

## Guidelines of the Eleventh Five-Year Plan for National Economic and Social Development

(Full Text)

The Guidelines of the Eleventh Five-Year (2006-2010) Plan of the People's Republic of China for the National Economic and Social Development is compiled according to the "Suggestions of the Central Committee of the Communist Party of China on the Formulation of the Eleventh Five-Year Plan for National Economic and Social Development" and its main purpose is to clarify the national strategic intention, define the key emphasis in the government work and guide the behaviour of market subject. It is the magnificent blue print of China's economic and social development, it is the common program of action of our people of all nationalities and it is the important basis for the government to fulfil the responsibility of economic adjustment, market control and surveillance, social management and public service.

### Part 1 Guiding Principle and Development Objective

#### Chapter 1 The Critical Period of Building a Well-off Society in an All-round Way

The Tenth Five-Year Plan period was extraordinary five years. The overall national strength of our country was enhanced significantly, the people's living standard was considerably improved and international standing was apparently raised. In the face of complicated and varied foreign and domestic situations, with the joint effort of the people of nationalities, we effectively suppressed the unstable and unsound factors occurring in economic operation, successfully defeated the challenge of SARS epidemic situation and major natural disasters and calmly responded to the new change following the accession to WTO. National economy was continuously and rapidly developing and the major development objectives determined in the Tenth Five-Year Plan were achieved ahead of schedule. Industrialization, urbanization, marketization and internationalization steps were accelerated and economic restructuring was constantly deepened. Foreign trade stepped forward, national financial revenue was greatly increased, total price level maintained basically stable, urban and rural people's lives were further improved, national unity was continuously consolidated, various social causes and national defence and army construction made new progress and socialist democratic political and spiritual civilization construction continued to be strengthened. The more important is that the Party Central Committee proposed the major strategic concept. These have laid a solid foundation for the development in the Eleventh Five-Year Plan period. Looking forward to the future, we are standing on a new historical start point.

Special Column 1: Achievement of Major Indicators in the Tenth Five-Year Plan				
Indicator	2000	Objective of Tenth Five-Year Plan	2005	Annual average growth in the Tenth Five-Year Plan (%)
Annual average growth of gross domestic product (%)		7		9.5
Additional jobs in cities and towns in the five years (10,000persons)		[4000]		[4200]
Transfer of agricultural labor force in the five years (10,000persons)		[4000]		[4000]
Registered rate of unemployment in cities and towns (%)	3.1	5	4.2	
General level of prices		Basically stable		1.4
Total export import volume of goods (100 million USD)	4743	6800	14221	24.6
Proportion of appropriation expenditure in research and test development in gross domestic product (%)	0.9	1.5	1.3	
Gross enrollment ratio of higher education (%)	11.5	15	21	
Gross enrollment ratio of senior high school (%)	42.8	60	53	
Gross enrollment ratio of junior high school (%)	88.6	90	95	

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Total national population (10,000 person)	126743	133000	130756	6.3%
Reduction of total discharge of major pollutants (%)		[10]		<[10]
Annual average growth of per capita disposable income of urban residents (%)		5		9.6
Annual average growth of per capita net income of rural residents (%)		5		5.3
Per capita residential building area of urban residents (m <sup>2</sup> )	20.3	22	26	5.1

Note: the proportion of appropriation expenditure in research and test development in gross domestic product was 1.55% according to the data before general economic survey; those marked with [ ] are accumulated values in the five years.

The Eleventh Five-Year Plan period is the critical period of building a well-off society in an all-round way and has the historical status of linking the preceding and the following. It both faced rare opportunities and had austere challenges.

China has the favourable conditions for maintaining stable and rapid economic development and harmonious social progress. The accelerated upgrading of consumption structure of urban residents will drive the rapid industrial restructuring and rapid urbanization development and thus the market potential is enormous. China has abundant labour force resources and relatively high rate of national savings. Its infrastructure is continuously improved, industrial ability to provide the auxiliary items is relatively strong, scientific and technological education has relatively good foundation and long term social and political stability is maintained. Its reform is advancing in depth and socialist market economic system is gradually improved, which will further excite social vitality and development impetus. Peace, development and cooperation become the tide of the present time and the comparison of world political power is conducive to maintaining the overall stability of international environment. Economic globalization trend is developing deeply, scientific and technological progress changes quickly and production element flow and industrial transfer are accelerated. The interrelation and mutual influence between China and world economy is increasingly deepened, the two markets, domestic and world, and the two resources complement each other and external environment as a whole is favourable to China's development.

Still main difficulties and problems exist in our advancing road. China is and will be in the preliminary socialist stage for a long time, the productive force is not developed and some endured deep level development-restricting contradicts still exists: farmland, fresh water, energy and important mineral resources are relatively insufficient, ecological environment is relatively vulnerable, economic structure is irrational, the task to resolve the three dimensional rural issues is very arduous, employment pressure is still great, the independent scientific and technological innovation ability is not strong and system and mechanism obstruction affecting the development needs urgent resolution. In the rapid development of the Tenth Five-Year Plan period, some new major problems emerged: uncoordinated investment and consumption relationship, blind expansion of some industries, superfluous capacity, slow transformation of economic growth mode, excessive energy resource consumption, aggravated environmental pollution, continuous expansion of development gap between urban and rural areas and between regions and income difference between some social members and backward development of social causes; there are still many factors affecting social stability. international environment is complicated and changeful and the unstable, indeterminate factors affecting peace and development are increased, the pressure that developed countries have the whip hand in economy and science and technology will exist for a long time, unbalance of world economy development will be aggravated, competition in resources, markets, techniques and talents will be more intense and trade protectionism will have new manifestation. All these will challenge China's economic and social development and safety.

In the critical period with the coexistence of strategic opportunity and contradiction, we must have high historical sense of responsibility, strong awareness of hardship and broad international sight, accurately grasp the phase characteristic of China's development, base ourselves on scientific development, put forth effort to innovate independently, improve system and mechanism, promote social harmony, fully enhance China's overall national strength, international competitive capacity

and anti-risk ability, open up a new situation of socialist economic construction, political construction, cultural construction and social construction, and lay a solid foundation for the smooth development in the next ten years and do all we can to push forward China's characteristic socialist cause.

#### **Chapter 2 Implement the Scientific Concept of Development in an All-Round Way**

The Eleventh Five-Year Plan period will promote the national economy to develop continuously, rapidly and healthily and the society to progress in an all-round way. We shall be guided by Deng Xiaoping's Theory and the important thought of Three Represents and command the overall social development with the scientific concept of development. Adhere to that development is the fundamental principle. Adhere to giving priority to the development in governing and rejuvenating the country, adhere to concentrating on economic growth and adhere to resolving the problems cropping up on our way forward through development and reform. Development must be scientific development. We shall keep human as fundamentality, change development concept, innovate development model, improve development quality and implement the "Five Overall Planning" and turn the economic and social development onto the track of comprehensive and coordinated sustainable development. We shall adhere to the following principles:

**Maintain stable and fast economic development.** We shall further expand domestic demand, adjust investment and consumption relationship, rationally control investment scale and enhance the driving action of consumption on economic growth. Correctly comprehend the change of economic development trend, maintain the basic balance of the total amount of social supply and demand, avoid major economic fluctuations and realize rapid and good development.

- **Accelerate the change of economic growth mode.** We shall take resource conservation as a basic national policy, develop recycle economy, protect ecological environment, accelerate the construction of resource-saving and environmentally friendly society and promote the coordination between economic development and population, resource and environment. Push national economy and society informatization, practically take the new type industrialization road, adhere to economical development, clean development and safety development and realize sustainable development.
- **Improve independent innovation ability.** We shall deeply implement the strategy of rejuvenating the country through science and education and the strategy of reinvigorating China through human resource development, take the enhancement of independent innovation ability as the strategic base point for scientific and technological development and the key link for change of growth mode and greatly increase the original innovation ability, integrated innovation ability and introduce and absorb re-innovation ability.
- **Promote coordinated development between urban and rural areas.** We shall proceed from the overall situation of socialist modernization construction and plan urban and rural development as a whole. Stick to regarding the resolution of the "three dimensional rural issues" as the key point of key point for all party members' work, let industry back feed agriculture and city support village, push forward socialist new village construction and promote sound urbanization development. Implement overall regional development strategy and form the coordinated regional development mechanism of mutually complementation and beneficially interaction for the East, Central and West regions.
- **Strengthen the construction of harmonious society.** We shall, in accordance with the requirements of human as fundamentality and starting from resolving the practical issues related to the people and masses' vital interests, pay more attention to the coordinated development of economy and society, accelerate the development of social cause and promote overall human development. Pay more attention to social equity and enable all people to share the achievements of reform and development. Pay more attention to

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democratic and legal system construction, correctly deal with the relations of reform, development and stability and maintain social stability and solidarity.

- Continuously deepen reform and opening to the outside world. We shall adhere to the reform direction of socialist market economy, improve modern enterprise system and modern property right system, establish the price formation mechanism that reflect market supply and demand and resource scarcity, more greatly exert the fundamental function of market in resource allocation, increase resource allocation efficiency, practically change governmental functions and improve national macroscopic readjustment and control system. Plan domestic development and opening to the outside world as a whole, continuously increase the level of opening to the outside world and enhance the ability to promote development while opening conditions are expanded.

According to the above guiding ideology and principle and aiming at the conspicuous contradictions and problems in development, further adjust the concept of development propulsion, change the mode of development propulsion and define the policy orientation of development propulsion.

- Pushing forward development by expanding domestic demand. Taking the expansion of domestic demand and especially consumer demand for the basic foothold, promote economic growth to change from being driven mainly relying on investment and export to being driven by consumption and investment and domestic demand and foreign demand.
- Pushing forward development by optimizing industrial structure. Taking the adjustment of economic structure for the main line, promote economic growth to change from being driven mainly by industry to quantity expansion to being driven by the three industries and structural optimization and upgrading.
- Pushing forward development by saving resources and protecting environment. Taking the promotion of fundamental change of economic growth mode for the centre of effort, promote economic growth to change from being driven mainly by increase of resource investment to being driven by increase of resource utilization efficiency.
- Pushing forward development by enhancing independent innovation ability. Taking the enhancement of independent innovation ability for national strategy, promote economic growth to change from being driven mainly by fund and material element investment to being driven by scientific and technological advancement and human capital.
- Pushing forward development by deepening the reform and opening to the outside world. Taking the reform and opening to the outside world for impetus, promote economic growth to change from being driven by administrative intervention in some fields to a considerable extent to being driven by exerting the basic action of market distribution resources to a greater extent under macroscopic readjustment and control by the state.
- Pushing forward development by making human as fundamentality. Taking the improvement of the people's living standard for the fundamental start point and footpoint, promote the development to change from emphasizing the increase of material wealth to more emphasizing the promotion of the comprehensive human development and coordinated development of economy and society.

### Chapter 3 Major Objectives of Economic and Social Development

According to the overall requirement of building a well-off society in an all-round way, the following major objectives of economic and social development will be achieved in the Eleventh Five-Year Plan period:

- Stable operation of macroeconomy. Annual average growth of gross domestic product will be 7.5% and per capita gross domestic product will double the figure of the year 2000. 45 million additional urban job opportunities will be realized and 45 million rural labour forces will be transferred and registered urban rate of unemployment will be controlled at 5%. The general level of prices is basically stable and international revenue and expenditure will be basically balanced.
- Optimization and upgrading of industrial structure. Industry, product and enterprise organization structure will be more rational and the proportion of added value for the service industry in the gross domestic product and the proportion of employed people for the service industry in the total social employed people will increase 3% and 4% respectively. Then independent innovation ability is enhanced, and the proportion of appropriation expenditure for research and test development in the gross domestic product is increased to 2% and a group of superior enterprises owning independent intellectual property rights, well known brands and relatively strong international competitive force will be formed.
- Significant increase of resource utilization efficiency. Energy consumption per unit gross domestic product is reduced for 20%, water consumption per unit industrial value added is reduced for 30%, available factor of agricultural irrigation water is increased to 0% and comprehensive utilization of industrial solid wastes is increased to 60%.
- Urban and rural regional development tends to be coordinated. The construction of new social villages generates considerable effects and urbanization rate is increased to 47%. Respectively characteristic regional development patterns are preliminarily formed and the enlarging trend of the difference between urban and rural and interregional public service, per capita income and living standard is inhibited.
- Basic public service is reinforced apparently. The average educational time of the people is increased to 9 years. Public health and medical service system is relatively sound. Social security coverage is enlarged, the number of people covered by the basic old-age insurance in cities and towns reaches 223 million and the coverage of new type village cooperative medical service exceeds 80%. Poverty stricken population continues to decrease and the ability to prevent and reduce disasters is reinforced and public order and safe production situation is further improved.
- Sustainable development ability is enhanced. The total national population is controlled at 1.36 billion. Farmland retention is kept at 120 million hectares and safeguard level of fresh water, energy resources and important mineral resources is raised. The ecological environmental deterioration trend is basically inhibited, the total discharge quantity of major pollutants is reduced for 10%, forest coverage reaches 20% and control of greenhouse gas emission generates good results.
- Market economic system is relatively perfect. The reform and institutional construction in the fields of administrative management, state owned enterprises, finance and taxation, banking, science and technology, education, culture and health etc makes a breakthrough and market supervision ability and social management level is markedly improved. Opening to the outside world and domestic development is more coordinated and open economy reaches a new level.
- The people's living standard continues to be improved. Per capita disposable income of urban residents and per capita net income of rural residents increase 5% respectively annually and the quality of life of both urban and rural residents are universally improved and conditions in residence, traffic, education, culture, health and environment are considerably improved.

