

【Title】 Administrative License Law of the People's Republic of China[现行有效]
【法规标题】 中华人民共和国行政许可法 [Effective]

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(No. 7)

The Administrative License Law of the People's Republic of China was adopted at the 4th session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on August 27, 2003. It is hereby promulgated and shall be implemented as of July 1, 2004.

Hu Jintao President of the People's Republic of China
August 27, 2003

Administrative License Law of the People's Republic of China
(Adopted at the 4th Session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on August 27, 2003)

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中华人民共和国主席令
(第 7 号)

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《中华人民共和国行政许可法》已由中华人民共和国第十届全国人民代表大会常务委员会第四次会议于 2003 年 8 月 27 通过, 现予公布, 自 2004 年 7 月 1 日起施行。

中华人民共和国主席 胡锦涛

2003 年 8 月 27 日

中华人民共和国行政许可法

(2003 年 8 月 27 日第十届全国

人民代表大会常务委员会第四次会议通过)

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Chapter I. General Provisions

Article 1 In order to regulate the establishment and implementation of administrative licenses, to protect the legitimate rights and interests of citizens, legal persons and other organizations, to safeguard public interests and social order, to ensure and supervise the effective implementation of administrative management, the present Law is formulated in accordance with the [Constitution](#).

Article 2 The term “administrative licenses” as mentioned in the present Law refers to the acts that the administrative organs permit, upon examination according to law, the citizens, legal persons or other organization to engage in special activities according to their applications.

Article 3 The present Law shall be applicable to the establishment and implementation of administrative licenses.
The present Law shall not be applicable to the examination and approval of such matters as personnel, finance and foreign affairs of relevant administrative organs to other organs or public institutions directly thereunder.

Article 4 The establishment and implementation of an administrative license shall tally with legal authority, scope, conditions and procedures.

Article 5 The principle of publicity, fairness and impartiality shall be abided by in the establishment and implementation of an administrative license.
The relevant regulations on an administrative license shall be announced to the public; those undisclosed shall not be the basis for the implementation of the administrative license. The implementation of the administrative license and the results thereof, except for those that concern the state secrets, commercial secrets or individual privacy, shall be disclosed.
The applicants who meet the legal conditions and standards are entitled to obtain the equal right under an administrative license, the administrative organs shall not discriminate against any of them.

第一章 总则

第一条 为了规范行政许可的设定和实施,保护公民、法人和其他组织的合法权益,维护公共利益和社会秩序,保障和监督行政机关有效实施行政管理,根据[宪法](#),制定本法。

(相关资料: [地方法规 1 篇](#) [裁判文书 1 篇](#) [条文释义](#) [相关论文 2 篇](#))

第二条 本法所称行政许可,是指行政机关根据公民、法人或者其他组织的申请,经依法审查,准予其从事特定活动的行为。

(相关资料: [部门规章 2 篇](#) [地方法规 3 篇](#) [裁判文书 5 篇](#) [条文释义](#) [相关论文 11 篇](#) [实务指南](#))

第三条 行政许可的设定和实施,适用本法。

有关行政机关对其他机关或者对其直接管理的事业单位的人事、财务、外事等事项的审批,不适用本法。

(相关资料: [地方法规 4 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#))

第四条 设定和实施行政许可,应当依照法定的权限、范围、条件和程序。

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [裁判文书 2 篇](#) [条文释义](#) [相关论文 5 篇](#))

第五条 设定和实施行政许可,应当遵循公开、公平、公正的原则。

有关行政许可的规定应当公布;未经公布的,不得作为实施行政许可的依据。

行政许可的实施和结果,除涉及国家秘密、商业秘密或者个人隐私的外,应当公开。

符合法定条件、标准的,申请人有依法取得行政许可的平等权利,行政机关不得歧视。

(相关资料: [地方法规 1 篇](#) [裁判文书 5 篇](#) [条文释义](#) [相关论文 7 篇](#) [实务指南](#))

Article 6 In the implementation of administrative license, the principle of facilitating people shall be abided by so as to enhance the efficiency and to render quality services.

Article 7 With regard to an administrative organ's implementation of an administrative license, the citizens, legal person or other institutions shall be entitled to make statements, to defend themselves, to apply for administrative reconsideration or to file an administrative lawsuit in accordance with the law. Where any of their legal rights and interests is impaired because of the administrative organs' unlawful implementation of the administrative license, it shall be entitled to demand compensation in accordance with the law.

Article 8 The administrative license obtained by a citizen, a legal person or any of other organizations in accordance with the law shall be protected by law. The administrative organs shall not change an effective administrative license without permission.

Where any of the laws, regulations and rules that the administrative license is based on is amended or abolished, or the objective circumstances that the administrative license rests on change greatly, in order to meet the demand of public interests, the administrative organ may modify or withdraw the effective administrative license. The damages caused to the properties of citizens, legal person or other institutions accordingly shall be compensated for by the administrative organ in accordance with the law.

Article 9 An administrative license obtained in accordance with the law shall not be transferred except for those that may be transferred in light of the legal conditions and procedures of the laws and regulations.

Article 10 The people's governments above the county level shall establish and perfect the supervisory system for the administrative licenses implemented by administrative organs, shall strengthen the supervision and examination over the administrative licenses implemented by administrative organs.

The administrative organs shall effectively supervise the activities of the citizens, legal persons or other institutions concerning the matters under administrative license.

Chapter The Establishment of an Administrative License

Article 11 The establishment of an administrative license shall be in line

第六条 实施行政许可，应当遵循便民的原则，提高办事效率，提供优质服务。

（相关资料: [条文释义](#) [相关论文 3 篇](#) [实务指南](#)）

第七条 公民、法人或者其他组织对行政机关实施行政许可，享有陈述权、申辩权；有权依法申请行政复议或者提起行政诉讼；其合法权益因行政机关违法实施行政许可受到损害的，有权依法要求赔偿。

（相关资料: [部门规章 1 篇](#) [裁判文书 4 篇](#) [条文释义](#) [相关论文 4 篇](#) [实务指南](#)）

第八条 公民、法人或者其他组织依法取得的行政许可受法律保护，行政机关不得擅自改变已经生效的行政许可。

行政许可所依据的法律、法规、规章修改或者废止，或者准予行政许可所依据的客观情况发生重大变化的，为了公共利益的需要，行政机关可以依法变更或者撤回已经生效的行政许可。由此给公民、法人或者其他组织造成财产损失的，行政机关应当依法给予补偿。

（相关资料: [部门规章 16 篇](#) [司法解释 1 篇](#) [地方法规 15 篇](#) [裁判文书 12 篇](#) [条文释义](#) [相关论文 18 篇](#)）

第九条 依法取得的行政许可，除法律、法规规定依照法定条件和程序可以转让的外，不得转让。

（相关资料: [部门规章 1 篇](#) [裁判文书 3 篇](#) [条文释义](#) [相关论文 2 篇](#)）

第十条 县级以上人民政府应当建立健全对行政机关实施行政许可的监督制度，加强对行政机关实施行政许可的监督检查。

行政机关应当对公民、法人或者其他组织从事行政许可事项的活动实施有效监督。

（相关资料: [条文释义](#)）

第二章 行政许可的设定

第十一条 设定行政许可，应当遵循经济

with the rule of economic and social development, shall be propitious to the full play of the enthusiasm and initiative of the citizens, legal persons or other institutions, safeguard the public interests and social order, promote the harmonious development of the economy, society and ecological environment.

Article 12 An administrative license may be established for any of the following matters:

- (1) The special activities that directly bear on the state security, public security, macro-economic control, ecological environment protection, and those directly relate to the human health, safety of life and property, which shall be approved according to the legal requirements;
- (2) The development and utilization of the limited natural resources, allocation of public resources and the market entry of the special trades that directly concern public interests, which shall be entitled with special rights;
- (3) The vocations and trades that provide public services and directly relate to the public interests, which need qualification of special credit, conditions or skills;
- (4) The important equipment, facilities, products, articles that directly concern public security, human health, the safety of life and property, which shall be examined and approved by means of inspection, testing, and quarantine according to the technical standards or criterions;
- (5) The establishment of the enterprises or other institutions, which need to determine the subject qualification;
- (6) Other matters, for which administrative licenses may be established in accordance with the laws and regulations.

Article 13 For the matters listed in Article 12 of the present Law, which may be regulated through the following methods, the administrative licenses aren't required to be established:

- (1) Those can be decided by the citizens, legal person or other institutions themselves;
- (2) Those can be effectively regulated by the market competition mechanism;
- (3) Those may be subject to the self-discipline management of the trade organizations or intermediary institutions;
- (4) The matters that can be solved by the administrative organs by means of supervision afterwards or through other administrative methods.

