dispatching resident discipline inspection offices by the Central Commission for Discipline Inspection to central-level Party and government organs, which will have the same name and be put under unified management. The discipline inspection offices will exercise their duty of supervision and report to the agency that dispatched them, and the Party and government organs with resident discipline inspection offices should willingly accept supervision and provide assistance to the work of the offices. We will improve the discipline inspector system at both the central and the local levels, and amend the Regulations of the Communist

Party of China on Discipline Inspection (trial). We will make sure that the system covers all regions, all sectors and all enterprises and public institutions so that problems are spotted and persons with corrupt tendencies are warned. We will promote the Party's discipline inspection work in such a way that it is put under dual leadership, and is specific, procedure-based and institutional, and enhance the leadership of Party commissions for discipline inspection of higher levels over the ones of lower levels. When it comes to investigation of corruption cases, we should leave this mainly to Party commissions for discipline inspection of higher levels, and the related investigation and handling process should be reported simultaneously to the Party committee at the same level and the Party commission for discipline inspection at the next-higher level. Nomination and assessment of secretaries and deputy secretaries of Party commissions for discipline inspection at all levels will be conducted mainly by a Party commission for discipline inspection of a higher level together with the organizational department. We will further clarify the positioning of the work of discipline inspection and supervision, and strengthen the supervision of supervisors. The discipline inspection and supervision departments should improve their functions and methods and style of work, and hand over the work of coordination which is not their responsibility to the related departments so that they themselves can focus on improving Party conduct, upholding integrity and combating corruption. Commissions for discipline inspection at all levels should strengthen supervision over Party committees at the same level and particularly over the standing committee members, so as to better play their role as intra-Party supervision departments. We will strengthen and improve administrative supervision. Party commissions for discipline inspection and supervision at all levels should improve their own organizations, and strive to press ahead, take opportunities promptly, always bear in mind their responsibilities and tasks, and perform their duties well. Discipline inspection and supervision commissions must "sweep before their own doors" before

conducting supervision of others, and they must subject themselves to higher standards and stricter discipline. They must improve their basic functions, adhere to and improve the admonishment mechanism, and serve the people with honesty, reliability, integrity and impartiality.

### 3. Strengthening joint forces for developing the system of punishing and preventing corruption

All regions and departments should strengthen guidance according to their specific conditions, arrange for each organization to implement the set plans, and promote Party conduct and the punishment and prevention of corruption with a holistic approach. The leading bodies and supporting units of the corruption punishment and prevention effort should have a good understanding of their respective responsibilities, and support each other's work. Organizational departments should carry out management and supervision of officials on a regular basis, and resolutely correct all unhealthy practices in the selection and appointment of officials. Publicity departments should enhance publicity about the Party's effort to improve conduct, uphold integrity and fight corruption, and strengthen the guidance of public opinion. Commissions for discipline inspection and supervision and organs of the judiciary and administrative law-enforcement should fully perform their duties to discipline the Party members, punish lawbreakers, issue economic penalties, regulate the market and govern with a scientific approach. With the aid of multiple measures, we will make holistic progress in the campaign to improve Party conduct, uphold integrity and combat corruption.

### 4. Wholeheartedly implementing the set tasks

All regions and departments should appropriately break down their tasks and assign them to different units, and fulfill the set tasks under their jurisdiction with focus and in different stages. Tasks to be completed in different stages should be finished satisfactorily within the set schedule, work that will continue over a period of time should be firmly promoted and enhanced giving consideration emerging situations and problems, and tasks that need to be reoriented in light of new situations and requirements should be given prompt consideration and due arrangements will be made. We will establish a system to record work progress, and improve the information management system of punishing and preventing corruption. We will improve the examination and evaluation system, conduct annual inspection and assessment of the work progress, reflect on the drawbacks in our work and make sure that the tasks are implemented. We will work out and implement a feasible accountability system, and the leading officials responsible for the inefficiency of their departments in promoting Party conduct, upholding integrity and combating corruption, which has led to adverse effects, will be strictly punished.

All regions and departments should work out measures to implement this work plan in light of their actual conditions. The Central Military Commission will formulate the measures for implementation in the Chinese People's Liberation Army and the Chinese People's Armed Police Force, with reference to this work plan.

## China's National Anticorruption Strategy: Practices and Achievements of Establishing and Improving a System for Punishing and Preventing Corruption

It is China's national anticorruption strategy to establish and improve a system for the punishment and prevention of corruption. China made the strategic decision in October 2003. An Implementation Program and two five-year Work Plans for the period of 2008 to 2012 and 2013 to 2017 respectively have been formulated, specifying the general requirements, working principles, major tasks, methods, measures, and targets of China's anticorruption endeavor at present and for some time to come. Concrete results are yielded in the following aspects.

### **I Improve anticorruption legal system and strengthen the rule of law**

The 2013-2017 Work Plan stresses that we should be guided by law in both thinking and action in performing anti-corruption tasks. **In terms of national anticorruption legislation**, China has amended the Administrative Supervision Law, promulgated the Seventh and Eighth Amendments to the Criminal Law, enacted or revised the Administrative Enforcement Law, the Law on State-owned Assets of Enterprises, the Regulations for the Implementation of the Audit Law, the Regulations for the Implementation of the Law on Tenders and Bids, and other laws and regulations related to combating and preventing corruption. **In terms of improving the supervision mechanism**, a series of regulations have been promulgated including the Regulations for Party and Government Organs to Practice Frugality and Reject Extravagance, the Regulations on the Management of Domestic Official Receptions by Party and Government Organs, the Interim Regulations on the Implementation of Accountability System among Party and Government Leading Cadres, and the Regulations on Reporting Relevant Personal Matters by Leading Cadres, etc. **In terms of regulating the performance of official duties by public officials**, China has formulated or revised a series of regulations, including the Regulations on Clean Governance of Leading Officials of the Communist Party of China and the Code of Ethical Conduct for Leading Personnel of State-owned Enterprises. **In terms of punishing discipline violation offences**, supplemented rules have been formulated to the Regulations on Disciplinary Punishment for Members of the Communist Party of China and the Regulations on Punishment for Civil Servants in Administrative Agencies. A number of relevant rules have been enacted to regulate whistleblowing, case registration and investigation, and the application of laws in handling criminal cases involving bribery taking. **In terms of improving the anti-corruption leadership system and working mechanism**, efforts are made to reform the Party's discipline inspection system, implement the system of accountability under which Party committees shoulder the major responsibility and Party Commissions for discipline inspection are responsible for supervision, and make the dual leadership of Party committees and superior Party commissions for discipline inspection in anticorruption issues more specific, procedural

and systematic.

## **II Improve work styles to promote integrity of public officials and Party members**

The 2013-2017 Work Plan points out that the unhealthy tendencies provide the hotbed for corruption and the crucial step to root out corruption lies in the continual improvement of the Party's style of work. At the end of 2012, the Political Bureau of the Central Committee of the Communist Party of China implemented the "eight-point" governance rules for bureaucratic reform and closer ties with the people. In the spirit of the "eight-point" governance rules, Party committees and governments at all levels firmly carry out the directive for eliminating the four undesirable work styles of formalism, bureaucratism, hedonism and extravagance. Discipline inspection and supervision agencies nationwide consolidate efforts to tighten supervision and enforce discipline in a well scheduled manner. The use of public funds for gift-giving around festivals, holding lavish banquets and tours, and conducting other extravagance acts is strictly prohibited and severely punished. The aim is not only to improve the Party and the Government's work styles, but also set an example for the public and help foster a healthy social atmosphere. In 2013, discipline inspection and supervision agencies nationwide registered and dealt with 24, 000 cases and punished over 30, 000 offenders for violating the spirit of the "eight-point" governance rules, of who more than 7, 600 were subject to Party and government disciplinary sanctions. The Central Commission for Discipline Inspection of the Communist Party of China and the Ministry of Supervision disclosed information of typical cases of formalism, bureaucratism, hedonism and extravagance to the public, an effective way to educate and deter other possible wrongdoers.

