

Order of the President of the People's Republic of China

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The Law of the People's Republic of China on Penalties for Administration of Public Security, adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on August 28, 2005, is hereby promulgated and shall go into effect as of March 1, 2006.

Hu Jintao

President of the People's Republic of China

August 28, 2005

Law of the People's Republic of China on Penalties for Administration of Public Security

(Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005, and amended by the decision on the amendment of the "Public Security Administration Punishment Law of the People's Republic of China" at the 29th meeting of the Standing Committee of the Eleventh National People's Congress on October 26, 2012.)

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Chapter I General Provisions

Article 1 This Law is formulated in order to maintain the order of public security, safeguard public safety, protect the lawful rights and interests of citizens, legal persons and other organizations, and regularize and guarantee performance of the duties for administration of public security by public security organs and people's police according to law.

Article 2 A person who disturbs public order, endangers public safety, infringes on the rights of person and property or hampers social administration, which is harmful to the society and which, according to the provisions of the Criminal Law of the People's Republic of China, constitutes a crime, shall be investigated for criminal responsibility according to law; and if such an act is not serious enough for criminal punishment, the public security organ shall impose on him a penalty for administration of public security according to this Law.

Article 3 The provisions of this Law are applicable to the procedure of penalties for administration of public security; and to cases for which no such provisions are stipulated in this Law, the relevant provisions of the Law of the People's Republic of China on Administrative Penalty shall be applicable.

Article 4 This Law shall be applicable to acts committed against the administration of public security within the territory of the People's Republic of China, except where specially provided for by other laws.

This Law shall be applicable to acts against the administration of public security committed aboard ships or aircrafts of the People's Republic of China, except where specially provided for by other laws.

Article 5 A penalty for administration of public security shall be based on facts and fit the nature and circumstances of the act committed against the administration of public security and the extent of harm done to the society.

Penalties for administration of public security shall be imposed openly and impartially, human rights shall be respected and safeguarded, and the dignity of citizens shall be protected.

The principle of combining education with penalty shall be upheld in dealing with cases of public security.

Article 6 People's governments at various levels shall make comprehensive improvement of public security and take effective measures to dissolve social contradictions, enhance social harmony and maintain social stability.

Article 7 The department of public security under the State Council shall be responsible for administration of public security throughout the country. The public security organs of the local people's governments at or above the county level shall be responsible for administration of public security within their respective administrative areas.

Jurisdiction over the cases of public security shall be determined by the department of public security under the State Council.

Article 8 Where an act against the administration of public security causes harm to another person, the person committing such act or his guardian shall bear civil liability according to law.

Article 9 In respect of acts against the administration of public security, such as brawling and damaging or destroying another person's property, which are caused by civil disputes, if the circumstances are relatively minor, the public security organ may dispose of them through mediation. Where the parties concerned reach an agreement through mediation by the public security organ, no penalties shall be imposed. Where no agreement is reached through mediation or the agreement, although reached, is not executed, the public security organ shall, in accordance with the provisions of this Law, impose penalties upon the persons committing the acts against the administration of public security and notify the parties concerned that they may, according to law, bring a civil action before a people's court in respect of the civil disputes.

Chapter II Types of Penalties and Their Application

Article 10 Penalties for acts against the administration of public security are divided into the following types:

- (1) warning;
- (2) fine;
- (3) administrative detention; and
- (4) revocation of licenses issued by public security organs.

To a foreigner who acts against the administration of public security, leaving the country within a time limit or deportation attached to a penalty may be applicable.

Article 11 Contraband seized in dealing with cases of public security such as drugs and pornographic objects, gambling devices, money for gambling, devices used for ingesting or injecting drugs, and the instruments owned and directly used by the persons in their acts against the administration of public security shall be taken over, and shall be disposed of according to relevant regulations.

The money and things of value obtained through acts against the administration of public security shall be recovered and returned to the victim; and where there is no victim involved, they shall be registered and sold by auction or disposed of according to the relevant regulations of the State, and all the proceeds therefrom shall be handed over to the State Treasury.

Article 12 If a person who has attained to the age of 14 but not to the age of 18 commits an act

against the administration of public security, he shall be given a relatively light or mitigated penalty; and if a person who has not attained to the age of 14 commits such an act, he shall not be penalized, but his guardian shall be instructed to subject him to strict discipline.

Article 13 Where a mentally disordered person commits an act against the administration of public security at the time when he is unable to recognize or control his own conduct, he shall not be penalized, but his guardian shall be instructed to keep a strict guard on him and to subject him to medical treatment. Where an intermittently insane person commits an act against the administration of public security while in normal mental condition, he shall be penalized.

Article 14 Where a blind or deaf-mute person commits an act against the administration of public security, he may be give a relatively light or mitigated penalty, or shall not be penalized.

Article 15 Where an intoxicated person commits an act against the administration of public security, he shall be penalized.

Where an intoxicated person in a drunken state may cause danger to himself or threatens another person's personal safety or property or public safety, protective measures shall be taken to restrain him until he sobers up.

Article 16 Where a person commits two or more acts against the administration of public security, decisions shall be made separately but executed concurrently. Where penalties of administrative detention are concurrently executed, the maximum term of such detention shall not exceed 20 days.

Article 17 Where an act is committed jointly against the administration of public security, the persons committing such act shall be penalized separately, depending on the role played by each of them in the act.

Where a person instigates or coerces another person to act against the administration of public security, or lures the person into such act, he shall be penalized according to the seriousness of the act committed as a result of his instigation, coercion or luring.

Article 18 Where a unit commits an act against the administration of public security, the persons directly in charge and the other persons directly responsible shall be penalized in accordance with the provisions of this Law. Where other laws or administrative regulations provide that penalty shall be imposed on a unit for the same act, the unit shall be penalized in accordance with the provisions there.