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Democratic legality building and spiritual civilization building make new progress. Legality building is advancing comprehensively to form the socialist legal system with Chinese characteristics. Ideology and morality construction is further enhanced and construction of harmonious society makes new progress.

Special Column 2: Major Indicators of Economic and Social Development in the Eleventh Five-Year Plan period					
Class	Indicator	2005	2010	Annual average growth (%)	Attribute
Economic growth	Gross domestic product (1,000 billion Yuan)	18.2	26.1	7.5	Anticipative
	Per capita gross domestic product (Yuan)	13985	19270	6.6	Anticipative
Economic structure	Proportion of added value for service industry (%)	40.3	43.3	[3]	Anticipative
	Proportion of unemployment for service industry (%)	31.3	35.3	[4]	Anticipative
	Proportion of appropriation expenditure for research and test development in the gross domestic product (%)	1.3	2	[0.7]	Anticipative
	Urbanization rate (%)	43	47	[4]	Anticipative
Population resource environment	Total national population (10,000)	130756	136000	<-8%	Obligatory
	Reduction of energy consumption per unit gross domestic product (%)			[20]	Obligatory
	Reduction of water consumption per unit industrial value added (%)			[30]	Obligatory
	Available factor of agricultural irrigation water	0.45	0.5	[0.05]	Anticipative
	Comprehensive utilization of industrial solid wastes (%)	55.8	60	[4.2]	Anticipative
	Farmland retention (100 million hectares)	1.22	1.2	-0.3	Obligatory
People life Public service	Reduction of total emission of major pollutants (%)			[10]	Obligatory
	Forest coverage (%)	18.2	20	[1.8]	Obligatory
	Average educational time of the people (year)	8.5	9	[0.5]	Anticipative
	Number of people covered by basic old age insurance in cities and towns (100 million)	1.74	2.23	5.1	Obligatory
	Coverage of new type rural cooperative medical service (%)	23.5	>80	>[56.5]	Obligatory
	Additional job opportunities in the five years (10,000 persons)			[4500]	Anticipative
	Transfer of rural labour force in the five years (10,000 persons)			[4500]	Anticipative
	Registered urban rate of unemployment (%)	4.2	5		Anticipative
Per capita disposable income of urban residents (Yuan)	10493	13390	5	Anticipative	
Per capita net income of rural residents (Yuan)	3255	4150	5	Anticipative	

Note: the gross domestic product and urban and rural resident income are the price of 2005; those with [ ] are the accumulated number of the five years; major pollutants refer to sulfur dioxide and chemical oxygen demand.

**Special Column 3: Attribute of Planning Indicators**

The development objective determined in this plan embodies the people's fundamental interest and long-term benefit and is the national strategic intention conforming the people's will. The quantization indicators in it are divided into two classes: anticipative and obligatory.

**Anticipative Indicator:** is the rationally expected development objective and is achieved mainly by relying on the market self-governing. The government shall create favourable macroscopic environment, institutional environment and market environment, adjust macroscopic readjusters and control direction, and strengthen in proper time and comprehensively exert various policies to guide social resource distribution and make efforts to realize it.

**Obligatory Indicator:** is the indicator that is further defined and strengthened on the basis of anticipation and is the work requirements proposed by the Central Government to local governments and related departments of the Central Government in public service and the field involving public interests. The government shall ensure its realization through rational distribution of public resources and effective exertion of administrative forces.

**Part 2 Construction of New Social Villages**

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Adhere to the basic general plan for unified planning of urban and rural economic and social development and while actively and stably pushing forward urbanization, solidly and steadily push forward the construction of new villages according to the requirement of production development, well-off life, civilized village style, neat village appearance and democratic management.

#### Chapter 4 Development of Modern Agriculture

Adhere to taking the development of agricultural productivity as the primary task of building the new socialist village, push forward the strategic adjustment of agricultural structure, change the agricultural growth mode, increase the comprehensive agricultural production capacity and value adding ability and consolidate and strengthen the foundational status of agriculture.

##### Section 1 Increase Comprehensive Agricultural Productivity

Adhere to basic food self-support and stably develop grain production to ensure national grain safety and to enable the comprehensive grain productivity to reach 500 million tons. Strengthen the production ability in the main grain production regions and increase per unit area yield, quality and production benefit of grains. Establish the interest coordination mechanism between the grain production regions and the main sales regions. Give priority to the grain production ability construction in other regions.

Adhere to the strictest farmland protection system and ensure that the total quantity and quality of basic farmland are not reduced and dropped. Strengthen the fundamental farmland construction with emphasis given to the small water resource facilities, rebuild large scaled irrigation areas, accelerate the improvement of medium and low yield land and increase farmland quality and agricultural ability to prevent and reduce disasters.

Enhance agricultural scientific and technological innovation and transformation ability. Accelerate the construction of national agricultural scientific and technological innovation base and regional agricultural scientific research centre. Accelerate the research and development and popularization of such technologies as fine variety breeding of agricultural crops and animal and poultry and aquatic products, forage feeding, epidemic disease prevention and treatment, resource conservation and pollution treatment and control. Foster and spread excellent species such as super-grade crossbred paddy rice. Strengthen protection and rational development and utilization of species resources.

Reform the traditional cropping pattern, push agricultural standardization and develop economical agriculture. Use chemical fertilizer, pesticide and agricultural film in a scientific way and spread the applicable technologies such as testing soil for formulated fertilization, balanced fertilization, slow-release nitrogen fertilizer and biological control of plant diseases and insect pests. Popularize advanced and suitable farm machinery and implement and increase agricultural mechanization level.

##### Section 2 Push Forward Agricultural Structural Readjustment

Optimize agriculture industrial structure. While ensuring the stable yield increase of grain, cotton and oil, increase the proportion of fish breeding and poultry raising. Accelerate the development of animal husbandry and dairy industry, protect natural pasture lands, construct forage grass and herbage food base, improve animal and poultry feeding mode and enhance the level of scalization, intensification and standardization. Develop economic forest and flower industry by adjusting measures to local conditions. Develop aquaculture and aquatic product processing, implement the fishing cease and prohibition system and control fishing intensity.

Optimize agricultural product structure. Development high yield, high quality, high efficiency, ecological and safe agricultural products. Mainly develop high quality special grain species and

economic crops with high economic benefit and grain saving animal products and famous, special and excellent new aquatic products.

Optimize agricultural regional layout. Increase the comprehensive grain production capacity in the Huanghai and Huaihai Plain, the Changjiang mid- and down-stream Plain and the Northeast Plain. In the regions with favourable climatic conditions, construct economic crops industrial zones and famous, special, excellent, new, rare tropical crop industrial zones. Develop animal husbandry in rural sections and agriculture and animal husbandry intersecting areas, develop grassland animal husbandry in the south grass mountain and grass slope and the southwest karst terrains and restore and foster the sustainable development ability in the traditional pastoral areas. Develop dry farming and water saving agriculture in water-deficient areas.

### Section 3 Strengthen the Construction of Agricultural Service System

Improve agricultural technology transfer, agricultural product quality safety and standard, epidemic prevention for animals and plant protection, certification and approval service systems. Integrate agriculture related information resources and strengthen the construction of agricultural economic information application system. Push forward agricultural service organization and institution innovation, encourage and guide peasants to develop various specialized cooperative economic organizations and increase agricultural regularization extent.

### Section 4 Perfect Agricultural Circulation System

Push forward construction and reconstruction of agricultural product wholesale market and promote agricultural product quality hierarchization, including normalization. Continue to implement the "market development project for numerous villages and townships" and accelerate the reconstruction of supply and marketing cooperatives operating network and the extension of urban commercial network points to rural areas. Perfect the "green channel" network for fresh and living agricultural products. Develop the chain operation of agricultural means of production and standardize the market order of agricultural means of production.

## Chapter 5 Increase peasants' income

### Section 1 Tap the potential of agricultural income increase

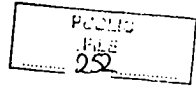
Actively develop the superior agricultural products with excellent variety, apparent characteristic and high added value. Extend agricultural industrial chain to enable peasants to obtain more incomes from expansion of agricultural function. Develop agricultural product processing, freshness keeping, storage and transportation and other services. Support agricultural industrialized operation, foster highly driving leading enterprises and improve the mechanism of interest and risk sharing between enterprises and peasant households. Expand the production of labour intensive products and green foods such as cultivation and gardening. Encourage export of superior agricultural products. Develop leisure and sightseeing agriculture.

### Section 2 Increase non-agricultural income

Push forward township and village enterprise institutional innovation and structural readjustment and guide township and village enterprises to concentrate in the small towns and county seats. Support county-wide economic development, pay attention to the development of the labour intensive industry and service industry with high employment capacity and strengthen countywide economy. Improve employment information service system, guide surplus labour forces to orderly transfer to non-agricultural industry and cities and towns, safeguard the legal rights and interests of the people who go to cities to work and increase the working peasants' income.

### Section 3 Improve the Policy of Income Increase and Burden Reduction





Continue to implement the direct subsidy policy for peasants, increase subsidy strength and promote the price of agricultural products to maintain at rational level. Stabilize the price of agricultural production means and establish agricultural support and protection system. Strictly carry out agricultural charging management and prohibit indiscriminate charge and unjustified financial levies for peasants.

#### **Chapter 6 Improve Agricultural Appearance**

Improve peasants' production and living conditions through unified planning, step by step implementation, government guidance, mass voluntariness, adjusting measures to local conditions and paying attention of actual effects.

##### **Section 1 Strengthen Rural Infrastructural Construction**

Make efforts to strengthen the construction of production and living facilities most urgently needed by peasants. Accelerate the implement of rural drinking water safety project. Strengthen rural road construction to basically realize that all towns and villages have bituminous paved (cement) roads in the country, the villages with organizational system where conditions permit in the East and Central Regions will have bituminous paved (cement) roads and the villages with organizational system where conditions permit in the West Region will have roads, and to improve the rural road management and protection system. Actively develop renewable energy sources such as rural marsh gas, power generation with stalk, small hydropower stations, solar energy and wind energy and improve agricultural power grids. Establish the general telecommunication service fund, strengthen agricultural information network construction, develop rural postal service and telecommunication and basically realize telephone availability in all villages and internet access in all townships. According to the principle of land saving, facility supporting, energy saving and environmental protection and characteristic emphasis, well carry out countryside construction planning, guide peasants to build houses rationally and protect the characteristic rural building style and features.

##### **Section 2 Strengthen Rural Environmental Protection**

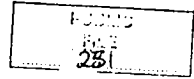
Conduct national survey for the present situation of solid pollution and comprehensively treat and control soil pollution. Prevent and control non-point source pollution such as pesticide, chemical fertilizer and agricultural field and strengthen pollution treatment for scaled cultivation farm. Push forward treatment of rural domestic wastes and wastewater and improve environmental sanitation and village appearance and style. Prohibit industrial solid wastes, hazardous wastes, town refuses and other pollutants from being transferred to rural areas.

##### **Section 3 Actively Develop Rural Health Service**

Strengthen rural health infrastructural construction with emphasis given to village and town health centres and improve rural tertiary health service and medical assistance system. Train rural health care personnel and carry out the activity for urban physician to support rural areas. Construct rural drum supply network and monitoring network. Strengthen the prevention and control of zoonosis such as bird flu. Improve rural birth control service system and implement the rural birth control family incentive and support system and the project of "bearing less and becoming rich rapidly".

##### **Section 4 Develop Rural Social Security**

Probe into and establish the rural endowment insurance system corresponding to rural economic development level and matching with other safety measures. Basically establish new type rural cooperative medicinal system. The places where conditions permit shall establish rural minimum living standard security system. Improve the social relief and assistance system such as support for the "five guarantees family", subsistence allowance for low income households and relief and assistance for disaster victims.



## **Chapter 7 Train New Type Peasants**

Accelerate the development of rural education, skill training and cultural causes and train the new type peasants who have culture, know techniques and can operate.