## **III Punish corruption with zero tolerance to resolutely halt the momentum of extensive corruption**

The 2013-2017 Work Plan reiterates China's resolution to fight every corrupt phenomenon, punish every corrupt official, be it a so-called tiger or fly, keep a high pressure on corruption, and resolutely halt the momentum of extensive corruption, a core task for comprehensively improving the system of punishing and preventing corruption. Cases in focus include those committed by Party members and carders involving the violation of Party discipline, administrative rules, laws and regulations, those related to embezzlement, bribery, power abuse, dereliction of duty and malfeasance committed by leading organs and officials, and those taking place in crucial fields and areas and closely related to people's interests. In 2013, national discipline inspection and supervision agencies placed 172, 000 cases on file for investigation. 173, 000 cases were closed and 180, 000 offenders were punished according to Party discipline and administrative regulations. Around 9, 600 people were turned over to judicial authorities. A total number of 51, 000 officials were involved in the cases of bribery, embezzlement, and abuse of power investigated by the national prosecution service. The national judicial service concluded 23, 000 cases of bribery and embezzlement at the first instance.

#### **IV Strengthen inspection tours to discover problems and deter possible wrongdoers**

The 2013-2017 Work Plan calls for the improvement of the current central and local inspection mechanism so that inspection tours will cover all public sectors, including local governments, ministries and commissions, state-owned enterprises and public institutions. The goal is to pinpoint problems and deter possible wrongdoers. In 2013, inspection tours focused more on anticorruption issues and strengthened supervision on the leadership and its members of Party organizations at all levels. Targeted inspection was conducted on issues related to bribery and other forms of corruption, those in violation of the “eight-point” anti-bureaucracy and extravagance-busting guidelines, and those breaching the political discipline and the personnel and organizational discipline. Concrete results were yielded. The central inspection teams carried out inspection tours to 20 local governments, ministries and commissions, state-owned enterprises and public institutions, which provided clues to quite a number of law- and discipline- violating cases involving public officials. Valuable clues were five times more than in the past. Local inspection tours were strengthened as well. By the end of November 2013, inspection teams dispatched by the Party committees of provinces, autonomous regions and municipalities had concluded inspection tours to 69 cities and equivalent administrative units, 480 counties and equivalent administrative units, 77 public offices directly under the provincial authority and 98 provincial state-owned enterprises and institutions of higher education. 1, 879 clues were handed over to discipline inspection and supervision agencies about law- and discipline-violation activities of Party members and public officials, 562 of which involved officials at the department or bureau level or at the county level. Another 136 clues were handed over to organizational or personnel agencies involving malpractices in employment and promotions.

#### **V Establish unimpeded reporting channels and support supervision by the public and the media**

The 2013-2017 Work Plan calls for unimpeded reporting channels and orderly public participation in the fight against corruption. People from all walks of life are welcome to make a contribution. The Communist Party of China and the Chinese Government highly value the role of the public and the media in supervising public officials and monitoring the exercise of power. The departments of letters and visits and the reporting centers housed in discipline inspection and supervision agencies at all levels process letters, receive visitors and heed people’s comments and complaints. A hotline (12388) and a website have been set up to facilitate public reporting. In 2013, the discipline inspection and supervision agencies nationwide received a total of 1, 950, 000 reports, up 49.2% than the last year. The official website of the Central Commission for Discipline Inspection of the Communist Party of China and the Ministry of Supervision was launched, providing an effective platform for disclosing information of major cases, responding to social concerns, and carrying out online communication between top officials and the general public. Special columns were

set up for public reporting and official disclosure of acts of formalism, bureaucratism, hedonism and extravagance. The first month after the launch of the website saw approximately 30,000,000 visits and over 24, 800 pieces of online reporting, or more than 800 pieces per day. In order to encourage online public reporting, relevant central authorities have set up special public reporting and supervision columns on major news websites. Online interviews and talks are promptly organized by people.com, xinhuanet.com, sina.com, and other central news websites and major commercial websites to analyze decisions and deployment of the Central Committee and the Central Commission for Discipline Inspection of the Communist Party of China In Shanghai Municipality, Guangxi Province, Nanjing City, Guangzhou City and other provinces and cities, local discipline inspection and supervision agencies launched over 900 official miniblogs and 1, 800 websites to release authorized information and organize online interviews. On the Open-day, the Central Commission for Discipline Inspection of the Communist Party of China and the Ministry of Supervision welcome politicians, think tank scholars, and media professionals from Asia, Africa, Europe, and America to visit their office buildings and develop first-hand knowledge of China's anticorruption practices.

Appendix: Five-year (2013-2017) Work Plan on Establishing and Improving a System for Punishing and Preventing Corruption



## China's Civil Service System

Responsible for public administration, management, and service, civil servants are entrusted with the responsibilities of managing public, social, and state affairs. In China, civil servants include those working in organs of the Communist Party of China, people's congresses, the administrative service, people's political consultative conferences, the judiciary, the prosecution service, and democratic parties. China attaches great importance to the management of civil servants and with concrete efforts to improve its legal framework, has established a civil service system with Chinese characteristics.

### **I Improve the legal framework of civil servant management**

The Law of the People's Republic of China on Public Servants (hereafter referred to as the Public Servant Law), implemented on January 1, 2006, lays down the fundamental principles, systems, and methods of civil servant management. The recruitment, employment, assessment, post appointment and removal, promotion and demotion, dismissal, rewards and punishments, and training of civil servants are further specified in the 21 supporting regulations including the Regulations on Rewards for Civil Servants (Trial), the Regulations on Punishment for Civil Servants in Administrative Agencies, and the Regulations on Training for Civil Servants (Trial) and 14 specialized punishment regulations including the Ordinance on Disciplines for People's Police of Public Security Organs and the Provisions on Disciplinary Actions for Statistical Violations of Laws and Disciplines. With the complete set of laws and regulations, each step of civil servant management is regulated and standardized.

### **II Establish a system for recruitment and employment based on the principles of transparency, equality, competition and selection by merits**

The system for the recruitment and employment of civil servants was officially established in China in 1994. Civil servants for non-leading positions at or below the level of senior section member and at other levels of equivalent positions shall be recruited and employed through open examination, strict review, competition on an equal footing, and selection by merits.

#### **1. Principles of equality and transparency**

Civil servants are recruited without bias on account of their gender, ethnic origin, appearance, marital status, registered household address, and other factors. All applicants with state-acknowledged diplomas of education enjoy an equal opportunity to enter the public service. To ensure transparency, China has upgraded the standards and improved the procedures for qualification setting, written examinations, interviews, reviews, and physical check-ups. Policies, employment plans, posts to be filled up, qualifications required, recruitment procedures, and results are made known to the public for supervision. The system for recruitment and employment of civil servants, therefore, is also known as

competition in glasshouses.