Article 19 The penalty to be imposed on a person who commits an act against the administration of public security shall be mitigated, or no penalty shall be imposed on him, under one of the following circumstances:

(1) The adverse effects are extremely minor;

(2) The person takes the initiative to remove or lessen the adverse effects, and gains the victim's forgiveness;

(3) The act is committed under the coercion or luring by another person;

(4) The person surrenders himself to the police and truthfully states his illegal act to the public security organ; or

(5) The person has performed meritorious service.

Article 20 Under one of the following circumstances, a heavier penalty shall be imposed on a person who commits an act against the administration of public security:

(1) The adverse effects relatively serious;

(2) The person instigates or coerces another person to commit an act against the administration of public security, or lures the person into such act;

(3) The person retaliates against the reporter, accuser, informant or witness; or

(4) The person has been subjected to penalty for his act against the administration of public security within the past six months.

Article 21 Under one of the following circumstances, the penalty of administrative detention shall not be executed against the person who has committed an act against the administration of public security, although such a penalty should be imposed on him/ her according to the provisions of this Law:

(1) The person has attained to the age of 14 but not to the age of 16;

(2) The person has attained to the age of 16 but not to the age of 18, and such act is committed for the first time;

(3) The person is over 70 years old; or

(4) The person is pregnant or breast-feeds her own baby who is not one year old.

Article 22 Where an act committed against the administration of public security is not discovered by the public security organ within six months, the person committing such act shall no longer be penalized.

The period of time specified in the preceding paragraph shall be counted from the date the act is committed against the administration of public security; and if such act is continual or continuing,

the period of time shall be counted from the date the act ends.

Chapter III Acts Against the Administration of Public Security and Penalties Section 1 Acts Disturbing Public Order and Penalties

Article 23 A person who commits one of the following acts shall be given a warning or be fined not more than RMB 200 yuan; and if the circumstances are relatively serious, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

- (1) disturbing the order of government departments, public organizations, enterprises or institutions, thus making it impossible for work, production, business operation, medical care, teaching or scientific research to go on normally but not having caused serious losses;
- (2) disturbing the public order at stations, ports, wharves, airports, department stores, parks, exhibition halls or other public places;
- (3) disturbing the public order on board of buses, trolleybuses, trains, ships, aircrafts and other means of public transportation;
- (4) illegally intercepting or forcibly boarding or holding on to motor vehicles, ships, aircrafts and other means of public transportation, thus hampering the normal operation of the means of public transportation; or
- (5) disrupting the order of elections conducted according to law.

Where the acts mentioned in the preceding paragraphs are committed by a crowd, the ringleader shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan.

Article 24 A person who commits one of the following acts, thus disturbing the order of such large-scale activities of a mass character as cultural and sports activities, shall be given a warning or be fined not more than 200 yuan; and if the circumstances are serious, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

- (1) forcibly entering the arena;
- (2) setting off fireworks, firecrackers or other articles in the arena in violation of regulations;
- (3) displaying such articles as humiliating slogans and streamers;
- (4) joining with other persons in attacking a referee, player or any other worker;

(5) throwing odds and ends into the arena and turning a deaf ear to the order to stop; or

(6) other acts disturbing the order of large-scale mass activities.

A person on whom the penalty of detention is imposed because he disturbs the order of a sports competition may, at the same time, be ordered not to enter a stadium or gymnasium to watch a competition of the same sport within 12 months; if he enters a stadium or gymnasium in violation of the order, he shall be forcibly brought out of the spot.

Article 25 A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than 5 days or be fined not more than 500 yuan:

(1) intentionally disturbing public order by spreading rumors, making false reports of dangerous situations and epidemic situations or raising false alarms or by other means;

(2) disturbing public order by putting in fake hazardous substances such as explosive, toxic, radioactive and corrosive substances or pathogens of infectious diseases; or

(3) disturbing public order by threatening to set fire, set off explosions, or put in hazardous substances.

Article 26 A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively serious, he shall be detained for not less 10 than days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan:

(1) gang-fighting;

(2) chasing or intercepting another person;

(3) forcibly taking and obstinately seizing, or willfully damaging and occupying public or private property; or

(4) other provocative acts.

Article 27 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan; and if the circumstances are relatively minor, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

(1) organizing, instigating, coercing, inducing or inciting another person to engage in activities of cults, superstitious sects, or secret societies, or making use of cults, superstitious sects, secret

societies, or superstitious activities to disturb social order and harm the health of another people;
or

(2) disturbing social order and harming the health of another person by masquerading under the name of religion or qigong.

Article 28 A person who, in violation of State regulations, intentionally interferes with the normal operation of the radio business, or brings about harmful interference with the normal operation of radio stations and refuses to take effective measures to eliminate such interference after the competent department points out the fact, shall be detained for not less than 5 days but not more than 10 days; and if the circumstances are serious, he shall be detained for not less than 10 days but not more than 15 days.

Article 29 A person who commits one of the following acts shall be detained for not more than five days; and if the circumstances are relatively serious, he shall be detained for not less than 5 days but not more than 10 days:

(1) in violation of State regulations, invading a computer information system, which causes harm to the system;

(2) in violation of State regulations, deleting, changing, increasing or interfering with the functions of a computer information system, which makes it impossible for the system to operate normally;

(3) in violation of State regulations, deleting, changing or increasing the stored, processed or transmitted data and the application program of a computer information system; or

(4) intentionally making up or transmitting such destructive programs as computer virus, which adversely affects the normal operation of a computer information system.