### **Section 1 Accelerate the Development of Rural Compulsory Education**

Make efforts to popularize and consolidate the rural nine-year compulsory education. Exempt tuition and miscellaneous fees from the students in rural compulsory education period and provide textbooks and grant living expenses to boarders. According to the principle of defining the responsibilities at various levels, sharing, and increasing, of financial investment by the Central and local governments, improving safeguard level and multiple-step organizing and implementing, comprehensively incorporate rural compulsory education into the public finance safeguard scope and construct rural compulsory education fund safeguard mechanism. Implement rural teacher training plan and enable 50% rural teachers in the Central and West Regions to receive a specialized training. Encourage urban organizations at various levels to serve the needs of agriculture with intelligence and increase the strength of urban teachers to support rural education. Comprehensively implement teleeducation in rural middle and primary schools.

### **Section 2 Strengthen Labour Force Skill Training**

Support scientific and technological training for new type peasants and improve peasants' farming skill and scientific and technological quality. Implement the training project for transfer of surplus rural labour forces and reinforce the working ability of rural labour forces. Implement the training project for rural practicable talents and train a large group of production experts, skilful craftsmen, managing staff and scientific and technical personnel.

### **Section 3 Develop Rural Cultural Cause**

Strengthen rural cultural facility construction and enlarge broadcast television and movie coverage. Guide cultural workers to go deep into countryside and satisfy the peasants' need of spiritual culture. Support rural amateur cultural team and encourage peasants to initiate cultural industry. Push the implementation of peasants' sports and bodybuilding project. Conduct the activities of "civilized villages and towns" and "civilized households" and guide peasants to develop the scientific, civilized and healthy life style.

## **Chapter 8 Increase Agricultural and Rural Investment**

Adhere to the "more grant, less levy and flexible policies" and accelerate the establishment of long term mechanism of promoting agriculture development through industrial measures and promoting rural area development through urban area construction. Adjust the national income distribution pattern and in the national fiscal expenditure and budget fixed asset investment, continuously increase the investment in agriculture and rural areas according to the principle of moderate inventory adjustment and key increment inclination. Enlarge the rural coverage by public finance and ensure the increase of financial investment in the three dimensional rural issues is higher than the previous year, additional fiscal expenditure for education, health and culture is mainly used in rural areas and the key point of infrastructural construction investment by the Central Government and local governments at various level is placed in agriculture and rural areas. Reform the governmental management method for agriculture supporting investment, integrate agriculture support investment and improve fund use efficiency. Encourage and support financing institutions to increase investment in agriculture and rural areas, actively develop petty credit and guide social funds to invest in agriculture and rural areas.

## **Chapter 9 Deepen Rural Reform**

Stabilize and improve the dual-level management system with contractual management on household basis as the basis and with the combination of centralization and decentralization. The places where conditions permit can circulate land contracting and managing right according to the law in the voluntary and paid principle and develop multi-form moderate scale management. Well carry out the arbitration service in the circulation of land contracting. Consolidate reform achievements of rural expenses of taxation, comprehensively push forward comprehensive rural reform and basically complete reform tasks of village and township institutions, rural compulsory education and county and township financial control system. Deepen rural reform of monetary system, standardize the development of financing institutions conforming to rural characteristics, exert the agriculture supporting action of rural credit cooperatives and establish and improve rural financial system. Steadily push forward collectively owned forest right reform. Accelerate land requisition system reform and improve rational compensation mechanism for the peasants whose lands expropriated. Enhance the service function of collective economic organizations at village level.

All out push forward the construction of agricultural grassroots organizations. Make efforts to well carry out the construction of village Party organizations and concurrently push forward the supporting construction villager self-governing organization and other village level organization. Actively promote the construction of village level organization activity areas. Strengthen the construction of rural grassroots cadre team. Promote political affair disclosure and democratic management and improve the village self-governing mechanism full of vitality under the leadership of the village Party organization.

#### Special Column 4: Key Project of New Village Construction

**Large scaled grain, cotton and oil production bases and high quality grain industrial project.** Construct area by area high yield and dependable crop commodity grain production bases in the main grain production zones and continue to construct high quality cotton base and high quality oil plant zone. In the 484 main grain production counties (farms) in the 13 main grain production zones, construct 10,000mu area by area standard green farm and implement such projects as fine variety breeding, prevention and control of plant diseases and insect pests and advancement of agricultural machinery.

**Soil fertilization project.** Increase the farmland quality construction strength of the medium and low yield farmland with high potential of yield increase and construct integration and transformation demonstration base for different type of new clay fertilizer technologies to increase the basic soil fertility of medium and low yield farms in the project implementation zone one grade higher.

**Plant protection project.** Improve county (city) level grassroots stations and provincial level sub-centers and construct a group of ecological and biological disaster control demonstration bases, pesticide safety test evaluation centers and biotechnology test regional centers.

**Supporting renovation for continued construction of large irrigation areas and renovation of large scaled flood drain pump stations in the four central provinces.** Carry out supporting for continued construction and water saving renovation for large scaled irrigation areas. Update and renovate the existing large scaled flood drain pump stations in the four provinces of Hunan, Hubei, Jiangxi and Anhui.

**Flax breed project of crop cultivation and fish breeding and poultry raising.** Construct agricultural crop germ plasma resource pool, agricultural crop improvement center, fine variety breeding base, animal, poultry and aquatic product stock and fine breed site, aquatic product inheritance breeding center, germ plasma resource pool and test center etc.

**Animal epidemic prevention system.** Construct and improve the six major systems of animal epidemic disease monitoring and prewarning, prevention and control, quarantine supervision, animal remedy quality supervision and residue monitoring, epidemic disease technical support and epidemic disease material safeguard.

**Agricultural product quality safety inspection and test system.** Construct national level agricultural product quality standard and test technology research center, agricultural product quality test center, regional quality inspection center, provincial level comprehensive agricultural product quality inspection center and county level agricultural product test station.

**Agricultural drinking water safety.** Resolve the problem that 100 million rural residents drink high-fluoride water, high arsenic water, bitter, contaminated water, and the problem of substandard water quality in schistosomiasis stricken area and microorganism overlimit as well as serious water shortage in local regions.

**Rural road.** Construct and improve 1.2 million kilometers of rural roads and all townships and towns and administrative villages where conditions permit will have roads.

**Rural marsh gas.** Construct the rural household use marsh gas project with the basic content of biogas generating pit, piggyry change, toilet change and kitchen change as well as the large and medium sized marsh gas projects such as some scaled animal and poultry cultivation farm and

**cultivation districts**

**Power supply to village and green energy county project.** Build 50 green energy demonstration counties and take advantage of power grid extension, wind electric power generation, small hydropower stations and solar energy PV power generation etc. to resolve the problem of electricity utilization by the 3.5 million people without electricity.

**Rural medical health service system.** With emphasis given to the village and town health centers in the Central and West Regions, concurrently construct county hospitals, smaller and clinic health care institutions and county (traditional Chinese) medical hospitals (taxiway hospitals).

**Rural birth control service system.** With emphasis given to the county and township technical service stations in the Central and West Regions, construct county level service stations, center village and town service stations and mobile service cars etc.

**Transfer and employment of rural labor force.** Strengthen rural labor force skill training, employment service and right and interest safeguard service ability construction and provide free legal policy advice, employment information, employment guidance and job introduction for the peasants who leave home to work.

### **Part 3 Push Forward Industrial Structure Optimization and Upgrading**

According to requirements of the new type industrialization road, adhere to having the market as orientation, the enterprise as principal part and the reinforcement of independent innovation ability as the central link, continue to exert the competitive advantage of labour intensive industry, adjust and optimize product structure, enterprise organizational structure and industrial layout, promote integral technical level and comprehensive competitive force and enlarge and strength the industry.

#### **Chapter 10 Accelerate the Development of High-Tech Industry**

According to the requirements of industrial concentration, scaled development and international cooperation expansion, accelerate and promote the extension of high-tech industry from processing and assembly to independent research and development and manufacture, push forward the industrialization independent innovation achievements and guide the formation of a group of leading industries with core competitive force, a group of industrial bases with outstanding concentrating effect, a group of transnational high tech enterprises and a group of well known brands with independent intellectual property rights.

##### **Section 1 Promote Electronic Information Manufacturing Industry**

According to the overall trend of digitalization, networkization and intelligentization, all out develop the core industries such as integrated circuit, software, new type parts and components, mainly foster the information industry group such as photoelectric communication, wireless communication, high performance computation and network equipment, construct industrial bases including software, microelectron and photoelectron etc and promote the formation of optoelectronic industrial chain. Develop key technology of information industry, reinforce innovation ability and competitive force and extend industrial chain.

##### **Section 2 Foster Bioindustry**

Exert China specific biological resources superiority and technical superiority and mainly develop biomedicine, biological agriculture, biological energy sources and biological manufacture aiming at the major demand of health, agriculture, environmental protection, energy resource and material fields. Implement the special project of biological industry and make efforts to realize the new breakthrough in the key technology in biological industry and the research and development of important product. Improve market access system, protect specific biological resources and safeguard biosafety.

##### **Section 3 Boost Airspace industry**

By adhering to the combination of far and near locations, army-civilian integration and combination of independent development with international cooperation, develop new branch line

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airplane, large airplane, helicopter and advanced engine and airborne equipment and enlarge subcontracted production and boost industrialization; drive the aerospace industry to change from test application type to business service type, develop communication, navigation remote sensing etc satellite and their application, and form the aerospace industrial chain for space, ground and terminal product manufacture and operation service.

### Special Column 5: Major Special Items for High-Tech Industrial Project

**Integrated circuit and software.** Construct integrated circuit research and development centre and realize 90nm and below integrated circuit process technological industrialization. Develop foundation software, middleware, large key system software and integrating system.

**New generation network.** Construct the next generation internet demonstration project, the digital TV network covering the nation and the mobile communication demonstration network. Realize new generation network key technology, key equipment, and key software industrialization and build new generation information network infrastructure. Realize the special industrialization of digital audio and video products.

**Advanced computation.** Break through the quadrillion high performance computer system technology, construct network based advanced computer platform and realize the industrialization of sea scale high performance computer.

**Biomedicine.** Construct a group of major disease prevention and control vaccine and gene engineering drug industrialization demonstration projects, perfect the modern Chinese medicine system and increase new drug development and manufacturing ability.

**Civil aircraft.** Develop several trunk lines, branch lines, utility aircrafts and helicopters. Develop advanced engines.

**Satellite application.** Research and develop new type meteorological, ocean, resource and communication satellites and develop non-toxic, pollution-free large thrust carrier rocket. Construct ground observation satellite and transit satellite system, domestic satellite ground system facilities and application demonstration project.

**New material.** Construct the industrialization demonstration project of various high performance and new type materials urgently needed in information, biology and aerospace industries etc.

### Section 4 Develop New Material Industry

Aiming at the development demand of such industries as information, biology, airspace, major equipment and new energy, mainly develop special functional materials, high performance structural materials, nanometre materials, composite materials and environmental protection and energy saving materials and establish and perfect the new material innovation system.

### Chapter 11 Vigorously Develop Equipment Manufacturing Industry

#### Section 1 Vigorously Develop Major Technical Equipment

Make efforts to break through the core technology and improve the integral level of major technical equipment research and development and design, core parts and components supporting, processing and manufacture and system integration. Strengthen organization and coordination, strengthen policy support and rely on key projects to complete technical standards. Research and develop a group of major technical equipment having significant influence and driving action on the national economic safety, technical progress and industrial upgrading in the fields of high grade NC machine tool and fundamental manufacture equipment, and high efficiency clean power generation and power transmission and transformation, and guide the formation of a group of enterprises with strong competitive force and integrated with research, development, design and manufacture.

#### Section 2 Promote Automobile Industry level

Reinforce the independent innovation ability in automobile industry and accelerate the development of automobile engine, automobile electronics, key assemblies and parts and components with independent intellectual property rights. Exert the function of backbone enterprises and improve the market share of passenger cars of independent brands. Encourage the development and use of energy saving and environmental protection and new type fuel

automobiles. Guide enterprises to realize merger and recombination in competition and form several enterprises with the capacity of one million vehicles.

### Section 3 Enlarge the Strength of Shipbuilding Industry

Strengthen independent ship design capability and construction of ship equipment supporting capability and large shipbuilding facilities, optimize the three major ship forms of bulk cargo ship, tank ship and container ship and mainly develop high-tech and high added value new type ship and ocean engineering equipment. Build shipbuilding base in the regions around Bohai Sea, Changjiang Estuary and Zhujiang Estuary etc and guide the shipbuilding enterprises in other regions to make rational layout and concentrated development.

#### Special Column 6: Key Point of Vigorous Development for Equipment Manufacturing Industry

**Large scaled high efficiency clean power generation equipment.** One million KW grade nuclear power generating unit, ultra-supercritical thermal power generating unit, gas-steam combined cycle unit, integral coal gasification gas-steam combined cycle unit, large circulating fluidized bed boiler, large hydropower generating unit and pumped storage unit, large air cooled unit and high power wind generating set etc.

**Ultra-high voltage power transmission and transformation equipment.** Grasp the manufacturing technology for  $\pm 500$ KV DC and 750KV AC key power transmission and transformation equipment and develop 1,000KV extra high voltage AC and  $\pm 800$ KV DC complete insulation and transformation equipment.