## 2. Principles of competition and selection by merits

Written examinations and interviews are both used in selecting suitable candidates, whose aptitude is assessed along with merits. Written examinations include the general examination and the professional examination. The general examination consists of an administrative aptitude test and a test on argumentative essay writing, respectively assessing the examinee's administrative aptitude and capacity for reading comprehension, analysis, summarizing, identifying and solving problems, and writing, etc. The professional examination is normally organized by the recruiting unit in accordance with the requirement of the post. Interviews generally take the form of structured interviews or leaderless group discussions.

### **III Establish a system for post appointment and removal, promotion, demotion, and dismissal for unimpeded succession of the civil service**

The Public Servant Law, together with supporting rules and regulations, establish the mechanism of succession for the civil service.

#### 1. Post appointment and removal

There are mainly three ways for people to enter the civil service, including election, appointment, and employment. Different systems for post appointment and removal are set up respectively. In this way, China is able to attract more talents of a diverse nature to the civil service through the market mechanism. It also optimizes the structure of and revitalizes the civil service, reduces administrative costs, and improves work efficiency.

#### 2. Promotion and demotion

The Public Servant Law stipulates the conditions and procedures for the promotion and demotion of a civil servant and provides the foundation for scientific civil servant management. Besides the traditional ways, China has established competition, open selection, and other diverse forms of promotion in recent years.

#### 3. Dismissal

The Public Servant Law stipulates the five conditions under which a civil servant shall be dismissed and four conditions under which a civil servant shall not be dismissed. It ensures the healthy succession of the civil service as well as protects the legal rights of civil servants.

### **IV Establish a system for assessment on the principles of stressing both ability and moral integrity with a focus on the latter**

The personnel department of each public service unit takes charge of the daily and regular assessment of its staff. Both quantitative and qualitative assessments adhere to the principles of stressing both ability and moral integrity with a focus on the latter and stressing objective and impartial criteria with a focus on effects and results and cover the assessed person's morality, capability, diligence, achievements, and integrity. Morality refers to a civil servant's ideological and political qualities as well as his or her adherence

to private morality, professional ethics, and social norms. Capability refers to a civil servant's qualification and ability to perform his or her official duties. Diligence refers to a civil servant's dedication, sense of responsibility, work attitude and work style, etc. Achievements are reflected in the quantity and quality of a civil servant's work, how efficient the work is done, and the resulted effects. Integrity measures a civil servant's behavior in terms of clean governance and self-discipline. The results of assessments range from excellent, competent, to basically competent and incompetent. Civil servants are rewarded or punished accordingly.

## **V Establish a system of rewards and punishments to encourage conscientious performance of duties**

The establishment of a sound system of rewards and punishments based on scientific standards will provide strong incentives for civil servants to willingly develop their potentials and conscientiously abide by the law. It will also ensure work order and improve work efficiency in public institutions. After years of efforts, a sound system is in place in China.

1. A system of regular as well as event-based rewards that combine spiritual encouragement with material rewards

Civil servants that excel in performing daily duties are rewarded along with those making special contributions in the face of emergencies and demanding tasks. Rewards are in the form of certificates, medals, as well as bonus and other material benefits.

2. A system of punishments based on comprehensive as well as focused supervision and combining judicial penalties with discipline punishments

The Public Servant Law, the Administrative Supervision Law, and the Regulations on Punishment for Civil Servants in Administrative Agencies stipulate the categories, methods, and standards of punishments for civil servants that breach laws and discipline. In addition, the Provisions on Disciplinary Actions for Violations of Laws and Disciplines on Administration of the Use of Sea Areas, the Measures on Disciplinary Actions for Violations of Land Administrative Rules, the Ordinance on Disciplines for People's Police of Public Security Organs, the Provisions on Disciplinary Actions for Statistical Violations of Laws and Disciplines, and other special punishment regulations provide the legal basis for regulating major areas and fields identified as prone to wrongdoings. Besides criminal penalties after due judicial procedures, civil servants that have breached laws or discipline are also subject to disciplinary actions, ranging from warning, recording of a demerit, recording of a serious demerit, to demotion, removal from office, and discharge from public employment in accordance with provisions of the Public Servant Law and the Regulations on Punishment for Civil Servants in Administrative Agencies, etc.

## **VI Establish a system for training that enables civil servants to develop the right skills and capabilities for their positions**

China has, in light of the characteristics of different categories of civil servants and official

positions and on the basis of the Public Servant Law and the Regulations on Training for Civil Servants (Trial), designed diversified training programs, include orientation for newly recruited civil servants, special training for those newly promoted to leading positions, professional training for those engaged in special tasks, and in-service training for the whole civil service.

1. Promote training in laws and regulations and training that enhances the awareness of the risks of corruption

Courses on general and specialized laws and regulations are incorporated into training programs to help civil servants develop the right skills and capabilities for scientific development, public administration, and civil service. Courses aiming to raise the awareness of corruption risks play an equally important part in training programs. They arm civil servants with a strong moral defense and help them stand more firmly against corruption risks.

2. Promote training in professional ethics and codes of conduct

Different training programs are designed to promote the strict adherence to professional ethics and codes of conduct and raise the awareness of honesty and integrity. These programs usually feature courses on professional ethics with Chinese characteristics, including loyalty to the country, devotion to serving the people, dutiful performance of public functions, and just and upright social behavior. They also set the goals for civil servants to have steady political beliefs, noble spiritual aspirations, honorable professional reputations, and favorable public feedbacks.

Appendix: Law of the People's Republic of China on Public Servants

# Law of the People's Republic of China on Public Servants

(Adopted at the 15th Meeting of the Standing Committee of the Tenth National People's Congress on April 27, 2005, promulgated by Order No. 35 of the President of the People's Republic of China on April 27, 2005, and come into effect as of January 1, 2006)

## Chapter I General Provisions

**Article 1** This Law is enacted in accordance with the Constitution and for the purpose of regularizing the administration of public servants, safeguarding their lawful rights and interests, improving supervision over them, building up a contingent of public servants with high quality, promoting a diligent and clean government and enhancing its efficiency.

**Article 2** For the purposes of this Law, public servants are workers who perform official duties according to law, are members of the administrative establishment of the State, and whose salaries and welfare benefits are paid by the government.

**Article 3** This Law is applicable to the duties and rights as well as the administration of public servants. Where there are other provisions contained in the laws governing the election, appointment and removal of, and the supervision over, the leading persons among public servants, and the duties and rights and the administration of judges, procurators, etc., those provisions shall be applicable.

**Article 4** In application of the public servant system, Marxism-Leninism, Mao Zedong Thought, Deng Xiaoping Theory and the important thought of "Three Represents" shall be upheld as the guidance, the basic line for the primary stage of socialism shall be implemented, the cadre line and policy of the Communist Party of China shall be carried out, and the principle that cadres are under the administration of the Party shall be adhered to.

**Article 5** Public servants shall be administered in adherence to the principles of openness, equality, competition and selection on the basis of merits, and in compliance with the statutory limits of authority, requirements, standards and procedures.

**Article 6** Public servants shall be administered in adherence to the principle of laying equal stress on supervision and restriction on the one hand and on encouragement and safeguard on the other.

**Article 7** Public servants shall be appointed in adherence to the principles of appointing people on their merits and people with both political integrity and professional competence, with stress placed on practical achievements in work.