Section 2 Acts Impairing Public Security and Penalties

Article 30 A person who, in violation of State regulations, manufactures, buys, sells, stores, transports, mails, carries, uses, provides or disposes of hazardous substances such as explosive, toxic, radioactive and corrosive substances or pathogens of infectious diseases shall be detained for not less than 10 days but not more than 15 days; and if the circumstances are relatively minor, he shall be detained for not less than 5 days but not more than 10 days.

Article 31 A person who fails to report, as required by relevant regulations, when such hazardous substances as explosive, toxic, radioactive and corrosive substances or pathogens of infectious diseases are stolen, robbed or lost shall be detained for not more than five days; and if he intentionally conceals the fact, he shall be detained for not less than 5 days but not more than 10 days.

Article 32 A person who illegally carries such implements under control according to State

regulations as firearms and ammunition, or crossbows and daggers shall be detained for not more than five days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively minor, he shall be given a warning or be fined not more than 200 yuan.

A person who illegally carries such implements under control according to State regulations as firearms and ammunition, or crossbows and daggers to a public place or aboard a public transportation means shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan.

Article 33 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days:

(1) stealing or destroying oil or gas pipe-line installations, electric power and telecommunications facilities, radio and TV facilities, and water-conservancy and flood-control engineering facilities, or such public utilities as ones for hydrological monitoring, hydrographic survey, meteorological monitoring and weather forecast, environmental monitoring, geological monitoring and seismologic monitoring;

(2) moving to another place or destroying boundary tablets and markers of the national border and other boundary markers and installations, or marking installations of territorial land and waters; or

(3) conducting illegal activities affecting the alignment of the national border (frontier) line, or constructing installations which hampers national border (frontier) administration.

Article 34 A person who steals, damages or moves to another place without permission aviation facilities in use, or forcibly enters the control cabin of an aircraft shall be detained for not less than 10 days but not more than 15 days.

A person who uses implements or tools aboard an aircraft in use, which may impair the normal function of the navigation system, and turns a deaf ear to dissuasions shall be detained for not more than 5 days or be fined not more than 500 yuan.

Article 35 A person who commits one of the following acts shall be detained for not less than five days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than 5 days or be fined not more than 500 yuan:

(1) stealing, destroying or moving to another place without permission railway facilities, equipment, rolling stock appendages or safety markers;

(2) placing obstacles on railway lines, or intentionally throwing things to trains;

(3) digging holes or quarrying and taking sand along railway lines, on bridges or in culverts; or

(4) privately setting up road junctions or level crossings on railway lines.

Article 36 A person who enters railway shelter networks without permission or walks, sits or lies down on railway lines, or rushes across railway lines when a train is approaching, which endangers traffic safety, shall be given a warning or be fined not more than 200 yuan.

Article 37 A person who commits one of the following acts shall be detained for not more than five days or be fined not more than 500 yuan; and if the circumstances are serious, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

(1) installing or using electrified wire-nettings without permission, or installing or using them at variance with the regulations on safety;

(2) failing to place covers, fences or warning signs for ditches, wells, ridges and holes when engaging in construction at places where vehicles and pedestrians pass, or intentionally destroying or moving to another place the covers, fences or warning signs; or

(3) stealing or destroying such public utilities as well covers on road surfaces and lighting facilities.

Article 38 Where an accident endangering safety may occur during such large-scale mass activities as cultural and sports activities held in violation of relevant regulations, such activities shall be ordered to stop, and the participants shall be immediately evacuated; the organizer shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 200 yuan but not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

Article 39 Where the manager of a hotel, restaurant, cinema, theater, entertainment center, sports ground, exhibition hall or other places for public activities violates regulations on safety, so that an accident endangering safety may occur at such a place, and refuses to rectify after a public security organ orders him to do so, he shall be detained for not more than five days.

Section 3 Acts Infringing upon Rights of the Person and of Property and Penalties

Article 40 If a person commits one of the following acts, he shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan; and if the circumstances are relatively minor, he shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 200 yuan but not more than 500 yuan:

(1) organizing or coercing persons who have not attained to the age of 16 or who are disabled to give terrifying or inhumane performances, or luring such persons into giving such performances;

(2) forcing another person to work by means of violence or threat or other means; or

(3) illegally restricting another person's freedom of the person, illegally breaking into another person's house or illegally making a body search of another person.

Article 41 A person who coerces another person to go begging, lures such person into begging or uses the person in begging shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan.

A person who continually pesters or forcibly begs from another person or begs by other irritating means shall be detained for not more than five days or be given a warning.

Article 42 A person who commits one of the following acts shall be detained for not more than five days or be fined not more than 500 yuan; and if the circumstances are relatively serious, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

(1) writing letters of intimidation or threatening the personal safety of another person by other means;

(2) openly humiliating another person or slandering another person by fabricating stories;

(3) framing-up another person by fabricating stories in an attempt to make the person subject to criminal investigation or to penalty for administration of public security;

(4) threatening, humiliating or beating up a witness or his close relative or retaliating against either of them;

(5) repeatedly dispatching pornographic, humiliating, intimidating or other information to disturb the normal life of another person; or

(6) peeping, secretly taking photos, eavesdropping, or spreading the privacy of another person.

Article 43 A person who beats up another person, or intentionally hurts the body of another person shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 200 yuan but not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan:

(1) gang-fighting and hurting another person;

(2) beating up and hurting a disabled person, pregnant woman, or a person who has not attained to the age of 14 or who is over 60 years old; or

(3) beating up and hurting another person for more than two times, or beating up and hurting more than two persons once.

Article 44 A person who molests another person or intentionally exposes his/her body in a public place, if the circumstances are abominable, shall be detained for not less than 5 days but not more than 10 days; if a person molests a mentally disabled person, or a person suffering mental disorder, or a person who has not attained to the age of 14, or commits such act with other serious circumstances, he shall be detained for not less than 10 days but not more than 15 days.