**Large scaled complete ethylene equipment.** Push forward the nationalization of one million ton grade large scaled complete ethylene equipment and complete p-xylene and terephthalic acid equipment.

**Large scaled complete coal chemical processing equipment.** Equipment for coal liquefaction and gasification and olefine production with coal.

**Large scaled metallurgical equipment.** Large scaled complete steel metal cold and hot tandem rolling equipment and coating and plating process equipment.

**Comprehensive excavation equipment in coal mines.** Large scaled comprehensive coal shaft excavation, transportation and lifting, washing and dressing equipment and large scaled surface mine equipment.

**Large ship equipment.** Large scaled ocean petroleum engineering equipment, 300,000 ton and crude oil transport ship, container ship with more than 10,000 standard containers, liquefied natural gas transport ship etc large, high tech, high added value ships and high power diesel engine equipment.

**Rail transit equipment.** Grasp the core technology and realize the nationalization of the equipment such as 220km/h high speed rail train and new type subway vehicles.

**environmental protection and comprehensive resource utilization equipment.** Large scaled environmental protection equipment such as air pollution control and treatment, urban and industrial wastewater treatment and solid waste treatment, and comprehensive resource utilization equipment such as seawater utilization and rejected vehicle treatment etc.

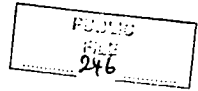
**NC machine tool.** Increase the level of large scaled, precision and high speed NC equipment and NC system as well as functional parts.

### Chapter 12 Optimize the Development of Energy Industry

Adhere to giving priority to conservation and base ourselves upon inland and have coal as the basis to realize pluralistic development. Optimize production and consumption structure and build the stable, economic, clean and safe energy supply system.

#### Section 1 Orderly Develop Coal

Strengthen coal resource exploration and realize unified planning and rational development, and enhance coal recovery and reduce impact of coal mining on ecological environment. Construct large scaled coal base, encourage coal enterprises to carry out combined restructuring and guide the formation of several enterprises with 100,000,000t production capacity. Encourage advantageous coal enterprises to implement the coal electricity joint venture or integrated operation of coal, electricity and transport. Adjust, innovate and reorganize medium and small



sized coal mines and legally close down the coal mines without the safe production conditions and with resource and environmental destruction.

Strengthen the comprehensive treatment for coal mine gas and accelerate the development and utilization of coalbed gas. Strengthen clean coal production and utilization, encourage the development of coal washing and dressing and comprehensive utilization of lower calorific value coal and gangue power generation and develop and spread the technologies such as high efficiency clean combustion and flue gas desulfurization. Develop coal chemical industry and coal-based liquid fuel and orderly push forward the construction of coal liquefaction and demonstration project to promote the transformation of deep coal processing.

### Section 2 Actively Develop Electric Power

Optimally develop thermal power with emphasis given to large scaled high efficiency environmental protection units. Construct large scaled ultra-supercritical power stations and large air cooled power stations. Push forward power generation with clean coal, build 60MW unit circulating fluidized bed power plants and initiate the integral coal gasification gas-steam combined cycle power plant project. Encourage the development of mine mouth plant and build large scale coal power generation base. Properly develop natural gas power generation and accelerate the elimination of backward small thermal power units.

Orderly develop hydropower on the basis of ecological protection and well carry out resettlement of affected residents, environmental governance and flood prevention and nautical navigation. Build hydropower bases in Jinsha River, Yalong River, Lantsang River and upper reaches of Yellow River and the large scaled hydropower stations including Xiluodu and Xiangjiaba etc. Properly build pumped storage stations.

Actively push forward nuclear power construction. Mainly construct one million KW grade nuclear power station. Gradually realize the independent design, manufacture, construction and operation of advanced pressurized water reactor nuclear power station. Strengthen nuclear fuel resource survey, exploitation and process technology innovation and key nuclear power technology development and nuclear power talent fostering.

Strengthen power grid construction. Construct the three major power transmission channel of West-East Power Transmission Project and transregional power transmission and transformation project. Expand the scale of West-East Power Transmission and continue to push forward West-East Power Transmission, South-North Mutual Aid and countrywide network connection. Strengthen regional and provincial level power grid construction, synchronously develop power transmission and distribution network, strengthen urban and rural power grid construction and innovation, complete urban and rural power distribution network, enlarge power supply scope and ensure power supply safety.

### Section 3 Accelerate the Development of Petroleum and Natural Gas

Accelerate the exploration strength of petroleum and natural gas resources. Strengthen oil gas resource survey and evaluation, enlarge exploration range, mainly explore sea area, main oil gas basin and new land oil gas area and carry out non-conventional oil gas resource survey and exploration such as coalbed gas, oil shale, oil sand and gas hydrate. Push ward pluralistic subject of oil gas exploration and development.

Pay equal attention to oil and gas, stably increase crude oil yield and increase natural gas yield. Strengthen dependable yield innovation of old oil fields and suspend the depression of old field yield. Accelerate oil gas resource development in the regions such as deep sea area, Tarim, Junggar, Erdos, Qaidam and Sichuan Basins. Adhere to equality and cooperation and mutual benefit and win-win and enlarge overseas oil gas resource cooperation and development.

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Moderately construct import natural gas project in the coast regions and expand and construct national petroleum reserve base.

Accelerate the planning and construction of oil gas trunk pipe network and supporting facilities and gradually complete national oil gas pipeline network. Build West-East Oil Transmission and North-South Oil Transport product oil pipe. Construct at appropriate time the second West-East Gas Transmission Pipeline and land route import oil gas pipeline.

#### Section 4 All Out Develop Renewable Energy Resources

Carry out preferential finance and taxation and investment policies and mandatory market share policies, encourage the production and consumption of renewable energy resources and increase its proportion in the primary energy consumption. All out develop wind energy and build 30 more than 100,000kw large scaled wind power generation projects and form one million KW wind power generation bases in Inner Mongolia, Hebei, Jiangsu and Gansu etc. Accelerate the development of biomass energy, support the development of power generation with stalk, waste incineration and bio-diesel oil, construct a group of stalk and forest mass power stations, and enlarge the production capacity of biomass solid fuel, fuel ethanol and bio-diesel oil. The synchronized installed capacity wind power generation and biomass power generation reaches 5 million KW and 5.5 million KW. Actively develop and utilize solar energy, geothermal energy and ocean energy.

#### Chapter 13 Adjust raw material industrial structure and distribution

According to the principle of total quantity control, backward elimination, restructuring acceleration and level promotion, accelerate the adjustment of raw material industrial structure and distribution, reduce consumption and pollution and increase product grade, technical content and industrial concentration ratio.

##### Section 1 Optimize the Development of Metallurgical Industry

Adhere to domination of domestic demand, make efforts to resolve surplus production capacity, strictly control additional iron and steel production capacity, accelerate the elimination of backward technology, equipment and product and improve iron and steel product grade and quality. Push iron and steel industry to develop recycle economy and exert the product manufacture, energy conversion and waste digestion and treatment function of iron and steel enterprises. Encourage enterprises to carry out transregional collectivized restructuring and form several enterprises with international competitive force. In combination with the relocation of urban iron and steel enterprises such as Shougang and elimination of backward production capacity, construct Caofeidian iron and steel base. Actively utilize low grade iron ore resources.

Control the total quantity of electrolytic aluminium, moderately develop alumina, encourage the development of deep aluminium processing and new type alloy material and enhance the comprehensive utilization level of aluminium industrial resources. Increase the exploration strength of copper, lead zinc and manganese ore resources, increase backup resources and stabilize mine production. Control the construction scale of copper, lead and zinc smelting and develop further processed products and new type alloy materials. Strengthen rare earth and tungsten, tin and antimony resource protection and promote the application of rare earth in the high-tech industry.

##### Section 2 Adjust Distribution of Chemical Industry

According to base, large scale and integration direction, adjust the distribution of petrochemical industry. In the concentrated oil product consumption regions, moderately expand oil refining production capacity mainly through expansion; in the concentrated oil product consumption regions without oil refining industry, rationally arrange new projects; and in the regions with



relatively redundant production capacity, control oil refining scale. Close down, stop, merge and change small low efficiency oil refining devices. Rationally arrange large scaled ethylene projects and form several Refinery-Chemical integration bases and prevent mass action all at once.

Adjust the distribution and structure of chemical fertilizer, pesticide and agricultural film industries. Construct million tons level urea base in the energy production region and grain and main cotton production regions. Construct phosphate fertilizer bases in Yuannan, Guizhou and Hubei and potassium fertilizer bases in Qinghai and Xinjiang. Control the total quantity of pesticide, improve pesticide quality and develop high efficiency, low toxic and low residue pesticides. Develop and popularize degradable agricultural films.

Optimize the development of basic chemical materials, actively develop fine chemical industry and eliminate high pollution chemical enterprises.

Enhance independent drug development ability, consolidate traditional chemical bulk drugs and develop characteristic bulk drugs. Strengthen Chinese medicine resource survey, protection, development and sustainable utilization, construct Chinese medicine resource base and all out develop Chinese medicine industry.

### Section 3 Promote the Sound Development of Building Material and Building Industry

With emphasis given to the conservation of energy resources, protection of ecological environment and improvement of product quality grade, promote the structural readjustment and industrial upgrading of the building industry. In the places where conditions permit, develop at and above 5,000t/d new type dry-process cement and gradually eliminate the backward production capacity including vertical kiln. Improve the quality and processing depth of building materials such as glass. All out develop energy efficient and environmental protection new type building materials, insulation materials and green decoration materials.

Push forward the technical advancement of the building industry, perfect the engineering construction standard system and quality and safety supervision mechanism, develop building standard parts, promote construction mechanization and enhance building quality.

### Chapter 14 Promote the Level of Light and Textile Industry

Make efforts to forge the independent brands, improve quality, increase varieties, satisfy diversified demands, enlarge top grade market share, consolidate and enhance the competitive power of the light and textile industry.

#### Section 1 Encourage the Light and Textile Industry to Improve Manufacturing Level

Use the new technologies such as information, biology and environmental protection to innovate the light and textile industry. Adjust the raw material structure of paper making industry, reduce water resource consumption and pollutant discharge, eliminate backward straw pulp production line and carry out forest and paper integration project in the regions where conditions permit. All out develop food industry, improve finish and deep processing level and safeguard food safety. Encourage household appliance, plastic product, leather and other light and textile industries to develop new products and improve technical content and quality.

#### Section 2 Encourage the Textile Industry to Increase Added Value

Increase the technical content and the proportion of independent brands of the textile industry. Develop high tech, high performance, differential, green and environmental protection fibre and recovered fibre and enlarge the development and utilization of industrial textile products, silk and non-cotton natural fibres. Push the transfer of textile industrial gradient.

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## **Chapter 15 Actively Push Forward Informatization**

Adhere to driving industrialization with informatization and promoting informatization with industrialization to improve the level of economic and social informatization.

### **Section 1 Accelerate the Informatization of Manufacturing Industry**

Innovate the manufacturing industry with informatization, advance production equipment digitalization, production process intelligentization and enterprise management informatization and promote the change of research and development and design, production and manufacture, material circulation and warehousing, and marketing in the manufacturing industry. Improve the informatization level of electromechanical equipment and realize precision and accurate and high efficiency production. Popularize the technologies such as total distributed control, field bus control, and agile manufacture and strengthen online monitoring, prewarning and control of production process.

### **Section 2 Deeply Develop Information Resources**

Accelerate the construction of the national basic information bank and promote basic information sharing. Optimize information resource structure. Strengthen information acquisition in the fields of production, circulation, science and technology, population, resource and ecological environment and strengthen deep development, prompt processing, dissemination, sharing and efficient utilization of information resources.

### **Section 3 Perfect the Information Infrastructure**

Actively push ahead the "Convergence of Three Networks". Construct and perfect wideband communication network, accelerate the development of wideband user access network and stably push forward the construction of the new generation mobile communication network. Construct the digital TV network integrated with cable TV, ground and transmission. Build the next generation internet and accelerate commercialized application. Formulate and improve network standards and promote interconnection and intercommunication and resource sharing.

### **Section 4 Strengthen the Information Safety Guarantee**

Actively defense and comprehensively prevent and improve information safety guarantee ability. Strengthen the information safety infrastructural construction including safety monitoring and control, emergency response, key management and network trust. Strengthen the safety protection of basic information network and important national information systems. Push ahead information safety product industrialization. Develop specialized information safety service such as consultation, determination and review and disaster recovery. Improve safety grade protection, risk assessment and safety access system.

## **Part 4 Accelerate the Development of Service Industry**

Adhere to marketization, industrialization and socialization direction, broaden fields, expand scales, optimize structure, reinforce functions and standardize market and improve the weight and level of the service industry.

### **Chapter 16 Widen the Productive Service Industry**

All out develop mainly producer oriented service industry, refine and deepen professionalized work division, reduce social transaction costs and improve resource allocation efficiency.