和社会发展规律，有利于发挥公民、法人或者其他组织的积极性、主动性，维护公共利益和社会秩序，促进经济、社会和生态环境协调发展。

（相关资料: [条文释义](#) [相关论文 5 篇](#)）

第十二条 下列事项可以设定行政许可：

（一）直接涉及国家安全、公共安全、经济宏观调控、生态环境保护以及直接关系人身健康、生命财产安全等特定活动，需要按照法定条件予以批准的事项；

（二）有限自然资源开发利用、公共资源配置以及直接关系公共利益的特定行业的市场准入等，需要赋予特定权利的事项；

（三）提供公众服务并且直接关系公共利益的职业、行业，需要确定具备特殊信誉、特殊条件或者特殊技能等资格、资质的事项；

（四）直接关系公共安全、人身健康、生命财产安全的重要设备、设施、产品、物品，需要按照技术标准、技术规范，通过检验、检测、检疫等方式进行审定的事项；

（五）企业或者其他组织的设立等，需要确定主体资格的事项；

（六）法律、行政法规规定可以设定行政许可的其他事项。

（相关资料: [行政法规 1 篇](#) [部门规章 3 篇](#) [司法解释 1 篇](#) [地方法规 25 篇](#) [裁判文书 4 篇](#) [条文释义](#) [相关论文 51 篇](#) [实务指南](#)）

第十三条 本法第十二条所列事项，通过下列方式能够予以规范的，可以不设行政许可：

（一）公民、法人或者其他组织能够自主决定的；

（二）市场竞争机制能够有效调节的；

（三）行业组织或者中介机构能够自律管理的；

（四）行政机关采用事后监督等其他行政管理方式能够解决的。

（相关资料: [地方法规 15 篇](#) [条文释义](#) [相关论文 25 篇](#) [实务指南](#)）

Article 14 As to the matters listed in Article 12 of the present Law, administrative licenses may be established by means of law. Where there is no governing law, administrative licenses may be established by means of administrative regulations.

Where necessary, the State Council may adopt the form of releasing decisions to establish administrative licenses. After implementation, except for the matters under temporary administrative licenses, the State Council shall timely propose to the National People's Congress and its Standing Committee to formulate laws, or formulate administrative regulations by itself.

Article 15 If there is no governing law or administrative regulation yet, an administrative license may be established by means of local regulations for any of the matters listed in Article 12 of the present Law; if there is no governing law, administrative regulation and local regulation yet, but it is really necessary to establish an administrative license to conduct administrative management immediately, an temporary administrative license may be established by means of a regulation of the people's government of a province, autonomous region or municipality directly under the Central Government. If it is necessary to keep on implementing the administrative license after a year, the people's congress and its standing committee of the same level shall be proposed to formulate a local regulation.

No local regulation or government rule of the provinces, autonomous regions, and municipalities directly under the Central Government may establish any administrative license for the qualifications of the citizens, legal persons or other institutions that shall be determined by the state; no administrative license and pre-administrative license may be established for the establishment and registration of enterprises or other institutions. The administrative licenses established thereby shall not hinder the individuals or enterprises of other regions from dealing in production and business and providing services in one region, shall not restrict the commodities of other regions from entering into the market of the local region.

Article 16 An administrative regulation may have specific requirements for the implementation of an administrative license within the scope of the matters prescribed by a statutory administrative license.

A local regulation may, within the scope of the matters of administrative license established by the laws and administrative regulations, make specific requirements for the implementation of the administrative license. The regulation may make specific requirements for the implementation of the administrative license within the scope of the matters established by the upper law.

The regulations and rules shall not make specific requirements for the

第十四条 本法第十二条所列事项，法律可以设定行政许可。尚未制定法律的，行政法规可以设定行政许可。

必要时，国务院可以采用发布决定的方式设定行政许可。实施后，除临时性行政许可事项外，国务院应当及时提请全国人民代表大会及其常务委员会制定法律，或者自行制定行政法规。

（相关资料: [行政法规 1 篇](#) [部门规章 2 篇](#) [地方法规 2 篇](#) [裁判文书 16 篇](#) [条文释义](#) [相关论文 8 篇](#) [实务指南](#)）

第十五条 本法第十二条所列事项，尚未制定法律、行政法规的，地方性法规可以设定行政许可；尚未制定法律、行政法规和地方性法规的，因行政管理的需要，确需立即实施行政许可的，省、自治区、直辖市人民政府规章可以设定临时性的行政许可。临时性的行政许可实施满一年需要继续实施的，应当提请本级人民代表大会及其常务委员会制定地方性法规。

地方性法规和省、自治区、直辖市人民政府规章，不得设定应当由国家统一确定的公民、法人或者其他组织的资格、资质的行政许可；不得设定企业或者其他组织的设立登记及其前置性行政许可。其设定的行政许可，不得限制其他地区的个人或者企业到本地区从事生产经营和提供服务，不得限制其他地区的商品进入本地区市场。

（相关资料: [部门规章 2 篇](#) [地方法规 17 篇](#) [裁判文书 15 篇](#) [条文释义](#) [相关论文 13 篇](#) [实务指南](#)）

第十六条 行政法规可以在法律设定的行政许可事项范围内，对实施该行政许可作出具体规定。

地方性法规可以在法律、行政法规设定的行政许可事项范围内，对实施该行政许可作出具体规定。

规章可以在上位法设定的行政许可事项范围内，对实施该行政许可作出具体规定。

法规、规章对实施上位法设定的行政许

implementation of the administrative license set down by the upper law, shall not increase administrative license; for the specific conditions of administrative license, they shall not establish any other condition in violation of the upper law.

Article 17 Except for Articles 14 and 15 of the present Law, no administrative license shall be set in any other regulatory document.

Article 18 In the establishment of an administrative license, the implementing organ, conditions, procedures and time limit shall be specified.

Article 19 Where an administrative license is to be established by means of drafting a law, a regulation or a regulation of the people's government of a province, autonomous region or municipality directly under the Central Government, the drafting entity shall consult the opinions through hearing and argumentation, etc., and shall give explanations to the law (regulation) making organ about the necessity to establish the administrative license, the potential effects on the economy and society and the opinions heard and adopted.

Article 20 The establishment organ of the administrative license shall periodically evaluate the administrative license it set. If it considers that an already established administrative license can be solved through any of the methods listed in Article 13 of the present Law, it shall modify the requirements for the establishment of the administrative license or abolish it in time.

The executive organ of an administrative license shall evaluate the information of the implementation of the administrative license and necessity of its existence, and shall report the relevant opinions to the establishing organ of the administrative license.

The citizens, legal person or other institutions may put forward opinions and suggestions to the establishment organ and executive organ about the establishment and implementation of the administrative license.

Article 21 Where any of the people's governments of the people's governments of the provinces, autonomous regions and municipalities

可作出的具体规定，不得增设行政许可；对行政许可条件作出的具体规定，不得增设违反上位法的其他条件。

（相关资料: [部门规章 2 篇](#) [地方法规 7 篇](#) [裁判文书 18 篇](#) [条文释义](#) [相关论文 8 篇](#) [实务指南](#)）

第十七条 除本法第十四条、第十五条规定的外，其他规范性文件一律不得设定行政许可。

（相关资料: [部门规章 3 篇](#) [地方法规 8 篇](#) [裁判文书 16 篇](#) [条文释义](#) [相关论文 8 篇](#) [实务指南](#)）

第十八条 设定行政许可，应当规定行政许可的实施机关、条件、程序、期限。

（相关资料: [部门规章 2 篇](#) [地方法规 1 篇](#) [条文释义](#) [实务指南](#)）

第十九条 起草法律草案、法规草案和省、自治区、直辖市人民政府规章草案，拟设定行政许可的，起草单位应当采取听证会、论证会等形式听取意见，并向制定机关说明设定该行政许可的必要性、对经济和社会可能产生的影响以及听取和采纳意见的情况。

（相关资料: [条文释义](#) [相关论文 5 篇](#) [实务指南](#)）

第二十条 行政许可的设定机关应当定期对其设定的行政许可进行评价；对已设定的行政许可，认为通过本法第十三条所列方式能够解决的，应当对设定该行政许可的规定及时予以修改或者废止。行政许可的实施机关可以对已设定的行政许可的实施情况及存在的必要性适时进行评价，并将意见报告该行政许可的设定机关。

公民、法人或者其他组织可以向行政许可的设定机关和实施机关就行政许可的设定和实施提出意见和建议。

（相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [条文释义](#) [相关论文 2 篇](#) [实务指南](#)）

第二十一条 省、自治区、直辖市人民政府对行政法规设定的有关经济事务的行

directly under the Central Government considers an administrative license on economic affairs, which is established by means of administrative regulation, can be solved through any of the methods listed in Article 13 of the present Law according to the economic and social development of this administrative area, it may stop implementing the administrative license within the administrative area upon reporting to and obtaining the approval of the State Council.

Chapter III. Executive Organ for Administrative License

Article 22 An administrative license shall be implemented by the empowered administrative organ within its statutory functions.