**Article 8** The State administers public servants by grouping them in different categories in order to improve administrative efficiency and raise the level of scientific management.

**Article 9** When performing their official duties according to law, public servants shall be protected by law.

**Article 10** The department in charge of public servants at the central level shall be

responsible for the comprehensive administration of public servants nationwide. The local departments in charge of public servants at or above the county level shall be responsible for the comprehensive administration of public servants within the areas under their respective jurisdictions. The department in charge of public servants at a higher level shall direct the administration of public servants conducted by such department at a lower level. The departments in charge of public servants at various levels shall direct the administration of public servants conducted by the various organs at the same level.

## **Chapter II Qualifications, Duties and Rights of Public Servants**

**Article 11** A public servant shall meet the following qualifications:

- (1) holding the nationality of the People's Republic of China;
- (2) having reached the age of 18;
- (3) upholding the Constitution of the People's Republic of China;
- (4) being a person of good morality;
- (5) being physically qualified for normal performance of duties;
- (6) having the education and ability commensurate with the requirements of the post;

and

- (7) having other qualifications specified by law.

**Article 12** Public servants shall perform the following duties:

- (1) exemplarily observing with the Constitution and laws;
- (2) conscientious by performing their duties in compliance with the specified limits of authority and procedures and endeavoring to increase their work efficiency;
- (3) wholeheartedly serving the people and accepting supervision by the people;
- (4) safeguarding the security, honor and interests of the State;
- (5) being faithful in the discharge of their duties, diligently fulfilling their responsibilities, and abiding by and implementing the decisions made and the instructions given by higher authorities in accordance with law;
- (6) guarding State secrets and job secrets ;
- (7) abiding by discipline, faithfully adhering to professional ethics and exemplarily observing public morality;
- (8) being clean and upright, and impartial and honest in their ways; and
- (9) performing other duties provided for by law.

**Article 13** Public servants shall have the following rights:

- (1) being provided with the working conditions necessary for the performance of their duties;
- (2) being free from being removed from office, demoted and discharged, and free from disciplinary action, unless on statutory grounds and through statutory procedures;
- (3) getting salaries, remunerations, and enjoying welfare benefits and insurance;
- (4) having access to training;
- (5) putting forward criticisms and proposals regarding the work of their organs and the leading persons;

- (6) lodging appeals and accusations;
- (7) applying for resignation; and
- (8) enjoying other rights provided for by law.

### **Chapter III Posts and Ranks**

**Article 14** The State practices the system of categorized posts among public servants. The posts held by public servants shall, according to the nature and characteristics of the post and administrative needs, be categorized as comprehensive administration, professional skills and administrative law enforcement. Where separate administration is required for a post due to its specific characteristics, the State Council may, in accordance with this Law, set up an additional category for such post. The scope covered by the different categories of posts shall be prescribed by the State separately.

**Article 15** The State establishes an order of posts held by public servants on the basis of the categories of such posts.

**Article 16** The posts of public servants are divided into leading and non-leading posts.

The levels of the leading posts include: chief and deputy at the central level, chief and deputy at the provincial and ministerial level, chief and deputy at the department and bureau level, chief and deputy at the county and division level, chief and deputy at the township and section level.

The levels of non-leading posts are set up at or below the department and bureau level.

**Article 17** The leading posts under the category of comprehensive administration shall be established in accordance with the Constitution, relevant laws, levels of posts and institutions.

The non-leading posts under the category of comprehensive administration include: inspector, deputy inspector, analyst, associate analyst, senior section member, junior section member, section member and office clerk.

The order of posts for the public servants under the categories other than the category of comprehensive administration shall be prescribed separately by the State in accordance with this Law.

**Article 18** The various government departments shall set up specific posts for the public servants thereof in accordance with the established functions, institutional echelons, limits of the authorized size, number of posts and structural proportion, and define the official duties and responsibilities as well as the qualifications for holding a post.

**Article 19** The posts of public servants shall correspond with the relevant ranks. The corresponding relations between the posts and ranks of public servants shall be defined by the State Council.

The posts and ranks of public servants provide the basis for determining their salaries and other benefits.

The rank of a public servant shall be determined on the basis of the post he holds, his political integrity and professional competence, his achievements in work, and his educational qualifications and seniority. A public servant remaining at the same post may be

promoted in rank according to State regulation.

**Article 20** The State shall establish ranks corresponding with relevant posts in light of the working characteristics of the people's police as well as public servants of the Customs and diplomatic missions abroad.

#### **Chapter IV Recruitment and Employment**

**Article 21** Public servants for non-leading posts at or below the level of senior section member and at other levels of corresponding posts shall be recruited and employed through open examination, strict review, competition on an equal footing and selection on the merits.

When recruiting public servants in accordance with the provisions of the preceding paragraph, the authorities of the national autonomous regions may, in accordance with law and relevant regulations, give appropriate considerations to the ethnic people who register for examination.

**Article 22** The department in charge of public servants at the central level shall be responsible for making arrangements for recruitment and employment of public servants for the government departments at the central level and the departments and institutions directly under them. The department in charge of public servants at the provincial level shall be responsible for making arrangements for recruitment and employment of public servants of the various local government departments, and where necessary, the department in charge of public servants at the provincial level may authorize the department in charge of public servants at the level of a city divided into districts to make such arrangements.

**Article 23** A person who registers for examination of public servants shall, in addition to the qualifications specified in Article 11 of this Law, meet the qualifications required for the post he intends to hold as specified by the department in charge of public servants at or above the provincial level.

**Article 24** The following persons shall not be recruited as public servants:

(1) persons on whom criminal punishment has been imposed due to committing a crime;

(2) persons who have been discharged from public employment; and

(3) other persons who are not to be recruited as public servants, as prescribed by law.

**Article 25** Public servants shall be recruited and employed within the limits of the authorized size, and when there are vacancies of corresponding posts to be filled up.

**Article 26** Before recruiting and employing public servants, a public notice of entrance examination shall be issued. In a public notice of entrance examination shall be clearly stated the posts, the number of public servants needed, the qualifications for examinees, the application materials required to be submitted and other matters for attention.

Recruiting departments shall take measures to facilitate citizens' registration for examination.

**Article 27** Recruiting departments shall examine the applications for registration for



examination in accordance with the qualifications required of the examinees. The application materials submitted by examinees shall be true and accurate.

**Article 28** The examination for recruitment and employment of public servants shall be conducted in the forms of written examination and interviews. The contents of the examinations shall be specified in accordance with the basic ability required of public servants and the different categories of posts.

**Article 29** Recruiting departments shall, on the basis of the examination results, decide on the candidates for review and reexamine their qualifications for registration for examination, conduct review and arrange for their physical check-up.

The items of and standards for physical check-up shall be based on the requirements of the posts. The specific measures in this regard shall be formulated by the government department at the central level in charge of public servants, in conjunction with the health administration department under the State Council.

**Article 30** Recruiting departments shall, on the basis of the examination results, and the results of the review and physical check-up, make a name list of the persons to be recruited, and make it known to the public.

At the expiration of the period for such publicity, the recruiting department at the central level shall submit the name list of the persons to be recruited to the department in charge of public servants at the central level for the record; and the various local recruiting departments shall submit the name lists of the persons to be recruited to the departments in charge of public servants at the provincial level or at the level of a city divided into districts for examination and approval.