#### **Section 1 Give Priority to the Development of Traffic Transport Industry**

Unifiedly plan and rationally distribute traffic infrastructure, well carry out the mutual link-up of various transportation means, exert the combination efficiency and integral advantage and construct convenient, unobstructed, high efficiency and safe integrated transport system.

Accelerate the development of rail transport. Mainly construct passenger special line, intercity rail transit and coal transport channel and preliminarily form the personal rapid transit and coal transport network. Expand road network in the West Region, strengthen road network in the Central Region and Perfect road network in the East Region. Strengthen the construction of container transport system and major passenger and cargo hubs. Construct 17,000km new railway line including 7,000km special passenger transport line.

Further improve road network. Mainly construct national highway network and basically form the framework of national highway network. Continue to perfect national highway and provincial trunk road network and get through inter-provincial channel and exert the integral efficiency of road network. The total distance of roads reaches 2.3 million kilometres including 65,000km free way.

Actively develop water transport. Perfect the layout of coastal and riverside ports, mainly construct container, coal, import oil and gas and iron ore transfer and transport system. Expand port's throughput capacity. Improve sea gate navigation channel, improve the conditions of inland rivers to be open to navigation. Construct the high grade navigation channel network including Changjiang Gold Watercourse, Changjiang Delta and Zhujiang Delta and push forward the combined river and sea transport.

Optimize civil airport layout. Expand large scaled airport, perfect medium scaled airport and increase small scaled airport and increase the airport density in the Central and West Regions and the Northeast Region. Improve airline network. Construct modern air traffic control management system.

### Special Column 7: Key Project of Traffic Infrastructure

**Railway.** Construct Beijing-Shanghai, Beijing-Guangzhou-Shenzhen, Harbin-Dalian, Zhengzhou-Xi'an, Shanghai-Ningbo-Shenzhen and Nanjing-Wuhan-Chengde passenger railway lines for passenger traffic, Beijing-Tianjin, Shanghai-Nanjing, Shanghai-Hangzhou, Nanjing-Hangzhou, and Guangzhou-Zhuhai intercity rail transit, Xiangjiang-Meizhou Bay, Lanzhou-Chongqing, Tanyuan-Zhongwei (Yincailian) railways and Qinghai-Tibet Railway extension line, and Dandong-Qingwangshuo, Shouzhou-Huanghua railway capacity expansion and reconstruction.

**Highway.** Construct Dajing-Shanghai, Beijing-Fuzhou, Beijing-Hong Kong (Macao), Beijing-Kunming, Beijing-Harbin, Shenyang-Hailuo, Baotou-Maoming, Qingdao-Yinchuan, Nanjing-Luoyang, Shanghai-Xi'an, Shanghai-Chengqing, Shanghai-Kunming, Fuzhou-Yingchuan and Guangzhou-Kunmin expressways.

**Port.** Construct coal, import petroleum and gas, import iron ore transfer and transport system and container transport systems for Dalian, Tangshan, Tianjin, Qingdao, Shanghai, Ningbo-Zhoushan, Fuzhou, Xiamen, Shenzhen, Guangzhou, Zhanjiang and Yangcheng coastal ports. Construct coal transfer and storage bases at appropriate time in East China and South China.

**Water transport.** Construct Changjiang Estuary Deep Channel Governance Phase III Project, Zhujiang Estuary Sea Gate Channel Project, Changjiang River System, and Zhujiang Water System and Beijing-Hangzhou Canal Channel Governance Project and accelerate the construction of inner river ports of Chongqing, Wuhan and Nanjing.

**Airport.** Expand Beijing, Shanghai, Guangzhou, Hangzhou, Chengdu, Shenzhen, Xi'an, Urumchi, Zhengzhou, Wuhan airports, relocate Kunming and Hefei Airport etc and construct branch line airports in the Central and West Regions and the Northeast Region.

Optimize transport resource allocation. Strengthen hub link and inland transport completion and promote transport integration. Develop and apply high tech technologies such as high speed heavy load and large scaled specialized transport and new generation navigation system and spread multimodal container transportation and express delivery service. Apply information technology to promote transport management level and popularize intelligent traffic transport system. Develop transport intermediary service such as cargo agent and passenger and cargo marketing. Construct international navigation centres of Shanghai, Tianjin and Dalian.

### Section 2 All Out Develop Modern Material Circulation Industry

Popularize modern material circulation management technology, promote enterprise-wide material circulation socialization, and realize series operation of enterprise material procurement, production organization, product sales and renewable resource recovery. Foster specialized material circulation enterprises and actively develop the third party material circulation. Establish material circulation standardization system, strengthen material circulation new technology development and utilization and push material circulation informatization. Strengthen the integration of material circulation infrastructure, establish large scaled material circulation hub and develop regional material circulation centre.

### Section 3 Orderly Develop Financing Service Industry

Improve financial system, perfect service function, innovate service types and enhance service quality. Standardize and develop medium and small banks with different types of ownership and the non-bank financial institutions such as security company, finance company, financial lease company and fund management company. Encourage financial innovation, steadily develop comprehensive financial service and support the development of network financial service. Actively develop medium and small enterprise oriented financing and petty credit. Perfect the payment and settlement system and increase payment and liquidation efficiency. Improve the registration, trusteeship, and transaction and liquidation system of financial market. Develop overseas financial service and foreign exchange risk management and comprehensive financing etc and provide convenient service and foreign exchange risk avoidance tools for cross-border operation of enterprises.

Broaden insurance service field and develop endowment insurance and medical insurance and exert the important functions of commercial insurance in the perfection of social security system. Develop agricultural insurance and liability insurance and establish nationally supported agricultural and catastrophe reinsurance system. Broaden insurance fund exertion channel and develop new service modes such as network insurance.

### Section 4 Actively Develop Information Service Industry

Improve basic service of post and telecommunication, develop value added service, explore rising service and promote general service. Adjust telecommunication service structure and develop internet industry.

Actively develop electronic commerce. Establish and improve electronic commerce infrastructure, legal environment, credit and safety certification system and construct safe and convenient only payment service platform. Develop inter-enterprise electronic commerce and popularize the third party electronic commerce transaction and service aiming at the medium and small enterprises and key industries and regions.

Push ahead electronic government affairs. Integrate network resources, establish unified electronic government affairs network, build government affairs information platform, data exchange centre and digital certification centre, and promote inter-departmental information sharing and business cooperation. Develop basic data resources and office resources and perfect the key business system. Improve portal website system interacting between the government and the enterprise and the public and legally disclose government affair information and promote the standard of procedure for handling affairs. Foster public information service institutions and develop and utilize public information resources.

Strengthen mapping infrastructural construction, enrich and develop and utilize geographic information resources and develop geographic information industry. Encourage the digital content industrial development in the fields of education, culture, publication, and broadcast movie and television, enrich Chinese digital content resources and develop cartoon industry.

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#### Section 5 Develop Commercial Service Industry in a Standardized Way

Broaden and standardize the legal services such as lawyer, notarization, legal aid, judicial expertise and economic arbitration. Develop investment and assets management service for project planning, financial consultant, procurement and restructuring and listing. Develop, in a standardized way, the economic authentication service such as accounting, auditing, taxation, assets evaluation, calibration, test and goods inspection. Support the development of consultation service such as market survey, engineering consultation, management consultation and credit service. Encourage the development of specialized industrial design. Promote advertising industry development. Rationally plan exhibition hall and develop conference and exhibitor industry.

#### Chapter 17 Enrich Consumption Service Industry

Adapt to the upgrading trend of residents' consumption structure, continue to develop consumer oriented service industry, enlarge supply of deficient service product and meet the diversified service demand.

#### Section 1 Promote Commercial and Trade Service Industry

Encourage the development of ownership type and diversified operation form, good faith and people-conveniencing retail and food and beverage commercial and trade services. Actively develop modern circulation mode and organization form such as chain operation, concession operation and material circulation and distribution. According to the requirement of urban function optimization and traffic easing, rationally adjust urban commercial network point structure and layout.

#### Section 2 Develop Real Estate Industry

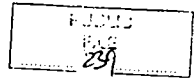
Adjust housing supply structure, mainly develop general commercial housing and economically affordable housing and strictly control large area high grade commercial housing. According to principle of supply guarantee and house price stabilization, strengthen the adjustment and control of the primary and secondary real estate market and lease market to promote echelon housing consumption. Improve real estate development and financing mode, strengthen capital management and develop in a standardized way the housing consumption credit and insurance. Standardize realty management behaviour and improve marketization degree.

#### Section 3 All Out Develop Tourist Industry

Comprehensively develop domestic tourism, actively develop inbound tourism and develop overseas tourism in a standardized way. Rationally develop and protect tourist resources, improve infrastructure, push the construction of key tourist zones and tourist lines and standardize tourist market order. Continue to develop sightseeing tourism, develop leisure and vacation as well science popularization, agricultural, industrial and ocean subject tourism etc and perfect self-service tourist service system. Continue to promote red tourism. Accelerate the integration and restructuring of tourist enterprises and encourage the development of characteristic tourist commodities.

#### Section 4 Strengthen Town Public Utility

Give priority to development of public transit, improve urban road network structure and public transit site and station, and make rail transit the preferred field and plan it in advance and construct it in appropriate time in the big cities and city groups where conditions permit. Actively develop taxi industry. Strengthen the innovation and centurion of urban water supply and drainage and reclaimed water pipe network, reinforce safe water supply ability and enlarge the use range of regenerated water. Rationally plan and construct and innovate urban centralized heat supply and fuel gas facilities.



#### **Section 5 Accelerate the Development of Community Service Industry**

Aiming at the people-conveniencing service, mainly develop community health and homemaking service, community; safety insurance, old people and infant caring, food distribution, repair service and waste and old material recovery etc. Smooth community management system, push community service standardization and networkization construction.

#### **Section 6 Develop Sports Cause and Sports Industry**

Strengthen the construction of sports facilities in the basic urban and rural levels and various schools, carry out all people bodybuilding activities and improve the body constitution of all the people and especially the youth. Protect and develop national and civilian sports. Deepen sports reform and encourage social forces to initiate sports causes and invest in sports industry. Develop in a standardized way the sports and body building, contest and performance, sport lottery, sports goods as well multi-form sports organizations and operating entities. Improve competition and sports level and well hold Beijing Olympic Games and Guangzhou Asian Games.

#### **Chapter 18 Policies to Promote the Development of Service Industry**

Break monopoly and release access fields and establish open, equal and standard industrial access system. Encourage social funds to invest in the service industry and increase the weight of non-public economy. In the fields outside the public service, it is necessary to accelerate industrialization reorganization according to the principle of separation profitability and non-profitability. Profitability institutions shall be restructured into enterprises and establish modern enterprise system as soon as possible. Continue to push forward the socialized reformation logistic service of governmental agencies and institutions. Adopt active finance, taxation and land and price policies and support the development of the key field of service industry, weak link, rising industry and new type industry. Perfect the service industry standard system and push forward service standardization. Big cities shall place the development of service industry in the preferred position and the places where conditions permit shall gradually form the industrial structure mainly based on the service economy.

#### **Part 5 Promote Regional Coordinated Development**

According to resource environmental bearing capacity, development basis and potential and in compliance with the requirements of exerting comparative advantage, strengthening weak link and enjoying equal basic public service, gradually form the regional coordinated development pattern that primary function is clearly oriented, the east, central and west beneficially interact and the difference between the public service and the people's living standard tends to decrease.

#### **Chapter 19 Implement the Overall Regional Development Strategy**

Adhere to implementing the overall regional development strategy of pushing the West Development, boosting the old industrial base such as the Northeast Region, promoting the Central Region to grow up, and encouraging the East Region to take the lead in development, improve coordinated regional interacting mechanism and form the rational regional development layout.

#### **Section 1 Push Forward the Western Development**

The Western Region shall accelerate the step of reform and opening to the outside world and reinforce its own development ability through national support, own effort and regional cooperation. Adhere to stringing points with line and driving area with point and rely on central cities and highways to carry out key development. Strength infrastructural construction, construct cross-border and transregional railway and new channel for West-East Coal Transport, build the "Five Longitudinal and Seven Transverse" west road sections and eight inter-provincial highways

and construct power supply base and West-East Power Transmission Project. Consolidate and develop the achievements of returning farmland to forest and continue advance the ecological projects such as return pasture to grassland and natural forest protection, strengthen vegetation protection, increase the treatment strengthen of desertification and hammada and strength the prevention and control of water pollution in key regions. Strengthen the protection and construction of ecological safety barrier in Qinhai Tibetan Plateau. Support the change of resource advantage to industrial advantage, all out develop characteristic industry, strengthen clean energy, superior mineral resource development and processing and support the development of advanced manufacturing industry, high tech industry and other superior industries. Strengthen and improve public service, give priority to the development of compulsory education and vocational education, improve medial medical and sanitation conditions and push forward talent development and scientific and technological innovation. Construction and perfect the border port facilities, strengthen economic and technological cooperation with neighbouring countries and carry out frontier trade. Implement and deep the Western Development policy, increase policy support and financial transfer payment strength and promote the establishment of long term and stable Western Development fund channel.