Article 45 A person who commits one of the following acts shall be detained for not more than five days or be given a warning:

(1) maltreating a family member, who demands handling of the matter; or

(2) abandoning a supported person who can not look after himself.

Article 46 A person who forcibly buys or sells commodities, forces another person to provide services or to accept services shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 200 yuan but not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

Article 47 A person who incites national hatred or national discrimination, or publishes contents about national discrimination or humiliation in publications or computer information networks shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan.

Article 48 A person who claims under false pretences, hides, destroys, discards, stealthily opens or illegally examines the mail of another person shall be detained for not more than five days or be fined not more than 500 yuan.

Article 49 A person who steals, defrauds, forcibly seizes, openly robs, racketeers or intentionally destroys public or private property shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively serious, he shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan.

Section 4 Acts Impeding Social Administration and Penalties

Article 50 A person who commits one of the following acts shall be given a warning or be fined not more than 200 yuan; and if the circumstances are serious, he shall be detained for not less than

5 days but not more than 10 days, and may, in addition, be fined not more than 500 yuan:

- (1) refusing to carry out the decision or order issued according to law by the people's government in a state of emergency;
- (2) obstructing the staff member of a government department from performing his duties according to law;
- (3) obstructing the passage of such vehicles as fire engines, ambulances, engineering emergency trucks and patrol wagons on emergency duties; or
- (4) forcibly breaking through a warning belt or area set up by a public security organ.

A person who obstructs the people's police from performing their duties according to law shall be given a heavier penalty.

Article 51 A person who pretends to be a staff member of a government department or uses another false identity to practice fraud shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

If a person cheats people by passing himself off as a member of the army or the police, he shall be given a heavier penalty.

Article 52 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan; and if the circumstances are relatively minor, he shall be detained for not less than 5 days but not more than 10 days and may, in addition, be fined not more than 500 yuan:

- (1) forging, altering, buying or selling official documents, certificates, testimonial papers or seals of a government department, people's organization, enterprise, institution or other organization;
- (2) buying, selling or using forged or altered official documents, certificates or testimonial papers of a government department, people's organization, enterprise, institution or other organization;
- (3) forging, altering, reselling train or bus tickets, ship tickets, air tickets, admission tickets for theatrical performances or sports competitions, or other negotiable bills or vouchers; or
- (4) forging or altering a certificate of vessel registration, buying, selling or using a forged or altered certificate of vessel registration, or altering the number of a vessel engine.

Article 53 Where a vessel, without permission, enters or berths at the waters or islands, which the State forbids or restricts, the leading person of the vessel and the person to be held responsible

shall each be fined not less than 500 yuan but not more than 1,000 yuan; and if the circumstances are serious, they shall each be detained for not more than five days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan.

Article 54 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan:

(1) continuing to engage in activities in the name of a public organization after it is banned because, in violation of State regulations, it engages in activities without registration;

(2) continuing to engage in activities in the name of a public organization after its registration is cancelled according to law; or

(3) without a license, operating a business for which, according to State regulations, a license issued by a public security organ is required.

The act mentioned in Subparagraph (3) of the preceding paragraph shall be banned.

If a business operator who has obtained a license from a public security organ violates the relevant administrative regulations of the State and the circumstances are serious, the public security organ may revoke its license.

Article 55 A person who incites or engineers an illegal gathering, parade or demonstration and refuses to listen to dissuasions shall be detained for not less than 10 days but not more than 15 days.

Article 56 If a worker of the hotel industry fails to register the name or the type and number of the identification certificate of a lodging guest in accordance with relevant regulations, or knowingly fails to stop a lodging guest from bringing hazardous substances into the hotel, he shall be fined not less than 200 yuan but not more than 500 yuan.

If a worker of the hotel industry fails to report to the public security organ when he clearly knows that a lodging guest is a criminal suspect or is wanted by the public security organ, he shall be fined not less than 200 yuan but not more than 500 yuan; and if the circumstances are serious, he shall be detained for not more than five days and may, in addition, be fined not more than 500 yuan.

Article 57 Where a house lessor leases out his house to a person without an identification certificate, or fails to register the name or type and number of the identification certificate of the lessee in accordance with relevant regulations, he shall be fined not less than 200 yuan but not more than 500 yuan.

If a house lessor fails to report to the public security organ when he clearly knows that the lessee is making use of the house for criminal activities, he shall be fined not less than 200 yuan but not more than 500 yuan; and if the circumstances are serious, he shall be detained for not more than five days and may, in addition, be fined not more than 500 yuan.

Article 58 A person who, in violation of the provisions of the law on prevention and control of pollution by the noise emitted in the course of social activities, makes noise to impair the daily life of another person shall be given a warning; and if he fails to make amends after the warning, he shall be fined not less than 200 yuan but not more than 500 yuan.

Article 59 If a person commits one of the following acts, he shall be fined not less than 500 yuan but not more than 1,000 yuan; and if the circumstances are serious, he shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan:

(1) where the worker of a pawnshop is concerned, failing to examine the relevant certificates or to go through the formalities of registration in dealing with the article pawned, or failing to report to the public security organ when he clearly knows that the pawner is criminal suspect who violates the law and the article is something stolen;

(2) in violation of State regulations, purchasing waste and old equipment specially used for railways, oilfields, power supply, telecommunications, mineral mines, water conservancy and survey as well as urban public utilities;

(3) purchasing stolen goods searched for in the circular of a public security organ, or suspected stolen goods; or

(4) purchasing of other articles, which is prohibited by the State.