**Article 31** Upon approval by the department in charge of public servants at or above the provincial level, simplified procedures or other methods for test and appraisal may be adopted for recruiting public servants for special posts.

**Article 32** The trial period for a newly recruited public servant shall be one year. If he is qualified at the expiration of the trial period, he shall be employed; otherwise, his recruitment shall be cancelled.

### **Chapter V Assessment**

**Article 33** Assessment of public servants shall be conducted in compliance with the limits of authorized administration, and in an all-round way, covering their political integrity, ability, diligence, achievements and incorruptibility, with special attention paid to actual achievements in work.

**Article 34** The assessment of public servants shall be divided into routine and regular assessments. Regular assessments shall be made on the basis of routine assessment.

**Article 35** Regular assessment of the public servants who are non-leading members shall be made annually. The public servants themselves shall firstly give their summaries in light of the duties and responsibilities of their posts and relevant requirements. After listening to the opinions from the masses, the leading person in charge shall make a proposal concerning the grades of the assessment, and then the leading person of the

department or an authorized appraisal committee shall decide on the grades of the assessment.

The regular assessment of the leading persons shall be conducted by the department in charge in accordance with relevant regulations.

**Article 36** The results of regular assessment are divided into four grades, namely, excellent, competent, basically competent, and not competent. Public servants themselves shall be informed of the results of the regular assessment in writing.

**Article 37** The results of regular assessment shall serve as the basis for adjustment of the posts, ranks and salaries of public servants as well as for rewards, training and dismissal of public servants.

### **Chapter VI Post Appointment and Removal**

**Article 38** The election system and appointment system shall be applied among public servants in respect of their posts. The tenure system shall, in accordance with the State regulations, be applicable in respect of the posts of leading persons.

**Article 39** A public servant to whom the election system is applicable shall take the post he is elected to when the result of election comes into effect; and he shall not renew the term of office at the expiration of his term of office, or if he resigns, or is removed or dismissed from office during his term of office, the post shall be terminated accordingly.

**Article 40** Where a public servant under the appointment system passes the examination conducted at the expiration of his trial period, or there is a change in connection to his post, or he ceases to hold the public service post, or other circumstances necessitate his appointment or removal, he shall accordingly be appointed or removed within the limits of authorized administration and through the statutory procedures.

**Article 41** Public service posts shall be appointed within the authorized size and number of the posts, and when there are the necessary vacancies to be filled up.

**Article 42** For a public servant to hold a concurrent post outside his own department due to the need of work, the matter shall be subject to approval by the department concerned, and he shall not receive any remuneration for such post.

### **Chapter VII Post Promotion and Demotion**

**Article 43** A public servant to be promoted to a higher office shall meet the requirements and qualifications in terms of ideological and political quality, work capability, educational level and work experience.

Promotion of public servants to higher posts shall be done level by level. For a public servant who is especially excellent or there is a special need for work, he may be promoted by breaking conventions or by skipping one level in accordance with relevant regulations.

**Article 44** Where a public servant is promoted to a leading post, the following procedures shall be used:

- (1) on the basis of democratic recommendation, deciding on the candidate for review;

(2) arranging for review, studying and setting forth proposals for the post to be assigned to, and deliberating on them within a certain scope, where necessary;

(3) discussing and deciding on the candidate within the limits of authorized administration; and

(4) completing the formalities for appointment in accordance with relevant regulations. For promoting a public servant to a non-leading post, the procedures specified in the preceding paragraph shall be followed mutatis mutandis.

**Article 45** When there is a vacancy for a leading post at or below the level of the chief of the department or bureau in the body set up within a department, the candidate for the vacancy may be selected through competition among people working within the department or system.

When there is a vacancy for a leading post at or below the level of the chief of the department or bureau or for a non-leading post at or above the level of associate analyst and other corresponding levels, a candidate for such a vacancy may be selected openly from among people in the community.

Candidates for beginners of judges and procurators may be decided on through open selection from among people in the community, that is, from among the persons who have passed the unified judicial examinations conducted by the State and are qualified for such posts.

**Article 46** When a public servant is to be promoted to a leading post, the publicity system prior to his assumption of the post and the trial system shall be carried out in accordance with relevant regulations.

**Article 47** If a public servant is determined to be incompetent through regular assessment, he shall be demoted to a post at the next lower level in compliance with the prescribed procedures.

### **Chapter VIII Reward**

**Article 48** A public servant or a collective of public servants that has fulfilled the official duties outstandingly, or has made remarkable achievements and contributions, or has performed other outstanding meritorious deeds shall be rewarded. The principle of combining moral encouragement with material reward, taking former as the main form, shall be applied.

The reward to a collective of public servants shall be applicable to an organization set up in accordance with the order of establishment or to a working team formed for the fulfillment of a special task.

**Article 49** A public servant or a collective of public servants that meets one of the following conditions shall be rewarded:

(1) being loyal to official duties, enthusiastic in work and having made remarkable achievements;

(2) observing rules of discipline, performing official duties with honesty, being honest and upright, being fair in handling matters, and playing an outstandingly exemplary role;

(3) bringing about remarkable economic or social benefits through invention and innovation in work or by putting forward rationalization proposals;

(4) having made outstanding contributions to the enhancement of unity of the nationalities and to the maintenance of social stability;

(5) having attained outstanding successes in protecting public property and economizing on the use of resources and property of the country;

(6) having performed meritorious services in preventing or obviating accidents, thus protecting the interests of the State and the people from losses or reducing such losses;

(7) having made contributions by disregarding personal safety under special circumstances such as emergency rescue and disaster relief;

(8) having performed meritorious deeds in fighting against violations of laws and rules of disciplines;

(9) having won honor and interests for the country in foreign exchanges; or

(10) having had other outstanding achievements.

**Article 50** Rewards include: a Citation; a Citation for Merit, Third Class; a Citation for Merit, Second Class; a Citation for Merit, First Class; and conferring of an honorary title.

A public servant or a collective of public servants rewarded shall be commended and be given monetary awards in one lump sum or other material benefits.

**Article 51** Rewarding of a public servant or a collective of public servants shall be subjected to decision or approved in compliance with the specified limits of authority and procedures.

**Article 52** Under one of the following conditions, the reward given to a public servant or a collective of public servants shall be revoked:

(1) obtaining the reward through fraud and deception;

(2) concealing grave mistakes when applying for the reward or seriously going against the prescribed procedures; or

(3) other conditions under which the reward should be revoked in accordance with the provisions of laws and regulations.

## **Chapter IX Penalties**

**Article 53** Public servants shall observe discipline and are not allowed to commit any of the following acts:

(1) spreading views impairing the reputation of the country, or organizing or participating in activities aimed at opposing the country, such as assemblies, marches and demonstrations;

(2) organizing or joining illegal organizations, organizing or participating in strikes;

(3) neglecting duties and adversely affecting the work;

(4) refusing to implement the decisions and orders made by the higher authorities according to law;

(5) suppressing criticism and resorting to retaliation;

(6) misleading and cheating the leadership and the public by means of fraud and deception;

(7) committing corruption, offering or accepting bribes, and seeking personal gains or benefits for another person by taking advantage of official position;

(8) violating financial and economic discipline and wasting the resources and property of the country;

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

(10) disclosing State secrets or job secrets;

(11) impairing the honor and interests of the country in foreign exchanges;

(12) participating in or supporting activities such as pornography, drug-taking, gambling and superstition;

(13) violating professional ethics and social morals;

(14) engaging or participating in profit-making activities, and concurrently holding a post in an enterprise or other profit-making organizations;

(15) being absent from work without leave or failing to return to work without justifiable reasons after finishing work-related mission or at the expiration of leave; and

(16) committing other acts in violation of rules of discipline.