#### Section 2 Boom the Old Industrial Bases such as Northeast Region

The East Region shall accelerate industrial restructuring and state owned enterprise reform, restructuring and renovation to realize vigorous development in the reform and opening to outside world. Develop modern agriculture, strengthen grain base construction, push agricultural scaled, standardized, mechanized and industrialized operation and increase commodity rate and added value. Construct bases of advanced equipment, top quality steel, petrochemical, automobile, ship and deep agricultural and sideline product processing and develop high tech industry. Establish resource development compensation mechanism and declining industry aid mechanism, give priority to the resource depletion type city economic transformation experimental spots such as Fuxin, Daqing, Yichun and Liaoyuan and well carry out slum-dweller reconstruction and coal mining settling area treatment. Strengthen the infrastructural construction such as the Northeast and East Railway Channel and trans-provincial highway transport channel, accelerate market system construction and promote regional economic integration. Expand economic and technical cooperation with neighbouring countries. Strengthen comprehensive treatment of water loss and soil erosion and the North-eastern and Western desertification. Support the booming of the old industrial bases in other regions.

#### Section 3 Promote the Grow-Up of Central Region:

The Central Region shall rely on the existing foundation to promote industrial level, promote industrialization and urbanization and grow up while exerting the advantages of linking the east and west and industrial development. Strengthen the construction of modern agriculture and especially main grain production areas, increase investment in agricultural infrastructural construction, reinforce the production capability of bulk agricultural products like grain and promote transformation and value increase of agricultural product processing. Support Shanxi, Henan and Anhui to strengthen the construction large scaled coal bases and develop mine mouth plants and coal and power cogeneration. Accelerate the structural readjustment of superior industries such as iron and steel, chemical industry, non-ferrous metal and building materials and form the top grade raw material base. Support the development of equipment manufacturing industries such as mine machinery, automobile, agricultural machinery, rolling stock and power transmission and transformation equipment and the high tech industries such as software, photoelectron, new material and bioengineering. Construct comprehensive traffic system and mainly construct trunk railway and road, inland river port and regional airport. Strengthen infrastructural construction like material circulation centre and perfect the market system.

#### Section 4 Encourage the East Region to Take the Lead in Development

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The Eastern Region shall take the lead in improving independent innovation ability, realizing the optimizing and upgrading economic structure and change of growth mode and perfecting socialist market economic system and to help the Central and West Regions to develop while taking the lead in development and reform. Accelerate the formation of a group of independent intellectual property rights, core technologies and well known brands and improve industrial quality and competitive power. Give priority to the development of advanced manufacturing industry, high tech industry and service industry and make efforts to develop intensive processing and top class products. Promote the upgrading of processing trade, actively carry on the transformation of high tech industry and modern service industry, improve export-oriented economic level and reinforce international competitive power. Strengthen farmland protection and develop modern agriculture. Enhance utilization efficiency of resources and especially land and energy, strengthen ecological environmental protection and reinforce sustainable development ability. Continue to exert the functions of special economic zone and Shanghai Pudong New Area, push forward the development and opening of Tianjin Coastal New Area, support the economic development of the across strait and other regions where Taiwan merchants are relatively concentrated to drive regional economic development.

**Section 5 Support the Development of Old Revolutionary Base Areas, Minority Nationality Regions and border areas**

Increase financial transfer payment strength and financial investment strength and support the old revolutionary base areas, minority nationality regions and border areas to accelerate their development. Protect natural ecology and improve infrastructural conditions. Develop pre-school education, accelerate the popularization of compulsory education, well carry out the ethical junior high school and senior high school classes in central cities and strengthen the construction of ethical universities and higher education in minority nationality regions. Construct minority folk traditional cultural community, support minority publication cause and establish bilingual teaching demonstration zone. Strengthen minority talent team construction and stabilize talent team in minority nationality regions. Support development ethnical characteristic industry, ethnical urgently needed commodities, ethnical medical industry and other superior industries. Preferably resolve the poverty problem of extremely poor minorities, support the economic and social development of ethnical groups with relatively small population and push forward the action of booming the border area and enriching the people. Continue to implement the policies of supporting the development of the Tibet, Xinjiang and Xinjiang Production and Construction Corps.

**Section 6 Improve Regional Coordination and Interacting Mechanism**

Improve market mechanism, break the restriction of administrative division, promote the interregional free flow of production elements and guide industrial transfer. Improve cooperative mechanism, encourage and support all regions to carry out multi-form regional economic coordination and technical and talent cooperation and that the East drives the West to develop and the East, Central and West region jointly develop. Improve mutual aid mechanism: developed regions shall use aid and social donation methods to help and support underdeveloped regions. Improve support mechanism and, in accordance with service equalization principle, increase the state's support for underdeveloped regions. The state shall continue to increase support to the Central and Western Regions in economic policy, fund investment and industrial development.

**Chapter 20 Push the Formation of Principal Function Area**

According to resource environmental bearing capacity, existing development density and development potential, consider, in a unified way, China's population distribution, geographical distribution of the different sectors of the economy, territory utilization and urbanization pattern, divide land space into four principal functional zones of optimal development, key development, restricted development and prohibited development, and adjustment and perfect regional policies



and performance evaluation according to the principal functional localization, standardize space development order and form the rational space development structure.

**Section 1 Development Direction of Optimized Development Zone**

Optimized development area refers to the region where land development density is already high and resource environmental bearing capacity starts to decline. It is necessary to change the mode of realizing rapid economic growth by relying on extensive occupation of land, considerable consumption of resources and excessive discharge of pollutants, put the increase of growth quality and benefit in the first place, promote the level to participate in the global work division and competition and continue to be the lead zone that drives the national economic and social development and the principal zone for China to participate in the economic globalization.

**Section 2 Development Direction of Key Development Zone**

Key development zone refers to the region where resource environmental bearing capacity is relatively strong and economic and population concentration condition is relatively good. It is necessary to substantiate infrastructure, improve investment and business establishment environment, promote industrial group development, enlarge economic scale, accelerate industrialization and urbanization, undertake the industrial transfer of the optimized development zone and the population transfer of restricted development zone and prohibited development zone and gradually become the important carrier to support national economic development and population concentration.

**Section 3 Development Direction of Restricted Development Zone**

Restricted development zone refers to the region where resource environmental bearing capacity is relatively weak and large scale concentrated economic and population condition is not good enough and which is related to the ecological safety in the country or greater regional ranges. It is necessary to adhere to protection priority, moderate development, point development and adjust measures to local conditions to develop characteristic industry bearable by resource environment, strengthen ecological remediation and environmental protection, guide overloaded population to orderly transfer and gradually become the national or regional important ecological functional zone.

**Special Column 8 Functional Orientation and Development Direction of Some Restricted Development Zones**

**Da Xiangling and Xiao Xiangling Forest Ecological Functional Zone:** prohibit non-protective logging, conduct tree planning and afforestation and land-water conservation and protect wildlife.

**Changbai Mountain Forest Ecological Functional Zone:** prohibit non-protective logging, conduct tree planning and afforestation and headwater conservation and prevent water loss and soil erosion.

**Changdian Forest Ecological and Biodiversity Functional Zone:** renew biodiversity and multiple rare and precious animal gene banks.

**Qilou Biodiversity Functional Zone:** moderately develop hydroenergy, reduce forest felling and protect wild species.

**Southeast Tibetan Plateau Edge Forest Functional Zone:** protect natural ecological system.

**Xinjiang Altay Mountains Forest Ecological Functional Zone:** prohibit non-protective logging and rational renew forest land.

**Qinghai Sanjiangyuan Prairie-Meadow Wetland Ecological Functional Zone:** close land for grassland, reduce stock-carrying capacity, expand wetland, conserve headwater, prevent grassland degradation, and carry out ecological restoration.

**Xinjiang Tarim River Desert Ecological Functional Zone:** rationally utilize surface water and ground water, adjust agricultural and animal husbandry structure and strengthen drug development management.

<p><b>Xinjiang Aerial Grassland Desert Ecological Functional Zone:</b> control the range of grazing and tourist region, prevent illegal hunting and reduce disturbance of human activities.</p> <p><b>Northwest Tibetan Qiangtang Plateau Desert Ecological Functional Zone:</b> protect desert ecological system, prevent illegal hunting and protect wide animals.</p> <p><b>Northeast Sanjiang Plain Wetland Ecological Functional Zone:</b> expand protection range, reduce agricultural development and urban construction strength and improve wetland environment.</p> <p><b>North Jiangsu Coastal Wetland Ecological Functional Zone:</b> stop reclamation, expand wetland protection range and protect south-north bird migration channel.</p> <p><b>Sichuan Ridge Plateau Wetland Ecological Functional Zone:</b> stop reclamation, reduce excessive development, maintain wetland area and protect rare and precious animals.</p> <p><b>Gansu Yellow River Important Water Source Recharge Ecological Functional Zone:</b> strengthen the protection of natural forest, wetland and plateau wildlife, carry out returning land to forest and grass, herdman settlement and ecological resident relocation.</p> <p><b>Chuanbian Rehe Valley Ecological Functional Zone:</b> return land to forest, irrigation and grass, carry out comprehensive treatment, prevent water loss and soil erosion and reduce population density.</p> <p><b>Inner Mongolia Hulahe Bole Grassland Desertification Prevention and Control Zone:</b> prohibit excessive reclamation, improper firewood cutting and overload grazing, return pasture to grass and prevent and treat pasture lands deterioration and desertification.</p> <p><b>Inner Mongolia Horqin Desertification Prevention and Control Zone:</b> take highly pertinent treatment measures according to desertification degree.</p> <p><b>Inner Mongolia Hunshandake Desertification Prevention and Control Zone:</b> take plant and engineering measures and strengthen comprehensive treatment.</p> <p><b>Mawasu Desertification Prevention and Control Zone:</b> restore natural vegetation and prevent expansion of sand dune activation and desert area.</p> <p><b>Loess Plateau Hill and Ravine Water Loss and Soil Erosion Prevention and Control Zone:</b> control development strength, comprehensively treat water loss and soil erosion with small watershed unit and construct warp land dam.</p> <p><b>Dabie Mountain Soil Erosion Prevention and Control Zone:</b> carry out ecological resident relocation, reduce population density and restore vegetation.</p> <p><b>Guangxi, Guizhou and Yunnan Karst Stone Desert Prevention and Control Zone:</b> close the land for reforestation and grass planting and animal rising, carry out ecological resident relocation, change cultivation mode and develop ecological industry and superior non-agricultural industries.</p>
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#### Section 4 Development Direction of Prohibited Development Zone

Prohibited development zone refers to various nature reserve areas established legally. It is necessary to carry out compulsory protection according to laws and regulations and related planning, control the interference of human factors with natural ecology and prohibit from the development activities not conforming to the principal functional orientation.

#### Special Column 9: Prohibited Development Zone

**National nature reserves:** totally 243, 89.44 million hectares.

**World cultural and natural heritage:** totally 31.

**Natural key famous scenic sites:** totally 187, 9.27 million hectares.

**Natural forest park:** totally 565, 11 million hectares.

**Natural geological park:** totally 138, 480,000 hectares.

### Section 5 Implement Classified Management Regional Policy

The financial policy shall increase the financial transfer payment for the restricted development zone and prohibited development zone for compensation for public service and ecological environment and gradually enable local residents to enjoy equal basic public service. Investment policy shall mainly support the restricted development zone and prohibited development zone in their construction of public service facilities and protection of ecological environment and support the key development zone in its infrastructural construction. Industrial policy shall guide the optimized development zone to transfer the processing industry and labour intensive industries that occupy extensive land and have high consumption and to promote industrial structural level; guide the key development zone to strengthen industrial supporting ability construction; guide the restricted development zone to develop characteristic industry and restrict the industrial expansion not conforming to the principal functional orientation. Land policy shall carry out stricter construction land increment control for the optimized development zone and properly enlarge the construction land supply for the key development zone while ensuring the basic farmland is not reduced, and carry out strict land use control for the restricted development zone and prohibited development zone and prohibit change of ecological land usage. Population management policy shall encourage the exotic population having fixed jobs and residences in the optimized development zone and key development zone to settle down and guide the population in the restricted development zone and prohibited development zone to gradually transfer voluntarily and orderly. Performance evaluation and achievement evaluation shall strengthen the evaluation of economic structure, resource consumption and independent innovation etc and weaken the evaluation of economic growth for the optimized development zone; comprehensively evaluate economic growth, quality benefit and industrialization and urbanization level for the key development zone; emphasize the evaluation of ecological environmental protection etc and weaken the evaluation of economic growth and industrialization and urbanization level for the restricted development zone; and mainly evaluate ecological environmental protection for the prohibited development zone.