Article 23 The organization with a function of managing public affairs under the authorization of a law or regulation shall, within the authorized scope, implement the administrative license in its own name. The provisions concerning the administrative organ in the present Law shall be applicable to the empowered organizations.

Article 24 An administrative organ may, within its statutory functions, authorize other administrative organs to implement the administrative license in light of the laws, regulations and rules. The authorizing organ shall announce to the public the authorized administrative organs and the authorized particulars of the administrative license.

The authorizing administrative organ shall be responsible for supervising the implementation of the administrative license by the authorized administrative organs, and shall bear the legal liabilities for the consequences of implementation.

An authorized administrative organ shall, within the authorized scope, implement the administrative license in the name of the authorizing administrative organ; it shall not authorize any other organization or individual to implement the administrative license.

Article 25 Upon approval of the State Council, the people's governments of the provinces, autonomous regions and municipalities may decide one administrative organ to exercise the power of administrative license of the relevant administrative organs according to the principle of simplification, unification and efficiency.

Article 26 Where it is necessary to handle the administrative license through several interior institutions of the administrative organ, this

政许可，根据本行政区域经济和社会发展情况，认为通过本法第十三条所列方式能够解决的，报国务院批准后，可以在本行政区域内停止实施该行政许可。

（相关资料: [地方法规 1 篇](#) [条文释义 相关论文 4 篇](#) [实务指南](#)）

第三章 行政许可的实施机关

第二十二条 行政许可由具有行政许可权的行政机关在其法定职权范围内实施。

（相关资料: [部门规章 2 篇](#) [地方法规 4 篇](#) [裁判文书 2 篇](#) [条文释义 实务指南](#)）

第二十三条 法律、法规授权的具有管理公共事务职能的组织，在法定授权范围内，以自己的名义实施行政许可。被授权的组织适用本法有关行政机关的规定。

（相关资料: [部门规章 2 篇](#) [地方法规 3 篇](#) [条文释义 相关论文 1 篇](#) [实务指南](#)）

第二十四条 行政机关在其法定职权范围内，依照法律、法规、规章的规定，可以委托其他行政机关实施行政许可。委托机关应当将受委托行政机关和受委托实施行政许可的内容予以公告。

委托行政机关对受委托行政机关实施行政许可的行为应当负责监督，并对该行为的后果承担法律责任。

受委托行政机关在委托范围内，以委托行政机关名义实施行政许可；不得再委托其他组织或者个人实施行政许可。

（相关资料: [部门规章 3 篇](#) [地方法规 8 篇](#) [裁判文书 1 篇](#) [条文释义 实务指南](#)）

第二十五条 经国务院批准，省、自治区、直辖市人民政府根据精简、统一、效能的原则，可以决定一个行政机关行使有关行政机关的行政许可权。

（相关资料: [地方法规 1 篇](#) [条文释义 相关论文 4 篇](#) [实务指南](#)）

第二十六条 行政许可需要行政机关内设的多个机构办理的，该行政机关应当确

administrative organ shall determine one institution to accept all the applications for the administrative license and serve all the decisions about the administrative license.

Where the administrative license is implemented separately by at least two departments of the local people's government in accordance with the law, the people's government of the same level shall determine one department to accept the applications for administrative license and inform the relevant departments of them, and handle these applications after the relevant departments have put forward their own opinions, organize the relevant departments to handle the applications jointly and intensively.

Article 27 When implementing the administrative license, the administrative organ may not require any applicant to buy the designated commodities and to accept paid services or have other unreasonable requests.

In handling an administrative license, the functionaries of the administrative organ may not exert any property from or accept any property of the applicants, neither may they seek for any other interests.

Article 28 The inspection, testing, and quarantine of the important equipment, facilities, products, articles that directly concern public security, human health, the safety of life and property shall be gradually organized and implemented by the professional technical organizations that meet the statutory requirements. The professional technical organizations and the functionaries shall bear the legal liabilities for the conclusions they reach.

Chapter IV. Procedures for the Administrative License

Section 1. Application and Acceptance

Article 29 Where a citizen, legal person or any of other institutions has to obtain an administrative license prior to dealing in a special activity, it shall file an application with the administrative organ. Where a standard application is required, the administrative organ shall provide the applicants with standard administrative license application. The application shall not contain any content that has no direct relationship with the licensing matters applied for.

An applicant may entrust an agent to file the application for administrative license, however, with the exception that the applicant shall file the

定一个机构统一受理行政许可申请，统一送达行政许可决定。

行政许可依法由地方人民政府两个以上部门分别实施的，本级人民政府可以确定一个部门受理行政许可申请并转告有关部门分别提出意见后统一办理，或者组织有关部门联合办理、集中办理。

（相关资料: [司法解释 1 篇](#) [地方法规 10 篇](#) [条文释义](#) [相关论文 3 篇](#) [实务指南](#)）

第二十七条 行政机关实施行政许可，不得向申请人提出购买指定商品、接受有偿服务等不正当要求。

行政机关工作人员办理行政许可，不得索取或者收受申请人的财物，不得谋取其他利益。

（相关资料: [条文释义](#) [实务指南](#)）

第二十八条 对直接关系公共安全、人身健康、生命财产安全的设备、设施、产品、物品的检验、检测、检疫，除法律、行政法规规定由行政机关实施的外，应当逐步由符合法定条件的专业技术组织实施。专业技术组织及其有关人员对所实施的检验、检测、检疫结论承担法律责任。

（相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [条文释义](#)）

第四章 行政许可的实施程序

第一节 申请与受理

第二十九条 公民、法人或者其他组织从事特定活动，依法需要取得行政许可的，应当向行政机关提出申请。申请书需要采用格式文本的，行政机关应当向申请人提供行政许可申请书格式文本。申请书格式文本中不得包含与申请行政许可事项没有直接关系的内容。

申请人可以委托代理人提出行政许可申请。但是，依法应当由申请人到行政机

application for administrative license in the office of the administrative organ.

An application for administrative license may be filed by means of letter, telegraph, telex, fax, electronic data interchange and email.

Article 30 An administrative organ shall display the licensing matters, basis, conditions, quantity, procedures and time limit as provided for in the laws, regulations and rules, the catalogue of the complete set of materials that shall be submitted and the exemplary application in its office place. Where an applicant asks the administrative organ to account for or to give explanations about the displayed contents, the administrative organ shall do so to provide exact and liable information for it.

Article 31 When applying for administrative license, an applicant shall faithfully submit relevant materials to the administrative organ, report the actual information, and shall be liable for the authenticity of the substantial contents of the application materials. The administrative organ may not ask the applicant to submit technical materials and other materials that have nothing to do with the matters under the administrative license

Article 32 The administrative organ shall handle the applications for administrative license differently according to the following circumstances:

- (1) For the matter applied for that are not subject to administrative license in accordance with the law, it shall inform the applicant of the rejection immediately;
- (2) If the matter applied for isn't within the functions of the administrative organ, it shall make a decision of rejection immediately and shall inform the applicant to file an application for it with the relevant administrative organ;
- (3) Where the errors in the application materials can be corrected on the spot, the applicant shall be permitted to correct them on the spot;
- (4) Where the application materials are incomplete or inconsistent with the statutory form, it shall inform the applicant on the spot or inform it of all the items that need to be supplemented or corrected within 5 days; if it fails to do so within the time limit, the day when the application materials are accepted shall be considered as the acceptance day;
- (5) Where the matter applied for falls within the functions of the

关办公场所提出行政许可申请的除外。行政许可申请可以通过信函、电报、电传、传真、电子数据交换和电子邮件等方式提出。

（相关资料: [地方法规 6 篇](#) [条文释义 相关论文 1 篇](#) [实务指南](#)）

第三十条 行政机关应当将法律、法规、规章规定的有关行政许可的事项、依据、条件、数量、程序、期限以及需要提交的全部材料的目录和申请书示范文本等在办公场所公示。申请人要求行政机关对公示内容予以说明、解释的，行政机关应当说明、解释，提供准确、可靠的信息。

（相关资料: [部门规章 3 篇](#) [地方法规 16 篇](#) [裁判文书 2 篇](#) [条文释义 相关论文 2 篇](#) [实务指南](#)）

第三十一条 申请人申请行政许可，应当如实向行政机关提交有关材料和反映真实情况，并对其申请材料实质内容的真实性负责。行政机关不得要求申请人提交与其申请的行政许可事项无关的技术资料和其他材料。

（相关资料: [部门规章 8 篇](#) [地方法规 4 篇](#) [裁判文书 9 篇](#) [条文释义 相关论文 5 篇](#) [实务指南](#)）

第三十二条 行政机关对申请人提出的行政许可申请，应当根据下列情况分别作出处理：

（一）申请事项依法不需要取得行政许可的，应当即时告知申请人不予受理；

（二）申请事项依法不属于本行政机关职权范围的，应当即时作出不予受理的决定，并告知申请人向有关行政机关申请；

（三）申请材料存在可以当场更正的错误的，应当允许申请人当场更正；

（四）申请材料不齐全或者不符合法定形式的，应当当场或者在五日内一次告知申请人需要补正的全部内容，逾期不告知的，自收到申请材料之日起即为受理；

（五）申请事项属于本行政机关职权范

administrative organ and application materials are complete and in consistency with the statutory form, or the applicant has supplemented and corrected all the items as required, the application for administrative license shall be accepted.