Article 60 A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less 200 yuan but not more than 500 yuan:

(1) hiding, transferring, selling off or destroying the property or thing of value distrained, sealed up or frozen by an administrative law-enforcement organs according to law;

(2) forging, concealing or destroying evidence, or providing false testimony or giving false information about a case, which affects the administrative law-enforcement organ in dealing with the case according to law;

(3) knowingly harboring, transferring or selling stolen goods for another person; or

(4) where a criminal being put under surveillance or deprived of political rights according to law, serving a sentence outside the prison under surveillance or a person being subjected to compulsory

criminal measures according to law is concerned, committing an act in violation of laws, administrative regulations or of the regulations of the public security department under the State Council on supervision and control.

Article 61 A person who assists in making arrangements for another person illegally to cross, or transports another person across, the national border (frontier) shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 1,000 yuan but not more than 5,000 yuan.

Article 62 A person who provides conditions to another person for illegally crossing the national border (frontier) shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 500 yuan but not more than 2,000 yuan.

A person who illegally crosses the national border (frontier) shall be detained for not more than five days or be fined not more than 500 yuan.

Article 63 A person who commits one of the following acts shall be given a warning or be fined not more than 200 yuan; and if the circumstances are relatively serious, he shall be detained for not less than 5 days but not more than 10 days and shall, in addition, be fined not less than 200 yuan but not more than 500 yuan:

- (1) cutting, smearing or deliberately damaging by other means cultural relics, scenic spots or historic sites protected by the State; or
- (2) in violation of State regulations, conducting such activities as blasting and excavation in the vicinity of historic and cultural sites under State protection, which threatens the safety of cultural relics.

Article 64 A person who commits one of the following acts shall be fined not less than 500 yuan but not more than 1,000 yuan; and if the circumstances are serious, he shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan:

- (1) driving another person's motor vehicle without permission; or
- (2) driving without obtaining a driver's license or without permission another person's aircraft or motor vessel.

Article 65 A person who commits one of the following acts shall be detained for not less than 5 days but not more than 10 days; and if the circumstances are serious, he shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 1,000 yuan:

- (1) intentionally destroying or defacing the grave of another person's, or damaging or discarding

the remains or ashes of another person's; or

(2) placing a corpse at a public place, or disturbing another person's normal life or work order due to the placing of a corpse and refusing to listen to dissuasion.

Article 66 A prostitute or a person who goes whoring shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 5,000 yuan; and if the circumstances are relatively minor, she or he shall be detained for not more than five days or be fined not more than 500 yuan.

A person who, at a public place, touts for prostitution or invites another person for whoring shall be detained for not more than five days or be fined not more than 500 yuan.

Article 67 A person who seduces, shelters or introduces another person to engage in prostitution shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 5,000 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

Article 68 A person who produces, transports, duplicates, sells or lends pornographic materials including books, periodicals, pictures, movies and audio-video products, or disseminates pornographic information by making use of computer information networks, telephones or other means of communications shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 3,000 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan.

Article 69 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 1,000 yuan:

(1) arranging for broadcasting pornographic audio or video tapes;

(2) arranging for or giving obscene performances; or

(3) joining a crowd in licentious activities.

A person who provides conditions to people while clearly knowing that they are engaged in the activities specified in the preceding paragraph shall be penalized in accordance with the provisions of the preceding paragraph.

Article 70 A person who provides conditions for gambling for the purpose of making profits, or participates in gambling with a relatively big amount of money, shall be detained for not more than five days or be fined not more than 500 yuan; and if the circumstances are serious, he shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 3,000 yuan.

Article 71 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 3,000 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan:

(1) illegally cultivating opium poppies of less than 500 plants or a small number of mother plants of other narcotic drugs;

(2) illegally buying, selling, transporting, carrying or possessing a small quantity of the seeds or seedlings of the mother plants of narcotic drugs, such as the opium poppy, which have not been inactivated; or

(3) illegally transporting, buying, selling, storing or using a small quantity of opium poppy shells.

A person who commits the act specified in Subparagraph (1) of the preceding paragraph uproots the plants, of his own accord, before they are ripe shall not be penalized.

Article 72 A person who commits one of the following acts shall be detained for not less than 10 days but not more than 15 days and may, in addition, be fined not more than 2,000 yuan; and if the circumstances are relatively minor, he shall be detained for not more than five days or be fined not more than 500 yuan:

(1) illegally possessing opium of less than 200 grams, heroin or methamphetamine of less than 10 grams or a small amount of other narcotic drugs;

(2) providing another person with narcotic drugs;

(3) ingesting or injecting narcotic drugs; or

(4) coercing a medical worker to prescribe narcotic drugs or psychotropic substances or cheating the worker into doing the same.

Article 73 A person who instigates, lures or cheats another person to or into drug ingestion or injection shall be detained for not less than 10 days but not more than 15 days and shall, in addition, be fined not less than 500 yuan but not more than 2,000 yuan.

Article 74 When the public security organ investigates and deals with drug ingestion or injection, gambling, prostitution or whoring activities, a worker of the hotel industry, catering trade, cultural and recreational industry, taxi trade, etc. providing the information to a person who commits a crime in violation of law shall be detained for not less than 10 days but not more than 15 days.

Article 75 A person who raises animals, which disturbs the daily life of another person, shall be given a warning; if he fails to make amends after the warning is given, or connives at his animals,

scaring another person, he shall be fined not less than 200 yuan but not more than 500 yuan.

A person who unleashes his animal to hurt another person shall be penalized in accordance with the provisions of the first paragraph of Article 43 of this Law.

Article 76 Where a person who commits an act specified in Articles 67, 68 and 70 refuses to make amends despite repeated admonition, compulsory educational measures may be adopted in accordance with State regulations.