### Chapter 21 Promote the Sound Development of Urbanization

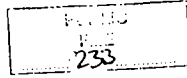
Adhere to coordinated development of big, medium and small cities and small towns, enhance comprehensive urban bearing capacity, actively and stably push forward urbanization according to the principle of step by step, land conservation, intensive development and rational layout, and gradually change the urban and rural dualistic structure.

#### Section 1 Guide Population Urbanization by classes

For the people who temporarily go to work in cities, continue to carry out the policy of being engaged both in industrial and agricultural production and urban and rural two-way flow and legally safeguard their legal rights and interests in labour reward, labour time, legal holiday and safety protection; for the people who already have fixed jobs and residences in cities, create conditions to make them gradually change into urban residents and legally enjoy the rights owned by local residents and bear due obligations; for the rural population who have lost their land due to land requisition for urban construction and will change into urban residents, the city government shall provide employment assistance, skill training, unemployment insurance and minimum life guarantee etc. Encourage rural population to settle down in medium and small cities and small towns and the megalopolises shall proceed from adjusting the source of industrial structure and form the mechanism of using economic means to control excessively rapid population growth.

#### Section 2 Form Rational Urbanization Spatial Layout

Make city agglomeration as the principal form for pushing ahead urbanization and gradually form the highly efficient, coordinated and sustainable urbanization spatial layout that the coastal and Beijing-Guangzhou Line and Beijing-Harbin Line is the longitudinal axis, the Changjiang River and Longhai Railway Line is the transverse axis, several city agglomerations are the principal part,



other cities and small towns are spot distributed and permanent farmland and ecological functional zones are spaced.

The regions of Beijing-Tianjin-Hebei, Changjiang Delta and Zhujiang Delta where city agglomeration has formed shall continue to exert the leading and radiation actions, strengthen work division and cooperation and advantage complementation of all cities in the city agglomeration and shall reinforce the overall competitive power of the city agglomeration.

The regions that have the conditions of urban agglomeration development shall strengthen unified planning and with megalopolis and megapolis as the leader, exert the functions of central cities and form several new city agglomerations with less land utilization, more employments, strong element concentration ability and rational population distribution.

The regions with disperse population and poor resource conditions that do not have the conditions for city agglomeration development shall mainly develop existing cities, county towns and organic towns and become the concentrating centre of economy, population and public service in the region.

### Section 3 Strengthen Urban Planning Construction Management

Planning of city scale and layout shall conform to the local natural bearing capacity such as water and soil resource, environmental capacity and geological structure and suit local economic development, employment space, infrastructure and public service supply ability.

Strengthen urban water head site protection and water supply facility construction. Water deficient cities shall properly control city scale and prohibit the development of high water consumption industries and construction of high water consumption landscape. The cities where groundwater is exploited excessively shall control groundwater exploitation and prevent land subsidence. The construction of urban road, water supply and drainage, energy, environment protection, telecommunication and cable television shall break the departmental and local separation and be carried out in a coordinated way on the basis of unified planning to reduce blind filling and excavation and demolition and construction. Strengthen the construction of comprehensive disaster prevention and reduction and emergency management ability. Steadily push forward the innovation of urban dilapidated and old houses and "Urban Village" and safeguard the legal rights and interests of the households that have to be relocated due to pull-down of the original home. Urban planning and architectural design shall extend the history, continue the culture, emphasize characteristic, and protect ethical and cultural heritage and famous scenery resources. Strengthen the monitoring and management of urban planning, push forward comprehensive urban management and improve urban management level.

### Section 4 Improve the System Mechanism of Urbanization Development

Accelerate the demolition of the system obstruction for urban and rural separation and establish and improve the finance and taxation, land requisition, administrative management and public service systems. Improve administrative division setup and management mode. Reform the urban and rural separated employment management system, deepen domicile system reform and gradually establish urban and unified population registration system.

## Part 6 Construct Resource Efficient and Environmental Friendly Society

Implement the basic national policy of resource conservation and environmental protection, construct low investment, high yield, low consumption, low emission, circulating and sustainable national economic system and resource efficient and environmental friendly society

### Chapter 22 Develop Recycle Economy

Adhering to paying equal attention to development and conservation and conservation priority and according to the principle of reduction, reutilization and beneficial treatment and, in the links of resource exploitation, production consumption, waste production and consumption etc, gradually establish the resource recycling system for the whole society.

#### Section 1 Conserve Energy Resources

Strengthen the policy orientation for energy conservation and high efficiency utilization and increase energy saving strength. Realize structural energy conservation by optimizing industrial structure and especially reducing the weight of high energy consumption industry; realize technical energy conservation by developing and popularizing energy conservation technology; and realize management energy conservation by strengthening system construction in the industries such as energy production, transport and consumption. Increase the implementation strength of automobile fuel oil economic indicators and accelerate the elimination of old transport equipment. Formulate substitute liquid fuel standards and actively develop petroleum substitute products. Encourage the production and use of high efficient energy saving products.

#### Special Column 10 Key Energy Conservation Projects

**Low efficiency industrial boiler (kiln) improvement:** use the technologies such as circulating fluidized bed and pulverized coal firing to improve or replace existing medium and small coal fired boiler (kiln).

**Regional cogeneration:** develop cogeneration and combined production of heat, power and cold to rebuild the distributed small heating boiler into centralized heat supply.

**Exhaust heat and excess pressure utilization:** carry out exhaust heat and excess pressure utilization in iron and steel and building material industries.

**Saving and replacing petroleum:** take oil saving measures in electric power and traffic transport industries and develop petroleum replacement products such as coal liquefaction and alcohol ether fuels.

**Motor system energy conservation:** conduct optimization and improvement of motor driven fan and water pump system.

**Energy system optimization:** carry out system energy optimization in petrochemical and iron and steel industries to enable the comprehensive enterprise energy consumption to reach or approach the world advanced level.

**Building energy conservation:** strictly execute building energy conservation design standard, push the innovation of existing building energy conservation and popularize new type wall materials and energy saving products etc.

**Green lighting:** popularize high efficiency and electricity saving lighting system: in public facilities, hotels, commercial buildings, office building and residences.

**Governmental agency energy conservation:** government agency buildings shall be reconstructed according to building energy conservation standard and use of energy saving products etc are popularized in government agencies.

**Energy conservation monitoring and technical service system construction:** update monitoring equipment and strengthen personnel training etc.

#### Section 2 Water saving

Develop agricultural water conservation, push forward rainwater accumulation and storage, construct water saving irrigation forage grass base, improve water utilization efficiency and

basically realize the zero growth of total irrigation water. Mainly promote the water saving technical innovation of high water consumption water in thermal power and metallurgical industries. Give priority to urban water saving work, compulsorily popularize the use of water saving equipment and utensils and enlarge the use of regenerated water. Strengthen the water saving facility construction of public buildings and residences. Actively carry out seawater desalination, direct seawater utilization and utilization of mine water.

### Section 3 Land use saving

Implement the basic national policy for land protection. Control total quantity, strictly control increment and mobilize stock and control the scale of changing agricultural land to construction land. Establish and improve land use quota standard and carry out multi-floor standard workshop. Conduct rural land arrangement, adjust layout of residential areas, control land occupation by rural residential areas and carry out reclamation of waste land. Control construction of big urban squares and develop energy saving and land saving public buildings and residences. Realize the prohibition of the use of solid clay bricks in all cities in 2010.

### Section 4 Saving Materials

Push ecological product design, popularize technical process for material conservation and encourage the use of small, light duty and regenerated materials. Improve building quality, extend service life and advocate simple and practicable building decoration. Push the conservation and substitution of wood, metal and cement etc. Prohibit excessive package. Standardize and reduce the production and use of disposable products.

### Section 5 Strengthen Comprehensive Resource Utilization

Give priority to the comprehensive utilization of coal and ferrous and nonferrous concomitant mineral resources. Push forward the utilization of industrial wastes such as fly ash, gangue, metallurgical waste residue and chemical waste residue as well ore tailings. Push the recycling of stalk, agricultural field and animal and poultry feces. Establish the producer responsibility extension system, push the recovery and utilization of waste paper, waste and old metal, waste and old tyre and waste electronic products. Strengthen the beneficial use of domestic wastes and sludge.

Push the industries such as iron and steel, ferrous metal, coal, electric power, chemical, building material and sugar refining to carry out recycle economy innovation and form a group of recycle economy demonstration enterprises. Carry out recycle economy experimental spot in key industries, fields, industrial parks and cities. Develop high efficiency ecological economy such as the Yellow River Delta and the Three Gorges Reservoir area etc.

#### Special Column 11 Recycle Economy Demonstration and Experimental Spot Project

**Key industry:** construct a group of recycle economy demonstration enterprises such as Jigang, Baogang, Angang and Begang, Pangang, China Aluminum, Jinchuan Co., Jiangxi Copper Industry and Lubei Chemical Co. etc.

**Industrial park:** construct resource recycle industrial chain and park centralized heat supply and waste treatment center and construct several recycle economy industrial demonstration zones such as Caoferidian in Hebei and Chaidamu in Qinghai.

**Renewable resource recovery and utilization:** construct renewable resource recovery and utilization market and processing demonstration bases such as Miluo in Hunan.

**Secondary metal utilization:** construct several >300,000t secondary copper, secondary aluminum and secondary

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lead demonstration enterprises.

**Waste and old household appliance recovery and treatment:** construct several waste and old household appliance recovery and utilization demonstration bases.

**Reproducing:** construct several auto engine, transmission, motor, tyre recapping etc reproducing demonstration enterprises.

**Section 6 Strengthen the Policy Measures to Promote Conservation**

Accelerate recycle economy legislation. Carry out unit energy consumption objective responsibility and evaluation system. Improve the energy consumption and water consumption admittance standard and main energy consuming products and building energy efficiency standard for key industries and energy saving design specification and water catchment quota standard for key industries. Strictly execute technical standard and material consumption accounting system for design, construction and production. Carry out the compulsory elimination system of high water consumption backward technology, technique and equipment. Implement compulsory energy efficiency identification system and energy saving product certification system. Strengthen power demand side management, government energy saving procurement and contract energy source management. Implement the finance and taxation, price and investment policies conducive to resource conservation, comprehensive utilization and petroleum replacement product development. Reinforce the resource deficiency awareness and conservation awareness of the whole society.

**Chapter 23 Protect and Remedy Natural Ecology**

The key point of ecological protection and construction shall change for post-mortem treatment to prior protection and change form artificial construction based to natural recovery base so as to turn the ecological deterioration trend from the sources.

**Special Column 12 Key Ecological Protection Project**

**Natural forest resource protection:** carry out comprehensive and effective management and protection for the 94.18 million hectares of natural forest and other forest in the project region and plant 5.79 million hectares of forest in the project areas in the upper reaches of Changjiang River and the upper and middle reaches of Yellow River.

**Return land to forest and grass:** continue to carry out returning land to forest and grass in the water loss and soil erosion area in Changjiang and Yellow River drainage basins and north windy sand regions.

**Return pasture to grass:** treat the seriously deteriorated grassland in the four areas: east part of Inner Mongolia, west of Inner Mongolia, Gansu and Ningxia, east of Qinghai-Tibet Plateau and north of Xinjiang.

**Widely sand source treatment in Beijing and Tianjin:** return 340,000 hectares of land to forest; plant 280,000 hectares of forest in the barren mountain and deserted regions in Yilin; artificially plant 1.27 million hectares of forests; airplane plant 1.45 million hectares of forest; plant 950,000 hectares of trees and grass to fix the sand and treat 2.91 million hectares of grassland.

**Protective forest system:** construct the "Three North" Protective Forest System Phase IV Project, Changjiang and Zhujiang Protective Forest and Taihang Mountain Greening, Plain Greening AND Coastal Protective Forest System Project. Push the construction of the Three Gorges Reservoir Area green belt.

**Wetland protection and remediation:** construct 232 wetland protection zones including 49 national ones and restore important wetlands by means of rational allotment and distributor and management for water resources.

**Ecological protection and construction of Qinghai Sanjiangyuan Nature Reserve:** returning pasture to grass: 6.44 million hectares; returning farmland to forest and grass: 6,500 hectares; closing the land for reforestation, prevention and control of desertified land; and wetland protection and black carb soil: 800,000 hectares; treatment of damage by wild fire: 2.09 million; treatment of water loss and soil erosion: 50,000 hectares.

**Conservancy engineering:** increase 19 million hectares of water loss and soil erosion treatment area. Implement the comprehensive treatment for Shiyong River Valley.

**Construction of wildlife protection and nature reserves:** construct and improve a group of nature reserves and continue to implement the rescue

project for extremely endangered species of wild fauna and flora.

Comprehensive treatment of stone desert region, increase stone desert region treatment strength by means of vegetation protection, returning farmland to forest, closing the land for reforestation and grass, planting grass and stock keeping, rationally developing and utilizing water resources, land treatment and soil conservation, changing cultivation system, constructing rural marsh gas and supporting the poor by changing locations.