When accepting or rejecting an application for administrative license, the administrative organ shall issue a written proof with the special seal of the administrative organ and the clear indication of date.

Article 33 An administrative organ shall establish and perfect the relevant systems, shall promote electronic administration by government, shall announce matters under administrative license on the website of the administrative organ, facilitate the applicants to file for administrative license by means of data messages. It shall share the information concerning the administrative license with other administrative organs so as to increase efficiency.

Section 2. Examination and Decision

Article 34 Administrative organs shall examine the application materials submitted by the applicants.

Where the application materials are complete and tally with the statutory form, the administrative shall make a written decision about the administrative license on the spot if it is able to do so.

Where it is necessary to further verify the substantial contents of the applications in accordance with the statutory conditions and procedures, the administrative organ shall designate at least 2 personnel to conduct verifications.

Article 35 In accordance with law, where an administrative license is subject to the examination of the lower administrative organ before it is reported and submitted to the upper administrative organ for decision, the lower administrative organ shall directly submit the preliminary examination opinions and the complete set of application materials to the upper administrative organ within the statutory time limit. The upper administrative organ shall not require the applicant to provide the application materials again.

Article 36 When examining the applications for administrative license, if the administrative organ finds that any party has important direct interests to the matters under the administrative license, it shall inform the

围, 申请材料齐全、符合法定形式, 或者申请人按照本行政机关的要求提交全部补正申请材料的, 应当受理行政许可申请。

行政机关受理或者不予受理行政许可申请, 应当出具加盖本行政机关专用印章和注明日期的书面凭证。

(相关资料: [部门规章 28 篇](#) [地方法规 50 篇](#) [裁判文书 15 篇](#) [条文释义](#) [相关论文 3 篇](#) [实务指南](#))

第三十三条 行政机关应当建立和完善有关制度, 推行电子政务, 在行政机关的网站上公布行政许可事项, 方便申请人采取数据电文等方式提出行政许可申请; 应当与其他行政机关共享有关行政许可信息, 提高办事效率。

(相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#))

第二节 审查与决定

第三十四条 行政机关应当对申请人提交的申请材料进行审查。

申请人提交的申请材料齐全、符合法定形式, 行政机关能够当场作出决定的, 应当当场作出书面的行政许可决定。

根据法定条件和程序, 需要对申请材料的实质内容进行核实的, 行政机关应当指派两名以上工作人员进行核查。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [裁判文书 4 篇](#) [条文释义](#) [相关论文 6 篇](#) [实务指南](#))

第三十五条 依法应当先经下级行政机关审查后报上级行政机关决定的行政许可, 下级行政机关应当在法定期限内将初步审查意见和全部申请材料直接报送上级行政机关。上级行政机关不得要求申请人重复提供申请材料。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#))

第三十六条 行政机关对行政许可申请进行审查时, 发现行政许可事项直接关系他人重大利益的, 应当告知该利害关系

interested party. The applicant and the interested party shall be entitled to make a statement and defense. The administrative organ shall listen to the opinions of the applicant and the interested party.

Article 37 After the administrative organ has examined the application for administrative license, it shall make a decision about the administrative license in light of the prescribed procedures within the statutory time limit, unless the decision on the administrative license shall be made on the spot.

Article 38 Where an applicant meets the statutory requirements and standards, the administrative organ shall make a written decision about the approval of the administrative license.

Where the administrative organ makes a decision about the disapproval of the administrative license in accordance with the law, it shall give explanations to and inform the applicant that it is entitled to apply for administrative reconsideration or to file an administrative lawsuit.

Article 39 For an administrative organ that makes a decision about the approval of the administrative license, it shall issue one of the following certificates for administrative license with the seal of this administrative organ:

- (1) Permit, license or other kinds of licensing certificates;
- (2) Qualification certificate or other qualification certificates;
- (3) Documents of approval of the administrative organ or evidential documents;
- (4) Other certificates for administrative license as provided for in the laws and regulations.

Where an administrative organ conducts inspection, testing, or quarantine, it may stamp a label on or affix a seal of inspection, testing or quarantine to the qualified equipment, facilities, products and articles.

Article 40 Administrative organs shall give publicity to the decisions about the approval of the administrative license, which the general public are

人。申请人、利害关系人有权进行陈述和申辩。行政机关应当听取申请人、利害关系人的意见。

(相关资料: [部门规章 1 篇](#) [地方法规 6 篇](#) [裁判文书 9 篇](#) [条文释义](#) [相关论文 5 篇](#) [实务指南](#))

第三十七条 行政机关对行政许可申请进行审查后,除当场作出行政许可决定的外,应当在法定期限内按照规定程序作出行政许可决定。

(相关资料: [条文释义](#) [相关论文 1 篇](#) [实务指南](#))

第三十八条 申请人的申请符合法定条件、标准的,行政机关应当依法作出准予行政许可的书面决定。

行政机关依法作出不予行政许可的书面决定的,应当说明理由,并告知申请人享有依法申请行政复议或者提起行政诉讼的权利。

(相关资料: [部门规章 9 篇](#) [地方法规 9 篇](#) [裁判文书 5 篇](#) [条文释义](#) [相关论文 2 篇](#) [实务指南](#))

第三十九条 行政机关作出准予行政许可的决定,需要颁发行政许可证件的,应当向申请人颁发加盖本行政机关印章的下列行政许可证件:

(一) 许可证、执照或者其他许可证书;

(二) 资格证、资质证或者其他合格证书;

(三) 行政机关的批准文件或者证明文件;

(四) 法律、法规规定的其他行政许可证件。

行政机关实施检验、检测、检疫的,可以在检验、检测、检疫合格的设备、设施、产品、物品上加贴标签或者加盖检验、检测、检疫印章。

(相关资料: [部门规章 2 篇](#) [地方法规 3 篇](#) [裁判文书 1 篇](#) [条文释义](#) [实务指南](#))

第四十条 行政机关作出的准予行政许可决定,应当予以公开,公众有权查阅。

entitled to consult.

Article 41 For an administrative license set down by laws and regulations, if there is no regional limit on its application scope, the administrative license obtained by an applicant shall be of nationwide validity.

Section III. Time Limit

Article 42 An administrative organ shall make a decision on the administrative license within 20 days from the day when it accepts such an application unless it can make a decision on the spot. If it can't make a decision within 20 days, it may extend for 10 days upon the approval of the person in charge of this administrative organ, and shall give explanations about the extension to the applicant. However, if it is otherwise provided for in any law and regulation, the latter shall prevail. In accordance with Article 26 of the present Law, where an administrative license is handled uniformly or jointly or collectively, the period shall not exceed 45 days; if it cannot be completed within 45 days, it may, upon the approval of the people's government of the same level, be extended for 15 days, and the applicant shall be notified of the reason for extension.

Article 43 For an administrative license that is subject to the examination of a lower administrative organ before it is reported and submitted to an upper administrative organ, the lower administrative organ shall complete the examination within 20 days from the day when the application for administrative license is accepted. But, if it is otherwise provided for in the laws and regulations, the latter shall prevail.

Article 44 If an administrative organ makes a decision of administrative license, it shall issue and serve the applicant the certificate of administrative license, or stamp a label, affix a seal of inspection, testing or quarantine, within 10 days from the day when such a decision is made.

(相关资料: [地方法规 2 篇](#) [裁判文书 1 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#))

第四十一条 法律、行政法规设定的行政许可，其适用范围没有地域限制的，申请人取得的行政许可在全国范围内有效。

(相关资料: [部门规章 2 篇](#) [地方法规 3 篇](#) [条文释义](#) [实务指南](#))

第三节 期限

第四十二条 除可以当场作出行政许可决定的外，行政机关应当自受理行政许可申请之日起二十日内作出行政许可决定。二十日内不能作出决定的，经本行政机关负责人批准，可以延长十日，并应当将延长期限的理由告知申请人。但是，法律、法规另有规定的，依照其规定。

依照本法第二十六条的规定，行政许可采取统一办理或者联合办理、集中办理的，办理的时间不得超过四十五日；四十五日内不能办结的，经本级人民政府负责人批准，可以延长十五日，并应当将延长期限的理由告知申请人。

(相关资料: [法律 1 篇](#) [部门规章 14 篇](#) [地方法规 20 篇](#) [裁判文书 6 篇](#) [条文释义](#) [相关论文 2 篇](#) [实务指南](#))

第四十三条 依法应当先经下级行政机关审查后报上级行政机关决定的行政许可，下级行政机关应当自其受理行政许可申请之日起二十日内审查完毕。但是，法律、法规另有规定的，依照其规定。

(相关资料: [地方法规 4 篇](#) [裁判文书 1 篇](#) [条文释义](#) [实务指南](#))

第四十四条 行政机关作出准予行政许可的决定，应当自作出决定之日起十日内向申请人颁发、送达行政许可证件，或者加贴标签、加盖检验、检测、检疫印章。

(相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#) [裁判文书 1 篇](#) [条文释义](#) [实务指南](#))

Article 45 In accordance with the law, where an administrative organ needs hearing, bid invitation, auction, inspection, testing, quarantine or expert evaluation, the required time shall not be included in the time limit specified in this Section.