Chapter IV Procedure of Penalties Section 1 Investigation

Article 77 A public security organ shall, in a timely manner, accept a case reported, an accusation or a case informed of, or the voluntary surrender of a person who acts against the administration of public security, as well as cases of acts against the administration of public security transferred by another administrative department or judicial organ, and have the case registered.

Article 78 After accepting a case reported, an accusation or a case informed of, or a voluntary surrender, which the public security organ considers to be an act against the administration of public security, it shall immediately conduct investigation; otherwise, it shall notify the reporter, accuser or informant, or the person who surrenders himself to the police of the fact and explain the reasons.

Article 79 Public security organs and the people's police shall investigate cases of public security according to law. Extorting confessions by torture or collecting evidence by such illegal means as intimidation, enticement or deception is strictly prohibited.

Evidence collected by illegal means shall not be taken as the basis of penalty.

Article 80 When public security organs and the people's police deal with cases of public security, which involve State secret, commercial secret or individual privacy, they shall keep the secret.

Article 81 Where a people's policeman comes under one of the following circumstances when dealing with a case of public security, he shall withdraw; and the person who commits an act against the administration of public security, the victim, their statutory representative shall have the right to demand the policeman's withdrawal:

- (1) being a party or a close relative of the party to the case;
- (2) he or a close relative of his has an interest in the case; or
- (3) having other relations with a party to the case, which may affect the impartial handling of the case.

The withdrawal of a people's policeman shall be decided by the public security organ which he

belongs to; and the withdrawal of a leading person of a public security organ shall be decided by the public security organ at the next higher level.

Article 82 Where it is necessary to summon a person who commits an act against the administration of public security for investigation, the matter shall be subject to approval by the leading person of the department that handles the case under a public security organ, and a summons shall be used. Where a person committing an act against the administration of public security is discovered on the spot, he may be summoned orally after the people's policeman shows his work certificate, which shall be noted in the written record of interrogation.

The public security organ shall notify the person summoned of the reasons for and the basis of the summons. A person who refuses to accept a summons without justifiable reasons or evades a summons may compulsorily be summoned.

Article 83 Immediately after the person who commits an act against the administration of public security answers the summons, the public security organ shall conduct interrogation and investigation, which shall not exceed eight hours; and if the circumstances are complicated and, according to the provisions of this Law, a penalty of administrative detention may be applied, the time for the interrogation and investigation shall not exceed 24 hours.

The public security organ shall, without delay, notify the family members of the person summoned of the reasons for the summons and the place of detention.

Article 84 The written record of interrogation shall be checked by the interrogated; and if the latter does not have the ability to read, the written record shall be read out to him. If there are omissions or errors in the record, the interrogated may request supplements or corrections to be made. When the interrogated confirms that the written record is free of error, he shall sign or affix his seal on it, and the people's policeman who does the interrogation shall sign the record as well.

If the interrogated requests, of his own accord, to provide written materials on the matters interrogated, permission shall be given; and when necessary, the people's policeman may also request the interrogated to write down the materials himself.

When a person who commits an act against the administration of public security and who has not attained to the age of 16 is to be interrogated, his parents or guardian shall be notified of the need to be present.

Article 85 To interrogate a victim or other witness, the people's policeman may do it in the unit which he belongs to or at the place where he lives; and when necessary, the people's policeman may also notify the victim or witness that he comes to the public security organ to provide testimony.

When a people's policeman interrogate a victim or other witness outside of the public security organ, he shall show his work certificate.

The provisions of Article 84 of this Law are, at the same time, applicable to the interrogation of a victim or other witness.

Article 86 If the person committing an act against the administration of public security, the victim or other witness who is deaf-mute is interrogated, assistance shall be provided by persons who have a good command of the sign language, which shall be noted clearly in the written record of the interrogation.

If the person committing an act against the administration of public security, the victim or other witness who is not familiar with the spoken or written language common in use in the locality is interrogated, interpreters shall be provided, which shall be noted clearly in the written record of the interrogation.

Article 87 The public security organ may inspect the place, articles and person related to an act against the administration of public security. For such inspection, there shall be two policemen at least, and they shall show their work certificates and the certificating document for inspection issued by public security organ under the people's government at or above the county level. Where it is really necessary to conduct inspection immediately, the policemen may, upon showing their work certificates, conduct inspection on the spot; however, to inspect the domicile of a citizen, they shall show the certificating document for inspection issued by the public security organ under the people's government at or above the county level.

Inspecting the person of a woman shall be done by female workers.

Article 88 A written record of the inspection shall be made, which shall be signed by or affixed with the seals of the inspectors, the inspected and the witnesses; and if the inspected refuses to sign his name, the people's police shall state the fact clearly in the written record.

Article 89 For handling a case of public security, the public security organ may detain the articles that are related to the case and need to be taken as evidence; and it shall not detain the property lawfully possessed by the victim or the bona-fide third party, but shall have such property registered. It shall not detain articles that are not related to the case.

The number of the articles detained shall be checked accurately together with the witnesses on the spot and the person who possesses those articles, and a list of such articles shall be prepared in duplicate on the spot, which shall be signed, by or affixed with the seals of, the inspectors, witnesses and the possessor, and of which one copy shall be given to the possessor and the other shall be attached to the file of case for the reference.

The articles detained shall be preserved properly and not be used for other purposes; and the articles unsuitable to be kept for a long period of time shall be disposed of in accordance with relevant regulations. The articles proved to be unrelated to the case upon investigation shall be returned immediately; the articles that belong to the lawful property of another person upon

verification shall be immediately returned after they are registered; and if at the expiration of six months nobody lays claim to such property or there is no way of identifying the obligees, the articles shall be publicly sold by auction or be disposed of in accordance with the relevant regulations of the State, and the proceeds therefrom shall be handed over to the State Treasury.