**Article 54** If a public servant, when performing official duties, deems that a decision or an order made by higher authorities is erroneous, he may put forward a proposal to the higher authorities for correcting or revoking the decision or order. If the higher authorities refuse to change the decision or order, or demands immediate implementation, he shall implement the decision or order, and the higher authorities shall be accountable for the outcome of the implementation, while the public servant shall bear no responsibility for it. However, if he implements a decision or an order which is obviously against the law, he shall bear due responsibility according to law.

**Article 55** If a public servant should bear disciplinary liability due to his violation of law or rules of discipline, a disciplinary action shall be taken against him in accordance with this Law; and if the circumstances in which the rules of discipline are violated are minor and he has mended his ways after criticism and education, he may be exempted from such action.

**Article 56** Disciplinary actions include: warning, recording of a demerit, recording of a serious demerit, demotion, removal from office and discharge from public employment.

**Article 57** A disciplinary action taken against a public servant shall be based on clear facts, verified evidence, accurate determination of the nature of the case, proper handling, lawful procedures and complete formalities.

If a public servant violates discipline, the department imposing disciplinary actions shall make the decision to initiate an investigation into the circumstances of the violation, and inform the public servant himself of the facts ascertained through investigation and the basis on which a disciplinary action is to be taken against him. The public servant shall have the right to make a statement and explain himself.

If a department imposing disciplinary actions deems that a disciplinary action should be taken against a public servant, it shall make a decision to such an effect within the prescribed time limit and in compliance with the limits of authorized administration and the prescribed procedures. The public servant himself shall be informed of such decision in writing.

**Article 58** During the period of being subjected to disciplinary action, a public servant shall not be promoted to a higher post or rank; and if, he is subjected to the recording of a demerit or a serious demerit, or is demoted to a lower rank, or removed from office, he shall not be promoted to a higher grade of the salary scale.

The periods of disciplinary actions are: 6 months for the warning; 12 months for the recording of a demerit; 18 months for the recording of a serious demerit; and 24 months for the demotion to a lower rank or removal from office.

A public servant who is removed from office shall be demoted in rank in accordance with relevant regulations.

**Article 59** If a public servant who is subjected to a disciplinary action other than the discharge from public employment has shown repentance during the period of disciplinary action, and has ceased violation of discipline, the department deciding on such action shall, at the expiration of the period of the disciplinary action, lift the action and inform the public servant himself of the lift in writing.

After a disciplinary action is lifted, promotion to a higher grade of the salary scale, a higher rank or post shall no longer be affected by the former disciplinary action. However, the lift of a disciplinary action for demotion to a lower rank or removal from office shall not thus be deemed as the reinstatement in the former rank or post.

## **Chapter X Training**

**Article 60** A department shall conduct training among public servants on the basis of classified grades and categories and in light of the requirements of official duties of public servants and the need for enhancing the quality of public servants.

The State sets up institutions specializing in training for public servants. A department may, in light of need, entrust other training institutions with the training of public servants as well.

**Article 61** A department shall conduct training for the newly recruited persons who have just taken their posts during the trial period; training for the public servants who have been promoted to leading posts shall be arranged before they take the posts or within one year after they have taken the leading posts; special professional training shall be arranged for the public servants engaged in special work; and in-service training for all public servants shall be arranged in order to update their knowledge and increase their work capability. And among the public servants who hold professional and technical posts, professional and technical training for them shall be arranged in accordance with the requirements for continued education among professional and technical persons.

The State shall, in a planned manner, improve training among reserve leading persons.

**Article 62** Training of public servants shall be administered through registration.

The period of time for training among public servants shall be determined by the department in charge of public servants in accordance with the requirements for training specified in Article 61 of this Law.

Training received by a public servant and his academic record shall serve as one of the bases for his assessment, appointment and promotion.

### **Chapter XI Exchange and Avoidance**

**Article 63** The State applies an exchange system among public servants.

Public servants may be exchanged within the contingent of public servants, and may also be exchanged with persons engaged in official duties from State-owned enterprises and public institutions, people's organizations and non-government organizations.

The forms of exchange include assignment to another post, transfer and secondment for getting experience.

**Article 64** Persons engaged in official duties from State-owned enterprises and public institutions, people's organizations and non-government organizations may be transferred to government departments to take leading posts or non-leading posts at or above the position of associate analyst and other positions at corresponding as well. The candidate to be transferred shall meet the qualifications specified in Article 11 of this Law and the qualifications required by the post to be taken, and he shall not be a person as specified in Article 24 of this Law. The department planning to accept the transfer of a person shall, in accordance with the provisions mentioned above, conduct strict review on the candidate to be accepted, and grant approval in compliance with the limits of authorized administration, and may give the candidate tests, when necessary.

**Article 65** Public servants transferred between different posts shall possess the qualifications required by the posts to be taken, and such transfer shall be made within the limits of the authorized size and the number of posts.

Leading persons at or below the chief at the provincial or ministerial level shall be transferred between regions and departments in a planned way and with special attention paid to certain leading persons.

The public servants who hold leading posts of the bodies set up within a department or who hold non-leading posts of a special nature shall be transferred within the department in a planned way.

**Article 66** Public servants may, in light of the need for training them to become experienced, be selected and sent to departments at the lower or higher levels, to departments in other regions and to State-owned enterprises and public institutions as the secondment for the purpose.

During the period of the secondment for training to become experienced, the organizational affiliation of the public servants with their original departments shall remain unchanged.

**Article 67** Public servants shall obey the decisions made by the departments for

exchange.

If a public servant himself applies for an exchange, the application shall be subject to approval within the limits of authorized administration.

**Article 68** If public servants are connected by conjugal relationship, lineal blood relationship, collateral relative relationship by blood within three generations, or by close in-law relationship, they shall not take posts directly under the same leader within the same department or take the posts that are connected by a relationship directly between the lead and the led, and nor shall they work in the fields of organization, personnel affairs, discipline inspection, supervision, auditing or financial work in a department where one of the parties holds a leading post.

With regard to special regions or work of special nature, where adaptation need to be made in order to implement the avoidance system when making appointments, the regulations in this respect shall be formulated by the department in charge of public servants at or above the provincial level.

**Article 69** Among public servants who hold the principal leading posts in departments at the township or county level, or in relevant departments, regional avoidance shall be implemented, except where otherwise provided for by law.

**Article 70** When performing official duties, a public servant shall avoid the following circumstances:

- (1) His personal interests are involved;
- (2) The interests of the party with whom he is connected by the ties of kinship, as specified in the first paragraph of Article 68 of this Law, are involved; and
- (3) Other circumstances which may interfere with the performance of his official duties impartially.

**Article 71** Where any circumstances arise which require a public servant's avoidance, he himself shall apply for avoidance; and the interested party shall have the right to apply for the public servant's avoidance. Other persons may provide information to the department concerned about the circumstances which require a public servant's avoidance.

The department shall examine the application made by the public servant himself or by the interested party, and make a decision on whether or not there is a need for avoidance, and it may also directly make the decision on avoidance in the absence of application.