Section 4. Hearing

Article 46 For a hearing as provided for the implementation of administrative license in any law, regulation or rule, or for any other licensing matters of great importance to the public interests that the administrative organ considers it necessary to hold a hearing, the administrative organ shall announce it to the public and hold a hearing.

Article 47 Where an administrative license is of direct significance to the interests of the applicant or others, before the administrative organ makes a decision about the administrative license, it shall inform the applicant or the interested party of the right to request for a hearing. Where the applicant or interested party applies for a hearing within 5 days from the day when it is informed of such right, the administrative organ shall organize a hearing within 20 days.

The applicant and interested party shall not pay for the expenses arising from the administrative organ's organization of the hearing.

Article 48 The hearing shall proceed according to the following procedures:

- (1) The administrative organ shall notify the applicant and interested party of the time and place of the hearing 7 days before it is held, and shall announce it to the public where necessary;
- (2) The hearing shall be held openly;
- (3) The administrative organ shall designate a person to host the hearing, the person shall not be from the persons who are responsible for the examination of the application for administrative license, where the applicant or interested party considers that the host or hostess of the hearing is of direct interest to the matters under administrative license, it shall be entitled to apply for withdrawal;
- (4) While holding a hearing, the persons who are responsible for the

第四十五条 行政机关作出行政许可决定，依法需要听证、招标、拍卖、检验、检测、检疫、鉴定和专家评审的，所需时间不计算在本节规定的期限内。行政机关应当将所需时间书面告知申请人。

（相关资料: [部门规章 6 篇](#) [地方法规 10 篇](#) [条文释义](#) [实务指南](#)）

第四节 听证

第四十六条 法律、法规、规章规定实施行政许可应当听证的事项，或者行政机关认为需要听证的其他涉及公共利益的重大行政许可事项，行政机关应当向社会公告，并举行听证。

（相关资料: [部门规章 4 篇](#) [地方法规 15 篇](#) [裁判文书 5 篇](#) [条文释义](#) [相关论文 7 篇](#) [实务指南](#)）

第四十七条 行政许可直接涉及申请人与他人之间重大利益关系的，行政机关在作出行政许可决定前，应当告知申请人、利害关系人享有要求听证的权利；申请人、利害关系人在被告知听证权利之日起五日内提出听证申请的，行政机关应当在二十日内组织听证。

申请人、利害关系人不承担行政机关组织听证的费用。

（相关资料: [部门规章 5 篇](#) [地方法规 11 篇](#) [裁判文书 20 篇](#) [条文释义](#) [相关论文 7 篇](#) [实务指南](#)）

第四十八条 听证按照下列程序进行：

（一）行政机关应当于举行听证的七日前将举行听证的时间、地点通知申请人、利害关系人，必要时予以公告；

（二）听证应当公开举行；

（三）行政机关应当指定审查该行政许可申请的工作人员以外的人员为听证主持人，申请人、利害关系人认为主持人与该行政许可事项有直接利害关系的，有权申请回避；

（四）举行听证时，审查该行政许可申请的工作人员应当提供审查意见的证据、理由，申请人、利害关系人可以提

examination of an application for administrative license shall provide proofs, reasons for the examination opinions, the applicant and the interested party may produce evidence, defend and conduct cross-examinations;

(5) Transcripts shall be made for a hearing. The attendees of the hearing shall sign their names on or affix their seals to the transcripts after they have confirmed them as inerrant.

The administrative organ shall make a decision on the administrative license according to the transcripts of the hearing.

Section 5. Modification and Extension

Article 49 Where a licensee requests for modifying the matters under administrative license, it shall file an application to the administrative organ that made the decision about the administrative license. If it meets the statutory conditions and standards, the administrative organ shall handle the modification procedures in accordance with the law.

Article 50 Where a licensee needs to extend the valid period of an administrative license it obtained in accordance with the law, it shall file an application with the administrative organ that made the decision about the administrative license 30 days prior to the expiry of the valid period of this administrative license. But, if it is otherwise provided for in the laws, regulations and rules, the latter shall prevail.

An administrative organ shall decide whether to approve the extension prior to the expiry of the valid period of this administrative license; if it fails to make a decision within the time limit, it shall be deemed that the extension has been approved.

Section 6. Special Provisions

Article 51 The implementing procedures for the administrative license shall be governed by the pertinent provisions in this Section, if there are any; if it isn't provided for in this section, they shall be governed by other relevant provisions in this Chapter.

Article 52 The procedures for the State Council to implement an administrative license shall be governed by the relevant laws and administrative regulations.

Article 53 When implementing the licensing matters listed in Article 12 (2) of the present Law, the administrative organ shall make a decision by

出证据, 并进行申辩和质证;

(五) 听证应当制作笔录, 听证笔录应当交听证参加人确认无误后签字或者盖章。

行政机关应当根据听证笔录, 作出行政许可决定。

(相关资料: [部门规章 4 篇](#) [地方法规 5 篇](#) [条文释义](#) [相关论文 6 篇](#) [实务指南](#))

第五节 变更与延续

第四十九条 被许可人要求变更行政许可事项的, 应当向作出行政许可决定的行政机关提出申请; 符合法定条件、标准的, 行政机关应当依法办理变更手续。

(相关资料: [部门规章 2 篇](#) [地方法规 3 篇](#) [裁判文书 3 篇](#) [条文释义](#) [实务指南](#))

第五十条 被许可人需要延续依法取得的行政许可的有效期的, 应当在该行政许可有效期届满三十日前向作出行政许可决定的行政机关提出申请。但是, 法律、法规、规章另有规定的, 依照其规定。

行政机关应当根据被许可人的申请, 在该行政许可有效期届满前作出是否准予延续的决定; 逾期未作决定的, 视为准予延续。

(相关资料: [部门规章 3 篇](#) [地方法规 6 篇](#) [裁判文书 4 篇](#) [相关论文 4 篇](#) [实务指南](#))

第六节 特别规定

第五十一条 实施行政许可的程序, 本节有规定的, 适用本节规定; 本节没有规定的, 适用本章其他有关规定。

(相关资料: [裁判文书 1 篇](#) [条文释义](#) [实务指南](#))

第五十二条 国务院实施行政许可的程序, 适用有关法律、行政法规的规定。

(相关资料: [条文释义](#) [实务指南](#))

第五十三条 实施本法第十二条第二项所列事项的行政许可的, 行政机关应当通

adopting fair competitive methods, such as bid invitation and auction, etc, but if it is otherwise provided for in the laws, administrative regulations, the latter shall prevail.

The specific procedures for the administrative organ to decide an administrative license by means of bid invitation and auction shall be in line with the relevant laws and administrative regulations.

After the administrative organ has determined the bid winner or buyer according to the bid or auction procedures, in accordance with the law, it shall issue a certificate for the administrative license to the bid winner or buyer.

Where an administrative organ fails to adopt the forms of bid invitation and auction in violation of the present Law, or violates the procedures for bid invitation or auction, impairing the legitimate rights and interests of the applicant, the applicant may apply for administrative reconsideration or file an administrative lawsuit according to law.

Article 54 When implementing the licensing matters listed in Article 12 (3) of the present Law, namely, holding a national examinations for the purpose of granting the citizens any special qualification in accordance with the law, the administrative organ shall make decisions about the administrative license according to applicants' examination marks and other statutory requirements; when granting a special qualification to the legal persons or other organizations, the administrative organ shall make decisions about the administrative license according to the evaluation results in the aspects of the structure of professionals of the applicants, technical conditions, business performance and management level. But, if it is otherwise provided for in the laws and regulations, the latter shall prevail.

In accordance with the law, a special qualification examination for the citizens shall be organized and held openly by the administrative organ or trade organization. The administrative organ or trade organization shall announce the signing conditions, measures, subjects and the general outline for the qualification examination. But, no compulsory pre-examination training for the qualification examination shall be organized, and no textbook or other supplementary materials shall be specified.

Article 55 When implementing the licensing matters listed in Article 12 (4) of the present Law, namely, conducting inspection, testing or quarantine according to the technical standards or criteria, the administrative organ shall make decisions according to the pertinent results.