Article 90 Where it is necessary to solve the special problems in dispute in a case for the purpose of finding out the truth of the case, persons with special knowledge shall be designated or invited to make appraisal; and after appraisal, the experts shall write down their opinions and sign their names.

Section 2 Decision

Article 91 Penalties for administration of public security shall be decided on by public security organs under the people's government at or above the county level, among which, a warning or a fine of not more than 500 yuan may be decided on by local police stations.

Article 92 With regard to a person, before the decision on a penalty of administrative detention is made, a compulsory measure for restricting his freedom of person has been adopted, the period of time for such measure shall be offset. One day of restricted freedom of person shall be offset against one day of administrative detention.

Article 93 In investigating and handling a case of public security, the public security organ may, in the absence of statements made by the offender, make a decision on a penalty for administration of public security, when the facts of the case can be proved by other evidence. However, where there are only statements made by the offender but no other evidence to prove the facts, the decision on a penalty for administration of public security shall not be made.

Article 94 Before making a decision on a penalty for administration of public security, the public security organ shall notify the person who commits an act against the administration of public security of the facts, reasons and basis for such penalty, as well as of the rights he enjoys according to law.

A person who commits an act against the administration of public security shall have the right to make statements and defend himself. The public security organ must fully listen to the opinions of the said person and shall review the facts, reasons and evidence put forth by the person; and if the facts, reasons or evidence put forth by the person are tenable, the public security organ shall accept them.

The public security organ shall not impose a heavier penalty on the person who commits an act against the administration of public security because the person has made his statements or defended himself.

Article 95 After the investigation into a case of public security is concluded, the public security organ shall make a decision, on the merits of the case, as follows:

(1) if the illegal act has certainly been committed for which a penalty for administration of public security should be imposed according to law, a decision to such an effect shall be made in light of the seriousness of the circumstances and actual situation;

(2) if no penalty should be imposed according to law, or the fact about the illegal act are untenable, a decision on no penalty shall be made;

(3) if the illegal act is suspected of being a crime, the case shall be transferred to a competent organ which shall investigate the criminal responsibility according to law; or

(4) when finding that the person who commits an act against the administration of public security has committed other illegal acts, it shall, while making a decision on penalty for the said act, notify the relevant administrative department in charge for handling the case.

Article 96 When the public security organ makes a decision on penalty for administration of public security, it shall make a written decision on such penalty. In the written decision the following shall clearly be stated:

(1) the name, sex, age, title and number of identity card, and address of the person penalized;

(2) facts and evidence of the illegal act committed;

(3) type and basis of the penalty;

(4) means for executing the penalty and the period of time of the penalty;

(5) channels and time limit for making an application for administrative reconsideration or for bringing an administrative suit if a person is dissatisfied with the decision on penalty; and

(6) name of the public security organ that makes the decision on penalty and the date on which such a decision is made.

The seal of the public security organ that makes the decision on penalty shall be affixed to the written decision.

Article 97 The public security organ shall read out the written decision on penalty for administration of public security to the person penalized, and hand it over to him on the spot; and where there is no way of reading it out to such person on the spot, the written decision shall be served on the person within two days. Where a decision on penalty of administrative detention is made, the family members of the person penalized shall be notified without delay.

Where there is a victim in the case, the public security organ shall send a duplicate of the written decision to the victim.

Article 98 Before deciding to revoke the license or to impose a fine of not less than 2,000 yuan as a penalty for the administration of public security, the public security organ shall notify the person who commits an act against the administration of public security that he has the right to demand the holding of a hearing; and where the said person demands a hearing, the public security organ shall, in a timely manner, hold the hearing according to law.

Article 99 The period of time for the public security organ to handle a case of public security shall not exceed 30 days from the date it accepts case; and where it is a major and complicated case, the period of time may be extended for another 30 days upon approval by the public security organ at the next higher level.

The time for making evaluation in order to find out the facts about a case shall not be counted into the period of time for handling a case of public security.

Article 100 Where the facts about the act committed against the administration of public security are clear and the evidence is irrefutable, for which a warning is to be given or a fine of not more than 200 yuan is to be imposed, the decision on such a penalty for administration of public security may be made on the spot.

Article 101 Where a decision on a penalty for administration of public security is made on the spot, the people's policeman shall show his work certificate to the person who commits an act against the administration of public security, and fill out a written decision on the penalty. The written decision on the penalty shall, on the spot, be handed over to the person penalized; and where there is a victim in the case, the duplicate of the written decision shall be sent to him.

In the written decision on the penalty mentioned in the preceding paragraph shall clearly be stated the name of the person penalized, the illegal act, the basis for the penalty, the amount of the fine, the date, place, and the title of the public security organ, and the written decision shall be signed by, or affixed with the seal of, the people's policeman who handles the case.

Where the decision on a penalty for administration of public security is made on the spot, the people's policeman who handles the case shall, within 24 hours, report the matter for the record to the public security organ which he belongs to.

Article 102 Where the person penalized is not satisfied with the decision on penalty for administration of public security, he may apply for administrative reconsideration or bring an administrative suit according to law.

Section 3 Execution

Article 103 The person on whom the penalty for administrative detention is imposed upon decision shall be delivered by the public security organ to the house of detention for execution of the decision it made.

Article 104 The person on whom a fine is imposed as a penalty shall pay the fine to a designated bank within 15 days from the date he receives the written decision on the penalty. However, under one of the following circumstances, the people's policeman may collect the fine on the spot:

(1) if the amount of the fine imposed is not more than 50 yuan and the person penalized has no objection to the fine;

(2) if in an outlying area, or on water, or in a place not easily accessible where the public security organ or the people's policeman makes a decision on a fine in accordance with the provisions of this Law, the person penalized makes such a proposal because it is really difficult for him to pay the fine to the designated bank; or

(3) if it is difficult to enforce the penalty unless the fine is collected on the spot, because the person penalized has no permanent dwelling place in the locality.