**Article 72** If there are other provisions stipulated by law on avoidance by public servants, such provisions shall apply.

## **Chapter XII Salary, Welfare and Insurance**

**Article 73** The uniform salary system of the State which combines posts with ranks shall be implemented among public servants.

The principle of distribution according to work shall be applied to the salary system of public servants, which embodies such factors as the duties and responsibilities, work capability, actual achievements in work as well as educational background and seniority, and maintains a rational difference in salaries between different posts and ranks.



The State shall set up a mechanism for normal increase in the salaries of public servants.

**Article 74** The salary of a public servant includes the basic salary, allowances, subsidies and bonuses.

A public servant shall, in accordance with State regulations, enjoy such allowances as the extra regional allowances, allowances for poverty-stricken and outlying regions and post allowances.

A public servant shall, in accordance with State regulations, enjoy such subsidies and benefits as housing allowances and medical benefits.

Where a public servant is regarded as excellent or competent through regular assessment, he shall enjoy the year-end bonus in accordance with State regulations. The salaries of public servants shall be paid on time and in full.

**Article 75** The salary standards of public servants shall be coordinated with the development of the national economy and be suited to progress of the society.

The State shall institute a salary survey system, under which regular surveys shall be conducted and comparisons be made between the salary standards of public servants and those of people at the corresponding levels who work in enterprises, and take the findings of the surveys and the results of comparisons as the basis for adjustment of the salary standards of public servants.

**Article 76** Public servants shall enjoy welfare benefits in accordance with State regulations. The State shall raise the welfare standards of the public servants in line with the level of economic and social development.

Public servants shall follow the working hour system prescribed by the State and take holidays according to State regulations. Where a public servant work overtime in addition to statutory working days, he shall have deferred days off accordingly.

**Article 77** The State establishes an insurance system for public servants to guarantee them access to assistance and compensation when they are retired, fall ill, are injured at work, give birth to babies, are unemployed, etc. When a public servant becomes disabled at work, he shall be entitled to benefits for the injured and disabled as prescribed by the State.

Where a public servant sacrifices himself for public interests, or dies while performing an official duty or dies from an illness because of work, his family members shall receive consolation money and preferential treatment prescribed by the State.

**Article 78** No departments shall, on their own, alter the policies on the salaries, welfare benefits and insurance of public servants in violation of State regulations, or increase or reduce their salaries, welfare benefits or insurance without authorization. No departments shall hold up or deduct the salaries to public servants, or be in arrears with payment of the same.

**Article 79** The expenditures required for payment of salaries, welfare benefits, insurance premiums and retirement pensions of public servants as well as for the recruitment and employment, training, reward and dismissal of public servants shall be guaranteed by having them listed in the financial budget.

### **Chapter XIII Resignation and Dismissal**

**Article 80** If a public servant wishes to resign from public employment, he shall submit a written application to the department in charge of appointment and removal. The said department shall, within 30 days from the date it receives the application, examine the application before giving approval, and in the case of the application submitted by a leading person who wishes to resign from public office, it shall do so within 90 days from the date it receives the application.

**Article 81** A public servant shall not resign from public employment, if he:

- (1) has not served for the minimum number of years prescribed by the State;
- (2) is holding a special post involving State secrets or has not left the post for the number of years prescribed by the State for being relieved of such secrets;
- (3) has not finished the handling of important official business, which requires continued handling by him in person;
- (4) is subject to auditing or disciplinary investigation, or is a criminal suspect and the judicial proceedings have not been concluded; or
- (5) is not allowed to resign from public employment for other reasons, as prescribed by laws and administrative regulations.

**Article 82** If a public servant holding a leading post is required by the provisions of law to resign from his post for a change of work, he shall go through the formalities for resignation.

A public servant holding a leading post, owing to his personal or other reasons, may apply for resignation from the leading post of his own accord.

Where a leading person commits a grave mistake or grossly neglects his duty in work, thus causing heavy losses to or exerting a bad influence on society, or, as a leading person, is held responsible for a major accident, he shall admit his mistake and resign from the leading post.

If a leading person who should admit his mistake and resign or is no longer suitable for holding the current leading post due to other reasons does not offer resignation, he shall be ordered to resign from the leading post.

**Article 83** A public servant shall be dismissed, if he:

- (1) is regarded as incompetent in the annual assessment for two years running;
- (2) is inadequate for the present post and refuses to accept other arrangement;
- (3) refuses to accept reasonable arrangement for adjustment of his post, which is needed when the department he is working in is reorganized, dissolved, merged with another department, or streamlined;
- (4) fails to perform the duties of a public servant, fails to observe the discipline for public servants, fails to make any change for the better after persuasion, and therefore, is not suitable to remain in the department, but it is inappropriate to dismiss him as a disciplinary action, either; or
- (5) stays away from work without leave, or fails to return after the expiration of his

official trip or leave for 15 days running without justifiable reasons, or for 30 days accumulated within one year.

**Article 84** A public servant shall not be dismissed, if he:

(1) becomes disabled while performing official duties and is confirmed as having lost or partially lost the ability to work;

(2) is within the prescribed period of time for medical treatment after falling ill or being injured;

(3) is in the period of pregnancy, maternity leave or breast-feeding, in the case of a female public servant; or

(4) is not to be dismissed for other reasons, as prescribed by laws and administrative regulations.

**Article 85** The dismissal of a public servant shall be decided within the limits of authorized administration. The public servant to be dismissed shall be informed in writing of the decision on his dismissal.

The public servant being dismissed may draw the dismissal pay or receive unemployment insurance in accordance with relevant State regulations.

**Article 86** Whether resigning from his post or being dismissed, a public servant shall, before leaving the post, go through the procedures for handing over official duties, and when necessary, he may be subject to an auditing in accordance with relevant regulations.

#### **Chapter XIV Retirement**

**Article 87** A public servant who reaches the age for retirement prescribed by the State or completely loses his ability to work, shall retire.

**Article 88** If a public servant meets one of the following conditions and applies for retirement of his own free will, he may, upon approval by the department in charge of appointment and removal, retire before reaching the retirement age:

(1) He has worked completely for 30 years;

(2) He is less than five years away from the retirement age prescribed by the State and yet he has worked completely for 20 years; or

(3) He meets the other conditions for retirement before reaching the retirement age, as prescribed by the State.

**Article 89** After retirement, a public servant shall enjoy retirement pension and other benefits prescribed by the State, and the State shall provide the necessary service and assistance for their everyday life and health, encourage them to participate in social development by bringing their specialties into play.

#### **Chapter XV Appeal and Accusation**

**Article 90** If a public servant is not satisfied with the following results of the handling of personnel affairs related to himself, he may, within 30 days from the date he comes to know the said handling, apply for a review to the original department handling the matter; if he is not satisfied with the result of the review, he may, within 15 days from the date he

receives the decision made after the review, appeal to the department in charge of public servants at the same level or to a department at the next higher level of the original department handling the matter; and he may, skipping the review, directly lodge an appeal within 30 days from the date he comes to know the said handling:

- (1) disciplinary action;
- (2) dismissal or cancellation of employment;
- (3) demotion in post;
- (4) being regarded as incompetent through the regular assessment;
- (5) removal from office;
- (6) being refused the approval for his application for resignation or retirement before reaching the retirement age;
- (7) his salary is not fixed or held up or deducted or his welfare and insurance benefits are not held up or deducted in accordance with relevant regulations; or
- (8) other matters for which he may lodge an appeal as prescribed by laws and regulations.