Within 5 days from the day when the administrative organ accepts an application, at least 2 functionaries shall be designated to conduct inspection, testing or quarantine according to the technical standards or criteria. If it is able to determine whether the equipment, facilities, products or articles accord with the technical standard or criteria and it is

过招标、拍卖等公平竞争的方式作出决定。但是，法律、行政法规另有规定的，依照其规定。

行政机关通过招标、拍卖等方式作出行政许可决定的具体程序，依照有关法律、行政法规的规定。

行政机关按照招标、拍卖程序确定中标人、买受人后，应当作出准予行政许可的决定，并依法向中标人、买受人颁发行政许可证件。

行政机关违反本条规定，不采用招标、拍卖方式，或者违反招标、拍卖程序，损害申请人合法权益的，申请人可以依法申请行政复议或者提起行政诉讼。

（相关资料: [地方法规 9 篇](#) [裁判文书 3 篇](#) [条文释义](#) [相关论文 2 篇](#) [实务指南](#)）

第五十四条 实施本法第十二条第三项所列事项的行政许可，赋予公民特定资格，依法应当举行国家考试的，行政机关根据考试成绩和其他法定条件作出行政许可决定；赋予法人或者其他组织特定的资格、资质的，行政机关根据申请人的专业人员构成、技术条件、经营业绩和管理水平等的考核结果作出行政许可决定。但是，法律、行政法规另有规定的，依照其规定。

公民特定资格的考试依法由行政机关或者行业组织实施，公开举行。行政机关或者行业组织应当事先公布资格考试的报名条件、报考办法、考试科目以及考试大纲。但是，不得组织强制性的资格考试的考前培训，不得指定教材或者其他助考材料。

（相关资料: [地方法规 3 篇](#) [条文释义](#) [实务指南](#)）

第五十五条 实施本法第十二条第四项所列事项的行政许可的，应当按照技术标准、技术规范依法进行检验、检测、检疫，行政机关根据检验、检测、检疫的结果作出行政许可决定。

行政机关实施检验、检测、检疫，应当自受理申请之日起五日内指派两名以上工作人员按照技术标准、技术规范进行检验、检测、检疫。不需要对检验、检

unnecessary make further analysis to the results of the inspection, testing or quarantine, the administrative organ shall make a decision about the administrative license on the spot.

If the administrative organ decides to disapprove the administrative license according to the results of inspection, testing and quarantine, it shall make a written explanation about the technical standard or criterion on which the decision is based.

Article 56 When implementing the matters listed in Article 12 (5) of the present Law, the administrative organ shall register an applicant on the spot if the application materials submitted thereby are complete and accord with the statutory form. If it is necessary to verify the substantial content of the application materials, the administrative organ shall implement Article 34 (3) of the present Law.

Article 57 For an administrative license with quantitative restrictions, where the applications of at least 2 applicants meet the statutory conditions and standards, the administrative organ shall decide to approve the administrative license according to the priority order of accepting the applications for the administrative license. But, if it is otherwise provided for in the laws and regulations, the latter shall prevail.

Chapter V. Costs of Administrative License

Article 58 When implementing an administrative license and conducting inspection on the licensing matters, the administrative organ shall not charge anything for that; but if it is otherwise provided for in the laws and administrative regulations, the latter shall prevail.

When offering exemplary application form of administrative license, the administrative organ shall not charge anything for that.

The essential fund for the administrative organ to implement an administrative license shall listed in the budget of this administrative organ, which shall be ensured, checked and appropriated by the finance department of the same level according to the ratified budget.

Article 59 Where an administrative organ charges fees for the implementation of administrative license in accordance with the laws and administrative regulations, the fees shall accord with the announced

测、检疫结果作进一步技术分析即可认定设备、设施、产品、物品是否符合技术标准、技术规范的，行政机关应当当场作出行政许可决定。

行政机关根据检验、检测、检疫结果，作出不予行政许可决定的，应当书面说明不予行政许可所依据的技术标准、技术规范。

（相关资料: [条文释义](#) [相关论文 1 篇](#) [实务指南](#)）

第五十六条 实施本法第十二条第五项所列事项的行政许可，申请人提交的申请材料齐全、符合法定形式的，行政机关应当当场予以登记。需要对申请材料的实质内容进行核实的，行政机关依照本法第三十四条第三款的规定办理。

（相关资料: [条文释义](#) [相关论文 4 篇](#) [实务指南](#)）

第五十七条 有数量限制的行政许可，两个或者两个以上申请人的申请均符合法定条件、标准的，行政机关应当根据受理行政许可申请的先后顺序作出准予行政许可的决定。但是，法律、行政法规另有规定的，依照其规定。

（相关资料: [部门规章 1 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#)）

第五章 行政许可的费用

第五十八条 行政机关实施行政许可和对行政许可事项进行监督检查，不得收取任何费用。但是，法律、行政法规另有规定的，依照其规定。

行政机关提供行政许可申请书格式文本，不得收费。

行政机关实施行政许可所需经费应当列入本行政机关的预算，由本级财政予以保障，按照批准的预算予以核拨。

（相关资料: [部门规章 7 篇](#) [地方法规 7 篇](#) [裁判文书 1 篇](#) [条文释义](#) [实务指南](#)）

第五十九条 行政机关实施行政许可，依照法律、行政法规收取费用的，应当按照公布的法定项目和标准收费；所收取

statutory items and standards; the fees collected shall be entirely turned in to the treasury, which shall not be withheld, impropriated, privately divided openly or in disguised form by any organ or individual. The finance departments shall not refund openly or in disguised form the fees charged for the implementation of the administrative license.

Chapter VI. Supervision and Check

Article 60 The upper administrative organs shall strengthen the supervision and inspection over the lower administrative organs in the implementation of the administrative licenses, and shall get the illegal acts right in time.

Article 61 The administrative organs shall establish and perfect the supervision system, shall perform the supervisory duties by means of checking the relevant materials reflecting the information about the licensees' activities under the administrative license. When conducting supervision and inspection over a licensee's activities under the administrative license, an administrative organ shall note down the information about the supervision and inspection and the handling result, and transfer the notes to the archival department upon the signatures of the supervisors or inspectors. The public shall be entitled to consult the supervisory and inspecting notes of the administrative organ. The administrative organ shall create conditions to link with the archival computer systems of the licensees and other relevant administrative organs to check the licensees' activities under the administrative license.

Article 62 In accordance with the law, an administrative organ may conduct random examination, check and testing on the products manufactured and run by a licensee, and shall examine the production and operation places on the spot. When conducting examination, the administrative organ may consult or require the licensee to submit relevant materials in accordance with the law; the licensee shall faithfully offer the relevant information and materials.

In accordance with the laws and administrative regulations, the administrative organ shall conduct periodical examinations on the important equipment and facilities that directly concern the public security, human health and safety of life and property. And it shall issue relevant evidential documents to those that are found to be qualified upon examination.

的费用必须全部上缴国库，任何机关或者个人不得以任何形式截留、挪用、私分或者变相私分。财政部门不得以任何形式向行政机关返还或者变相返还实施行政许可所收取的费用。

（相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [裁判文书 1 篇](#) [条文释义](#) [实务指南](#)）

第六章 监督检查

第六十条 上级行政机关应当加强对下级行政机关实施行政许可的监督检查，及时纠正行政许可实施中的违法行为。

（相关资料: [条文释义](#) [相关论文 2 篇](#)）

第六十一条 行政机关应当建立健全监督制度，通过核查反映被许可人从事行政许可事项活动情况的有关材料，履行监督责任。

行政机关依法对被许可人从事行政许可事项的活动进行监督检查时，应当将监督检查的情况和处理结果予以记录，由监督检查人员签字后归档。公众有权查阅行政机关监督检查记录。

行政机关应当创造条件，实现与被许可人、其他有关行政机关的计算机档案系统互联，核查被许可人从事行政许可事项活动情况。

（相关资料: [部门规章 1 篇](#) [地方法规 12 篇](#) [条文释义](#)）

第六十二条 行政机关可以对被许可人生产经营的产品依法进行抽样检查、检验、检测，对其生产经营场所依法进行实地检查。检查时，行政机关可以依法查阅或者要求被许可人报送有关材料；被许可人应当如实提供有关情况和材料。

行政机关根据法律、行政法规的规定，对直接关系公共安全、人身健康、生命财产安全的重要设备、设施进行定期检验。对检验合格的，行政机关应当发给相应的证明文件。

（相关资料: [地方法规 2 篇](#) [条文释义](#) [相关论文 3 篇](#)）

Article 63 When conducting supervision and examination, the administrative organ may not hinder the licensee from engaging in normal production and operation activities, may not ask for or accept the licensee's property, and may not seek for other interests.