Article 105 The people's policeman who collects a fine on the spot shall, within two days from the date he collects the fine, hand the fine over to the public security organ which he belongs to; if a fine is collected on the spot on water or aboard a train, he shall, within two days from the date he arrives at the port or railway station, hand the fine over to the public security organ which he belongs to; and the public security organ shall, within two days from the date it receives the fine, hand the fine over to the designated bank.

Article 106 When a people's policeman collects a fine on the spot, he shall produce to the person penalized a voucher for the fine which is uniformly printed and issued by the finance department of the people's government of a province, autonomous region, or municipality directly under the Central Government; and if no such voucher is produced, the person penalized shall have the right to refuse to pay the fine.

Article 107 Where a person penalized who refuses to accept the decision on a penalty of administrative detention applies for administrative reconsideration or bring an administrative suit, he may apply to the public security organ for a deferred enforcement of the administrative detention. If the public security organ believes that such deferment will not create danger to the society, and after the person penalized or his close relative proposes a guarantor who conforms to the conditions provided for in Article 108 of this Law, or after the bail is paid at the rate of 200 yuan per day for the administrative detention, the decision on the penalty of administrative detention shall be deferred from enforcement.

Article 108 A guarantor shall meet the following conditions:

(1) being not involved in the case concerned;

(2) enjoying political rights, and his freedom of person being not restricted;

(3) having a registered permanent residence and a permanent dwelling locally; and

(4) having the ability to perform the obligations of a guarantor.

Article 109 A guarantor shall guarantee that the person guaranteed will not escape from the enforcement of the penalty of administrative detention.

Where the guarantor fails to perform his obligations, so that the person guaranteed escapes from the enforcement of the penalty of administrative detention, the public security organ shall impose on him a fine of not more than 3,000 yuan.

Article 110 Where a person on whom the penalty of administrative detention is imposed upon decision escapes from the enforcement of the penalty after payment of the bail for deferred execution of the administrative detention, the bail shall be confiscated and handed over to the State Treasury, and the decision already made on the penalty of administrative detention shall be executed all the same.

Article 111 Where the decision on penalty of administrative detention is withdrawn, or the penalty of administrative detention begins to be executed, the bail collected by the public security organ shall be returned to the payer without delay.

Chapter V Law Enforcement Supervision

Article 112 Public security organs and the people's police shall handle cases of public security according to law and in an impartial, strict and highly efficient manner, and enforce laws with civility, and they shall not engage in malpractices for private gain.

Article 113 In handling cases of public security, public security organs and the people's police are forbidden to beat, abuse, mistreat or humiliate the persons who commit acts against the administration of public security.

Article 114 In handling cases of public security, public security organs and the people's police shall voluntarily accept supervision by the society and citizens.

Where a public security organ and people's policeman fails to strictly enforce laws in handling cases of public security or commits an act in violation of laws or rules of discipline, any unit or individual shall have the right to report to or lodge an accusation before a public security organ or the people's procuratorate or an administrative supervisory organ; and the organ that receives such report or accusation shall, without delay, handle it in compliance with its duties.

Article 115 When executing the penalty of a fine according to law, the public security organ shall, in accordance with the provisions of relevant laws and administrative regulations, separate the decision-making on fines from the collection of fines; and all the fines collected shall be handed over to the State Treasury.

Article 116 If when handling cases of public security, a people's policeman commits one of the following acts, he shall be given an administrative sanction according to law; and if a crime is constituted, he shall be investigated for criminal responsibility according to law:

(1) extorting a confession by torture, or physically punishing, maltreating or humiliating another person;

(2) exceeding the period of time set for interrogation, investigation and verification, thus restricting the freedom of person;

(3) failing to carry out the system of separating the decision on fines from the collection of fines or failing to hand the fines collected or the property confiscated over to the State Treasury in accordance with the provisions or failing to dispose of such property according to law;

(4) privately dividing, seizing, misappropriating or intentionally damaging the money or things of value collected or distrained;

(5) in violation of regulations, using or failing to return the property or things of value to the victim;

(6) in violation of the provisions, failing to return the bails in a timely manner;

(7) taking the advantage of the position to accept or receive the property or things of value from another person or seek other benefits;

(8) failing to produce a voucher for a fine collected on the spot or failing to truthfully fill out the amount of a fine;

(9) failing to dispatch the police to the scene as soon as receiving a request for stopping an act against the administration of public security;

(10) sending secret messages to a person who violates the law or commits a crime, when investigating and handling activities against the administration of public security; or

(11) other acts involving engagement in malpractices for personal gain, abuse of power or failure to perform the statutory duties according to law.

Where in handling cases of public security, a public security organ commits one of the acts mentioned in the preceding paragraph, the persons directly in charge and the other persons directly responsible shall be given appropriate administrative sanctions.

Article 117 Where public security organs and the people's police unlawfully exercise their functions and powers and infringe upon the legitimate rights and interests of citizens, legal

persons or other organizations, they shall make apologies; and where damages are caused, they shall bear the responsibility for compensation according to law.

Chapter VI Supplementary Provisions

Article 118 The figures used following the terms of “not less than”, “not more than” or “within” in this Law include these figures themselves.

Article 119 This Law shall go into effect as of March 1, 2006. The Regulations of the People’s Republic of China on Administrative Penalties for Public Security promulgated on September 5, 1986, and revised and promulgated on May 12, 1994 shall be nullified at the same time.

Note: This English version is only for reference. To learn more, please refer to the [authoritative Chinese version](#).