If a public servant is not satisfied with the decision made after handling of his appeal by a department at or below the provincial level, he may make an appeal again to a department at the next higher level of the department that has made the decision.

Where a public servant of an administrative department lodges an appeal to an administrative supervisory department because he is not satisfied with a disciplinary action, the appeal shall be handled in accordance with the relevant provisions of the Law of the People's Republic of China on Administrative Supervision.

**Article 91** The original department handling a matter shall, within 30 days from the date it receives the application for review, make a decision after the review. The department accepting and handling appeals lodged by public servants shall, within 60 days from the date it accepts an appeal, make a decision after the handling; and if the case is complicated, the time for making a decision may be properly extended, but such an extension shall not exceed 30 days.

During the period of review or appeal, the execution of the decision on disciplinary action shall not be discontinued.

**Article 92** If the department accepting the appeal lodged by a public servant confirms, upon examination, that a personnel affair is handled erroneously, the original department handling the same shall correct it in time.

**Article 93** If a public servant believes that the department he is working in and its leading persons have infringed upon his lawful rights and interests, he may, according to law, make an accusation to the department at a higher level or to a special department concerned. The department accepting the accusation shall, without delay, handle it in accordance with relevant regulations.

**Article 94** When lodging an appeal or accusation, a public servant shall not make up a story, or lodge a false accusation against or frame up another person.

## **Chapter XVI Position Appointment**

**Article 95** A department may, in light of the need of work and upon approval by the department in charge of public servants at or above the provincial level, implement the appointment system for positions requiring highly professional knowledge and for auxiliary positions.

Where the positions specified in the preceding paragraph involve State secrets, the appointment system shall not be implemented.

**Article 96** To engage public servants, a department may openly advertise for the purpose by reference to the procedures for examination and recruitment of public servants, and may also select and appoint the persons from among those who meet the qualifications.

A department shall engage public servants within the specified size of the establishment and the norm for its expenditure on salaries.

**Article 97** A department shall, in accordance with the principles of equality, voluntariness and reaching agreement through consultation, conclude written contracts with the public servants it appoints, in which to specify the rights and duties of both the department and the public servants appointed. An appointment contract may be altered or terminated upon agreement reached by both parties through consultation.

The conclusion, alteration or termination of an appointment contract shall be reported to the department in charge of public servants at the same level for the record.

**Article 98** An appointment contract shall include clauses concerning the term of the contract, the position and the limits of power and the responsibilities involved, salary, welfare and, insurance benefits and liabilities for breach of contract.

The term of an appointment contract shall be from one year to five years. A trial period may be agreed upon in an appointment contract, and it shall be from one month to six months.

An agreed-upon salary system shall, in accordance with State regulations, be carried out among the public servants employed under the appointment system, and the specific measures in this regard shall be formulated by the department in charge of public servants at the central level.

**Article 99** A department shall administer its appointed public servants in accordance with this Law and the appointment contracts.

**Article 100** The State shall set up an arbitration system for personnel disputes.

An arbitrator for personnel dispute shall, in accordance with the principles of legitimacy, impartiality and timely handling, safeguard the lawful rights and interests of both parties in a dispute according to law. A personnel dispute arbitration commission shall be established in light of need. A personnel dispute arbitration commission shall be composed of the representatives of the department in charge of public servants, of the employing department, and of the public servants employed under the appointment system, and legal experts.

Where a dispute arises over the fulfillment of the appointment contract between a public servant employed under the appointment system and the department he belongs to,

an application for arbitration may be filed to a personnel dispute arbitration commission within 60 days from the date the dispute arises. If the party concerned is not satisfied with the arbitration award, it may bring a lawsuit before a people's court within 15 days from the date it receives the written arbitration award. Once an arbitration award goes into effect, if one of the parties concerned fails to comply with it, another party may apply to the people's court for enforcement.

### **Chapter XVII Legal Responsibility**

**Article 101** If a department, in violation of the provisions of this Law, commits one of the following acts, the leading department at or above the county level or the department in charge of public servants shall, in compliance with the limits of authorized administration and on the merits of each case, instruct the department in question to correct its mistakes or declare what it has done invalid; the leading persons to be held responsible and persons directly responsible for the violation shall, depending on the seriousness of the case, be subject to criticism and lecturing, or disciplinary action; and if the violation constitutes a crime, criminal responsibility shall be investigated in accordance with law:

(1) failing to recruit, assign, transfer, appoint or promote public servants in keeping with the authorized size of the department, the number of posts and the qualifications required by the posts;

(2) failing to give reward to, take disciplinary action against and have avoidance of, public servants and to handle their retirement in accordance with prescribed conditions;

(3) failing to recruit, assign, transfer, appoint and promote public servants, or to have posts taken through competition, make public selections, or to conduct assessment, give reward and take disciplinary action in compliance with the prescribed procedures;

(4) altering the standards of salary, welfare and insurance benefits of public servants in violation of State regulations;

(5) disclosing examination questions, violating examination rules or committing other acts, which seriously impair the openness and impartiality in recruitment, competition for posts and public selection;

(6) failing to accept or handle, in accordance with relevant regulations, appeals or accusations filed by public servants; and

(7) other acts committed in violation of the provisions of this Law.

**Article 102** Where public servants resign from public employment or retire, they shall not hold office in enterprises with which they have been directly related in work, or in other profit-making organizations, and they shall not engage in profit-making activities directly related to their original work-within three years after leaving their posts in the case of leading persons and within two years in the case of the others.

Where a public servant violates the provisions of the preceding paragraph after his resignation from public employment or his retirement, the department in charge of public servants at the same level as the department where he originally worked shall instruct him to make correction within a time limit; if he fails to do so at the expiration of the time limit,

the administrative department for industry and commerce at or above the county level shall confiscate his unlawful gains obtained during his employment, instruct the unit employing him to dismiss him, and shall, depending on the seriousness of the circumstances, impose on the employing units a fine of not less than the amount of the unlawful gains of the person under punishment, but not more than five times that amount.

**Article 103** Where a department damages the reputation of a public servant due to its erroneous handling of specific personnel affairs, it shall make an apology to the public servant, rehabilitate his reputation and eliminate the bad effects; and if economic losses are caused therefrom, it shall make compensation according to law.

**Article 104** If a staff member of the department in charge of public servants, in violation of the provisions of this Law, abuses his power, neglects his duty or engages in malpractices for personal gain, which constitutes a crime, he shall be investigated for criminal responsibility according to law; and if the violation is not serious enough to constitute a crime, disciplinary action shall be taken against him.

#### **Chapter XVIII Supplementary Provisions**

**Article 105** For the purposes of this Law, leading members mean the leading persons of a department, excluding the persons holding leading posts in a body set up within the department.

**Article 106** Except for the subsidiary staff doing odd jobs, the staff members of public institutions with the function of administering public affairs, as authorized by laws and regulations, shall, upon approval, be administered according to this Law, *mutatis mutandis*.

**Article 107** This Law shall go into effect as of January 1, 2006. The Provisional Regulations of the State Council on Reward and Punishment of Staff Members of the State Administrative Departments, approved by the Standing Committee of the National People's Congress on October 23, 1957 and promulgated by the State Council on October 26, 1957, as well as the Provisional Regulations on Public Servants of the State, promulgated by the State Council on August 14, 1993, shall be repealed simultaneously.