Article 64 Where a licensee conducts activities in violation of the matters under the administrative license in a area outside the jurisdiction of the licensing administrative organ, the administrative organ located in the area where the illegal activities are conducted shall send a copy of the illegal facts and punishments to the licensing administrative organ according to law.

Article 65 Where any individual or organization discovers any activity in violation of the matters under an administrative license, it shall be entitled to inform the administrative organ, which shall verify and deal with such activity in time.

Article 66 Where a licensee fails to perform the obligation of exploiting and utilizing of natural resources in accordance with the law, or of utilizing public resources, the administrative organ shall order it to get right within a time limit; where the licensee fails to get right within the time limit, the administrative organ shall punish it in accordance with the relevant laws and administrative regulations.

Article 67 A licensee, who has acquired the administrative license for the market access to a special trade of direct importance to the public interests, shall provide the users with safe, convenient and stable services at a fair price in accordance with the service and charging standards as provided for by the state and the conditions as specified by the administrative organ in accordance with the law, and shall perform the obligation of offering universal services. Without the approval of the licensing administrative organ, it may not stop or suspend its business. For a licensee that fails to fulfill the obligations specified in the preceding paragraph, the administrative organ shall order it to get right or take effective measures to urge it perform its obligations.

Article 68 For the important equipment and facilities that directly concern public security, human health and safety of life and property, the administrative organ shall supervise and urge the design, construction, installation and use entities to establish relevant self-check system.

第六十三条 行政机关实施监督检查，不得妨碍被许可人正常的生产经营活动，不得索取或者收受被许可人的财物，不得谋取其他利益。

（相关资料: [条文释义](#)）

第六十四条 被许可人在作出行政许可决定的行政机关管辖区域外违法从事行政许可事项活动的，违法行为发生地的行政机关应当依法将被许可人的违法事实、处理结果抄告作出行政许可决定的行政机关。

（相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [条文释义](#)）

第六十五条 个人和组织发现违法从事行政许可事项的活动，有权向行政机关举报，行政机关应当及时核实、处理。

（相关资料: [条文释义](#)）

第六十六条 被许可人未依法履行开发利用自然资源义务或者未依法履行利用公共资源义务的，行政机关应当责令限期改正；被许可人在规定期限内不改正的，行政机关应当依照有关法律、行政法规的规定予以处理。

（相关资料: [条文释义](#)）

第六十七条 取得直接关系公共利益的特定制度的市场准入行政许可的被许可人，应当按照国家规定的服务标准、资费标准和行政机关依法规定的条件，向用户提供安全、方便、稳定和价格合理的服务，并履行普遍服务的义务；未经作出行政许可决定的行政机关批准，不得擅自停业、歇业。

被许可人不履行前款规定的义务的，行政机关应当责令限期改正，或者依法采取有效措施督促其履行义务。

（相关资料: [部门规章 1 篇](#) [条文释义 相关论文 1 篇](#)）

第六十八条 对直接关系公共安全、人身健康、生命财产安全的重要设备、设施，行政机关应当督促设计、建造、安装和使用单位建立相应的自检制度。

When conducting supervision and check, if the administrative organ finds that there is potential safety hazard in the important equipment and facilities that directly concern the public security, human health and safety of life and property, it shall order the design, construction, installation and use entities to stop building, installing and using such equipment and facilities and to get right immediately.

Article 69 The decision-making administrative organ or its upper administrative organ may, under any of the following circumstances, annul an administrative license according to the request of the interested party or according to its functions:

- (1) The functionaries of the administrative organ decide to approve an administrative license as the result of abusing their power and neglecting their duties;
- (2) A decision on approving an administrative license is made due to the decision-makers' excess of their statutory power;
- (3) A decision on approving an administrative license is made in violation of the statutory procedures;
- (4) An applicant who doesn't meet the applying qualification or the statutory conditions has been approved of an administrative license;
- (5) Other circumstances under which the administrative licenses may be annulled in accordance with the law.

Where a licensee obtains an administrative license through cheating, offering bribes or any other illegal methods, such administrative license shall be annulled;

Where the annul of an administrative license in accordance with the preceding two paragraphs may seriously impair the public interests, it shall not be annulled.

Where the annul of an administrative license in accordance with the first paragraph in this Article has impaired the legal rights and interests of the licensee, the administrative organ shall compensate for it in accordance with the law. Where an administrative license is annulled according to the second paragraph of this Article, the interests obtained by the licensee on the basis of this administrative license shall not be protected.

Article 70 In accordance with the law, an administrative organ shall, under any of the following circumstances, handle the procedures for the cancellation of the pertinent administrative licenses:

- (1) An administrative license fails to be extended at the expiry of its valid period;
- (2) An administrative license grants a citizen special qualification, but the citizen is dead or loses capacity for action;
- (3) A legal person or any other institution terminates in accordance with the law;
- (4) An administrative license is annulled or withdrawn, or the certificate for administrative license is revoked in light of the law;

行政机关在监督检查时，发现直接关系公共安全、人身健康、生命财产安全的重要设备、设施存在安全隐患的，应当责令停止建造、安装和使用，并责令设计、建造、安装和使用单位立即改正。
(相关资料: [地方法规 2 篇](#) [条文释义](#))

第六十九条 有下列情形之一的，作出行政许可决定的行政机关或者其上级行政机关，根据利害关系人的请求或者依据职权，可以撤销行政许可：

- (一) 行政机关工作人员滥用职权、玩忽职守作出准予行政许可决定的；
- (二) 超越法定职权作出准予行政许可决定的；
- (三) 违反法定程序作出准予行政许可决定的；
- (四) 对不具备申请资格或者不符合法定条件的申请人准予行政许可的；
- (五) 依法可以撤销行政许可的其他情形。

被许可人以欺骗、贿赂等不正当手段取得行政许可的，应当予以撤销。

依照前两款的规定撤销行政许可，可能对公共利益造成重大损害的，不予撤销。

依照本条第一款的规定撤销行政许可，被许可人的合法权益受到损害的，行政机关应当依法给予赔偿。依照本条第二款的规定撤销行政许可的，被许可人基于行政许可取得的利益不受保护。

(相关资料: [部门规章 43 篇](#) [地方法规 55 篇](#) [裁判文书 26 篇](#) [条文释义](#) [相关论文 16 篇](#))

第七十条 有下列情形之一的，行政机关应当依法办理有关行政许可的注销手续：

- (一) 行政许可有效期届满未延续的；
- (二) 赋予公民特定资格的行政许可，该公民死亡或者丧失行为能力的；
- (三) 法人或者其他组织依法终止的；
- (四) 行政许可依法被撤销、撤回，或者行政许可证件依法被吊销的；
- (五) 因不可抗力导致行政许可事项无法实施的；

- (5) The matters under an administrative license are unable to be implemented due to force majeure;
- (6) Other circumstances specified by the laws and regulations in which the administrative licenses shall be canceled.

Chapter VII. Legal Liabilities

Article 71 Where an administrative organ establishes an administrative license in violation of Article 17 of the present Law, it shall be ordered to get right by the relevant organ, or the administrative license shall be annulled in accordance with the law.

Article 72 Where an administrative organ and any of its functionaries violates any of the provisions of the present Law under any of the following circumstances, it shall be ordered to get right by the superior administrative organ or the supervisory organ; if the circumstances are serious, the direct liable persons in charge and other direct liable persons shall be given an administrative sanction in accordance with the law:

- (1) Failing to accept the applications for administrative license that meet the statutory requirements;
- (2) Failing to display the materials in the offices that shall be displayed in accordance with the law;
- (3) Failing to perform the statutory duty of keeping the applicant and the interested party informed during the period of accepting, examining and deciding an administrative license;
- (4) For an applicant whose application materials are incomplete or inconsistent with the statutory form, it fails to inform, once and for all, the applicant of all the items that shall be supplemented or corrected;
- (5) Failing to explain why an application for the administrative license is rejected, or why the administrative license is disapproved in accordance with the law;
- (6) Failing to hold a hearing as required by the law.

Article 73 For any of the functionaries who asks for or accepts the property of others' or seeks for other interests when implementing an administrative license and exercising supervision and inspection, if he constitutes a crime, he shall be subject to criminal responsibilities; if the violation doesn't constitute a crime, he shall be given an administrative sanction in accordance with the law.

Article 74 When implementing an administrative license, an administrative

(六) 法律、法规规定的应当注销行政许可的其他情形。

(相关资料: [行政法规 1 篇](#) [部门规章 25 篇](#) [地方法规 49 篇](#) [裁判文书 4 篇](#) [条文释义](#))

第七章 法律责任

第七十一条 违反本法第十七条规定设定的行政许可，有关机关应当责令设定该行政许可的机关改正，或者依法予以撤销。

(相关资料: [地方法规 2 篇](#) [条文释义 相关论文 1 篇](#))

第七十二条 行政机关及其工作人员违反本法的规定，有下列情形之一的，由其上级行政机关或者监察机关责令改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分：

- (一) 对符合法定条件的行政许可申请不予受理的；
- (二) 不在办公场所公示依法应当公示的材料的；
- (三) 在受理、审查、决定行政许可过程中，未向申请人、利害关系人履行法定告知义务的；
- (四) 申请人提交的申请材料不齐全、不符合法定形式，不一次告知申请人必须补正的全部内容的；
- (五) 未依法说明不受理行政许可申请或者不予行政许可的理由的；
- (六) 依法应当举行听证而不举行听证的。

(相关资料: [部门规章 8 篇](#) [地方法规 15 篇](#) [条文释义](#) [相关论文 1 篇](#))

第七十三条 行政机关工作人员办理行政许可、实施监督检查，索取或者收受他人财物或者谋取其他利益，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

(相关资料: [部门规章 8 篇](#) [地方法规 10 篇](#) [条文释义](#) [相关论文 1 篇](#))

第七十四条 行政机关实施行政许可，有

organ is under any of the following circumstances shall be ordered to get right by its superior administrative organ or by the supervisory organ, the direct liable persons in charge and other direct liable persons shall be given an administrative sanction; if the violation constitute a crime, they shall be subject to criminal responsibilities.

- (1) Granting an administrative license to an applicant who doesn't meet the statutory requirements or making a decision about the approval of an administrative license by exceeding its statutory functions;
- (2) Failing to grant an administrative license to an applicant who meets the statutory requirements or to make a decision about the approval of the administrative license within the statutory time limit;
- (3) Having made a decision on approving an administrative license, which shall be decided according to the results of bid invitation or auction, or the exam scores that the applicants get in the examination, without taking the forms of bid invitation, auction or examination, or inconsistent with the results of bid invitation or auction, or with the exam scores the applicants get.

Article 75 When implementing an administrative license, an administrative organ that charges fees without permission or fails to charges fees according to the statutory items and standards shall be ordered to refund the fees collected illegally by its superior administrative organ or by the supervisory organ. The direct liable persons in charge and other liable persons shall be given an administrative sanction in accordance with the law.

The fees collected in implementing an administrative license in accordance with the law are withheld, misappropriated, divided privately or divided in a disguised form shall be ordered to be refunded; the direct liable persons in charge and other direct liable persons shall be given an administrative sanction; those who constitute a crime shall be subject to criminal responsibilities.

Article 76 Where an administrative organ impairs the legitimate rights and interests of the parties concerned due to its illegal implementation of an administrative license, it shall make compensations in accordance with [the compensation law of the state](#).

Article 77 Where an administrative organ fails to perform its supervisory functions or fails to do a good job in this aspect, which causes serious consequences, it shall be ordered to get right by its superior administrative organ or by the supervisory organ, the direct liable persons in charge and other direct liable persons shall be given an administrative sanction in accordance with the law; and those whose violation has

下列情形之一的，由其上级行政机关或者监察机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

（一）对不符合法定条件的申请人准予行政许可或者超越法定职权作出准予行政许可决定的；

（二）对符合法定条件的申请人不予行政许可或者不在法定期限内作出准予行政许可决定的；

（三）依法应当根据招标、拍卖结果或者考试成绩择优作出准予行政许可决定，未经招标、拍卖或者考试，或者不根据招标、拍卖结果或者考试成绩择优作出准予行政许可决定的。

（相关资料: [部门规章 9 篇](#) [地方法规 13 篇](#) [裁判文书 1 篇](#) [条文释义](#) [相关论文 1 篇](#) [实务指南](#)）

第七十五条 行政机关实施行政许可，擅自收费或者不按照法定项目和标准收费的，由其上级行政机关或者监察机关责令退还非法收取的费用；对直接负责的主管人员和其他直接责任人员依法给予行政处分。

截留、挪用、私分或者变相私分实施行政许可依法收取的费用的，予以追缴；对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

（相关资料: [部门规章 5 篇](#) [地方法规 7 篇](#) [条文释义](#)）

第七十六条 行政机关违法实施行政许可，给当事人的合法权益造成损害的，应当依照[国家赔偿法](#)的规定给予赔偿。

（相关资料: [地方法规 2 篇](#) [条文释义](#) [相关论文 1 篇](#)）

第七十七条 行政机关不依法履行监督职责或者监督不力，造成严重后果的，由其上级行政机关或者监察机关责令改正，对直接负责的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

constituted a crime shall be subject to criminal responsibilities.

Article 78 Where an applicant for administrative license conceals any relevant information or provides false materials in applying for an administrative license, the administrative organ shall not accept its application or shall not grant it such administrative license, and shall give it a warning; if such an application for administrative license directly concerns the public security, human health and safety of life and property, the applicant shall not re-apply for this administrative license within a year thereafter.

Article 79 A licensee that has obtained an administrative license by illegal means of cheating or offering bribes shall be given an administrative punishment by the administrative organ in accordance with the law; if the administrative license directly concerns public security, human health and safety of life and property, the applicant shall not re-apply for it within 3 years thereafter; if the licensee's violation has constituted any crime, he shall be subject to criminal liabilities in accordance with the law.

Article 80 Where a licensee commits any of the following acts, he shall be given an administrative punishment by the administrative organ in accordance with the law; if the offense constitutes a crime, it shall be subject to the criminal responsibilities according to law:

- (1) Altering, buying and selling at a profit, leasing or lending a certificate of administrative license, or transferring an administrative license by other illegal means;
- (2) Conducting activities that exceed the scope of an administrative license;
- (3) Concealing the relevant information from the administrative organ responsible for the supervision and check, offering false materials or refusing to offer authentic materials that reflect its activities;
- (4) Other illegal acts as provided for in the laws, regulations and rules.

Article 81 Without an administrative license, any of the citizens, legal persons or other institutions engaged in the activities under an administrative license shall be stopped by the administrative organ in accordance with the law, and shall be given an administrative punishment; those whose violation has constituted any crime shall be subject to criminal responsibilities.

(相关资料: [部门规章 2 篇](#) [地方法规 11 篇](#) [条文释义](#) [相关论文 2 篇](#))

第七十八条 行政许可申请人隐瞒有关情况或者提供虚假材料申请行政许可的, 行政机关不予受理或者不予行政许可, 并给予警告; 行政许可申请属于直接关系公共安全、人身健康、生命财产安全事项的, 申请人在一年内不得再次申请该行政许可。

(相关资料: [部门规章 21 篇](#) [地方法规 7 篇](#) [裁判文书 1 篇](#) [条文释义](#) [相关论文 2 篇](#))

第七十九条 被许可人以欺骗、贿赂等不正当手段取得行政许可的, 行政机关应当依法给予行政处罚; 取得的行政许可属于直接关系公共安全、人身健康、生命财产安全事项的, 申请人在三年内不得再次申请该行政许可; 构成犯罪的, 依法追究刑事责任。

(相关资料: [部门规章 6 篇](#) [地方法规 7 篇](#) [裁判文书 1 篇](#) [条文释义](#) [相关论文 2 篇](#))

第八十条 被许可人有下列行为之一的, 行政机关应当依法给予行政处罚; 构成犯罪的, 依法追究刑事责任:

(一) 涂改、倒卖、出租、出借行政许可证件, 或者以其他形式非法转让行政许可的;

(二) 超越行政许可范围进行活动的;

(三) 向负责监督检查的行政机关隐瞒有关情况、提供虚假材料或者拒绝提供反映其活动情况的真实材料的;

(四) 法律、法规、规章规定的其他违法行为。

(相关资料: [部门规章 4 篇](#) [地方法规 13 篇](#) [裁判文书 4 篇](#) [条文释义](#))

第八十一条 公民、法人或者其他组织未经行政许可, 擅自从事依法应当取得行政许可的活动的, 行政机关应当依法采取措施予以制止, 并依法给予行政处罚; 构成犯罪的, 依法追究刑事责任。

(相关资料: [部门规章 4 篇](#) [裁判文书 4](#)

[篇 条文释义 相关论文 1 篇 实务指南](#))

Chapter VIII. Supplementary Provisions

Article 82 In the present Law, the time limit for the administrative organs to implement an administrative license shall be calculated according to the working days, not including the legal holidays and leaves.

Article 83 The present Law shall be implemented as of July 1, 2004. In accordance with present Law, the legislative organs shall clean up the relevant regulations prior to the implementation of the present Law; those inconsistent with the present Law shall be abolished from the day when it is implemented.

第八章 附则

第八十二条 本法规定的行政机关实施行政许可的期限以工作日计算，不含法定节假日。

(相关资料: [条文释义](#))

第八十三条 本法自 2004 年 7 月 1 日起施行。

本法施行前有关行政许可的规定，制定机关应当依照本法规定予以清理；不符合本法规定的，自本法施行之日起停止执行。

(相关资料: [部门规章 1 篇 地方法规 11 篇 裁判文书 2 篇 条文释义 相关论文 3 篇](#))

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