Establish important ecological functional zone in the restricted development zones such as natural forest protection zone and important headwater conservation zone to promote natural ecological restoration. Improve legality, determine subject, define responsibility and strengthen monitoring and management for nature reserves. Effectively protect biodiversity and prevent exotic harmful species from infringing our ecological system. Establish ecological compensation mechanism according to the principle of who develops protects and who benefits compensates.

#### Chapter 24 Increase Environmental Protection Strength

Adhere to prevention first and comprehensive treatment, strengthen pollution prevention from the source and resolutely change the situation of pollution before treatment and treating while polluting. Mainly resolve the conspicuous problems that affect economic and social development and especially seriously endanger people's health, effectively control pollutant discharge and improve as soon as possible the environmental quality in key drainage basin, key region and key cities.

##### Section 1 Strengthen Water Pollution Prevention and Treatment

Increase the water pollution prevention and control strength in the key drainage basins such as the "three rivers and three lakes" and key regions. Scientifically delimitate drinking water source protection zones, strengthen monitoring and control for pollution from major rivers and lakes, resolutely suppress direct pollution discharge ports in drinking water head sites and strictly prohibit the discharge of over-limit wastewater to rivers and lakes. Strengthen the construction of urban wastewater treatment facilities, comprehensively begin to collect wastewater treatment charges and enable urban wastewater treatment rate to be not lower than 70% in 2010.

##### Section 2 Strengthen Atmospheric Pollution Prevention and Control

Increase atmospheric pollution prevention and control strength in major cities. Accelerate the construction of desulfurizing facilities in the existing coal fired power plants and new built coal fired plants must install desulfurizing devices according to emission standard, advance the comprehensive treatment of sulphur dioxide in iron and steel, ferrous metal, chemical and building material industries. In the big and medium cities and their suburbs, strictly control the construction (expansion) of coal fired power plants other than cogeneration and prohibit from the construction (expansion) of high energy consumption enterprises such as iron and steel and metallurgy. Increase the treatment strength of urban smoke dust, dust, fine particulates and vehicle tail gases.

##### Section 3 Strengthen Prevention and Control of Solid Waste Pollution

Accelerate the construction of hazardous waste treatment facilities and properly treat hazardous waste and medical waste. Strengthen the monitoring and control of hazardous chemicals, strengthen heavy metal pollution treatment and push forward harmless disposal of stacked chromium residues. Strengthen safety supervision of nuclear facilities and radioactive sources and ensure nuclear and radiation environmental safety. Strengthen the construction of municipal waste treatment facilities, increase the collection strength of municipal waste treatment feeds and enable the harmless treatment rate of municipal domestic wastes to be not lower than 60%.

#### Special Column 13 Key Environmental Treatment Project

Key drainage basin water pollution treatment: water pollution treatment projects for the "three rivers and three lakes", Three Gorges Reservoir area, upper reaches of Changjiang River, middle and lower reaches of Yellow River, Songpan River, South-North Water Transmission water head.



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**Flue gas desulfurization of coal fired power plant:** increase the desulfurization capacity of existing coal fired power plants and enable 90% existing power plants to emit waste gases after reaching the standard.

**Disposal of medical wastes and hazardous wastes:** construct the centralized disposal facilities of medical wastes and hazardous wastes and basically realize the safe disposal of medical wastes and hazardous wastes.

**Nuclear and radiation safety project:** accelerate the construction of medium and low radioactive waste disposal sites and resolve the permanent placement of highly radioactive wastes.

**Chromium residue pollution treatment:** carry out comprehensive treatment for stacked chromium residue and polluted soil and realize harmless disposal of all stacked chromium residue.

#### Section 4 Implement Powerful Environmental Protection Measure

All regions shall practically bear the responsibility for the environmental quality of their governed regions and implement strict environmental protection performance evaluation and environmental law enforcement responsibility system and accountability system. Governments at various levels shall make environmental protection investment be the key point of fiscal expenditure at their level and increase it year after year. Improve environmental monitoring and supervisor system, enhance monitoring and supervision ability and increase environmental law enforcement strength. Implement total discharge control, discharge permit and environmental impact assessment system. Carry out clean production audit, environmental labelling and environmental certification system, strictly execute compulsory elimination and within-limit-time treatment system and establish trans-provincial river section water quality evaluation system. Implement environmental quality bulletin and enterprise environmental information disclosure system and encourage the social public to participate in and supervise environmental protection. All out develop environmental protection industry, establish socialized and pluralistic environmental protection investment and financing mechanism and exert economic means to accelerate the process of pollution treatment marketization. Actively participate in the global environment and development affairs and earnestly fulfil environmental conventions.

#### Chapter 25 Strengthen Resource Management

Carry out limited development, orderly development and paid development and strengthen the protection and management of various natural resources.

##### Section 1 Strengthen Water Resource Management

Accommodate natural law, adjust water control concept, change from the pure flood control to the flood management and scientific rain flood resource utilization and change from paying attention to water resource development and utilization to water resource conservation, protection and optimization allocation. Strengthen unified management of water resources, plan domestic, production and ecological water use as a whole, well carry out allocation of upstream and downstream water, surface water and ground water and control groundwater exploitation. Improve water catchment permit and paid water resource use system, carry out the combined system of total water utilization control and quota management, perfect the combined with water resource management system of watershed management and regional management and establish the national initial water right distribution system and water right transfer system. Complete South-North Water Transfer East Line and Middle Line Phase I Project and rationally plan and construct other water resource allocation projects.

##### Section 2 Strengthen Land Resource Management

Implement the strictest land management system. Strictly execute system of land examination and approval and compensation for land occupation within legal authority and prohibit from inviting businessmen to open companies by illegally lowering land price. Strictly manage the compilation

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of overall land use plan, overall urban plan and village and market town plan. Strengthen land utilization plan management, usage control and project land pre-examination management. Strengthen village and town construction land management and reform and improve house site examination and approval system. Improve land protection responsibility evaluation system and carry out land management accountability system. Strengthen land property right registration and land assets management.

### Section 3 Strengthen Mineral Resource Management

Strengthen the unified planning and management for exploration and development of mineral resources, strictly control the access conditions of mineral resource development, reinforce qualification certification and license management and conduct development strictly according to laws and regulations and planning. Improve mineral resource development management system, set up exploration right and mining right, establish mining right trade system and perfect the paid mineral resource occupation system and mine environmental restoration compensation mechanism. Improve important resource reserve system, strengthen national important mineral product reserves and regulate reserve structure and layout. Realize the combination of national reserve and user reserve and implement compulsory reserve for big resource consumers.

## Chapter 26 Rationally Utilize Ocean and Climatic Resources

### Section 1 Protect and Develop Ocean Resources

Strengthen ocean awareness, maintain ocean rights and interests, protect ocean ecology, develop ocean resource, carry out comprehensive ocean management and promote ocean economic development. Comprehensively treat key sea area environment and inhibit the ecological deterioration trend in offshore areas such as Changjiang Estuary and Zhujiang Estuary. Restore offshore ocean ecological function, protect the ecological system in ocean and coastal zone such as mangrove, seashore wetland and coral reef and strengthen island protection and ocean nature reserve management. Improve ocean functional division, standardize ocean use order and strictly restrict sea sand exploitation. Pertinently explore and develop exclusive economic zone, continental shelf and international submarine resources.

### Section 2 Develop and Utilize Climatic Resources

Strengthen the rational development and utilization of aerial water resources, solar energy and wind energy. Develop meteorological cause, strengthen comprehensive monitoring such as meteorological satellite application and weather radar and establish advanced weather service business system. Reinforce disastrous weather pre-warning and forecast ability and improve forecast accuracy and time effect. Reinforce the ability of weather to serve the industry such as agriculture. Strengthen the monitoring, forecast and evaluation work for weather modification, constituent of atmosphere and climatic change.

## Part 7 Implement the Strategy of Rejuvenating the Country through Science and Education and the Strategy of Reinvigorating China through Human Resource Development

Make scientific and technological progress and innovation be the important driving force for economic and social development and put the development education and training of high quality talents having both ability and moral integrity in the more conspicuous strategic position. Deepen structural reform, increase investment, accelerate scientific and technological education development and make efforts to construct innovative country and strong human capital country.

### Chapter 27 Accelerate Scientific and Technological Innovation and leapover

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Implement the national medium- and long-term scientific and technological development planning and in accordance with the policy of independent innovation, key leapover, sustainable development and leading the future, accelerate the construction of national innovation system, continuously enhance enterprises' innovation ability, strengthen the close combination of science, technology and economy and education and comprehensively improve the high tech integral strength and industrial technical level.

#### Section 1 All out Push the Independent Innovation

Strengthen fundamental research, leading edge technology research and social welfare technology research, make advanced deployment in the fields of information, life, space, ocean, nanometre and new material etc, concentrate Overwhelming Force, increase investment strength and strive for important breakthrough. In response to the national major strategic demand, initiate a group of major special scientific and technological projects, strengthen key technology research and development in energy, resource, environment, agriculture, information and health. Realize integration, innovation and leapover of core technologies. Implement major special industrial technological development projects and promote the digestion, absorption and re-innovation of introduced technologies.

#### Special Column 14 Major Special Scientific and Technological Projects and Major Scientific and Technological Infrastructure

**Core electric device, top class general chip and foundation software:** develop the key technologies such as top class electronic general devices and high confidence networked foundation software, information safety chip and device etc.

**Extremely large scaled integrated circuit manufacturing technology and packaged technology:** develop 60nm-45nm high speed, low power consumption chip and new type silicon based integrated circuit manufacturing technology and core integrated circuit equipment technology.

**New generation wideband wireless mobile communication:** develop a new generation wideband wireless mobile communication network, terminal and application technology.

**High speed NC machine tool and basic manufacturing technology:** develop high grade NC machine tool and complete basic manufacturing technology and research digitalized and intelligent control unit.

**Large oil-gas field and coalbed gas development:** develop complete industrialization exploitation technology for oil gas resources under special geological conditions.

**Large scaled advanced pressurized water reactor and high temperature gas cooled reactor nuclear power station:** develop one million KW grade large scaled advanced pressurized water reactor nuclear power design technology and 200-300℃ modular high temperature gas cooled reactor commercialized technology.

**Water body pollution control and treatment:** research the key technologies such as typical drainage basin water pollution control, lake eutrophication prevention and treatment and water environmental ecological remediation.

**Transgene new biological species breeding:** develop functional gene clone and verification and scalized gene operation core technologies and establish and improve the three major technical platforms including excellent germ plasma innovation, new variety breeding and scalized breed production.

**Major new drug development:** research and develop a group of new drugs having independent intellectual property rights and market competitive power and establish the research and development platform at international advanced level.

**Prevention and control of major infectious disease such as AIDS and viral hepatitis:** establish efficient prevention and control technology system for AIDS and viral hepatitis, research and develop high efficiency specificity diagnostic reagent, vaccine and drug and test technology.

**Large airplane:** develop complete large airplane design and manufacturing technology.

**High resolution ground observation system:** develop the advanced high resolution observation technology based on satellite, airplane and stratosphere airship and establish ground observation data centre and key application system.

**Manned space flight and moon project:** break through the major technology for astronaut to leave capsule for movement and spacecraft rendezvous and docking and establish the space laboratory attended in the short term and independently flying on orbit with a certain application.

scale. Develop key moon detection technologies and establish moon exploration engineering system.

Major scientific and technological infrastructure: establish spacebased neutron source, strong magnetic field device, large scaled astronomical telescope, integrated ocean scientific research ship, aerial remote sensing system, freezing wind tunnel, continent structure environmental monitoring network, junior engineering material service safety research evaluation facilities, protein scientific research facilities, meridian engineering, extremely low frequency electromagnetic surveying network for underground resource and earthquake prediction and agricultural biological safety research facilities etc.

Adhere to paying equal attention to philosophy and social science and natural science and prosper and develop philosophy and social science. Implement Marxist theoretical research and construction project, build philosophy and social science innovation system, actively push theoretical innovation and further exert its important promotion actions for the economic and social development. Promote the combination of natural science with philosophy and social science.

#### Section 2 Strengthen the Construction of Independent Innovation Ability

Construct scientific and technological support system and comprehensively promote scientific and technological independent innovation ability. Construct national major scientific and technological infrastructure, implement knowledge innovation project, integrate research and experimental system, establish several world first class scientific research institutions and research type universities and build high level scientific research and talent training bases. Implement major science projects, strengthen the construction of national key laboratories, build national scientific basic condition platform and promote scientific and technologic resource sharing. Construct a group of industrial technological research and development and test facilities and improve industrial technological innovation ability. Strengthen the construction of scientific popularization ability and implement the all people scientific quality action plan.

#### Section 3 Strengthen the Principal status of Enterprise Technological Innovation

Accelerate the establishment of the technological innovation system with enterprise as the subject, market as orientation and combining production, learning and research and form the basic system framework of independent innovation. Strengthen the construction of national engineering laboratory, national engineering centre and enterprise technical centre and establish the basic support platform for enterprises' independent innovation. Develop technical innovation intermediary service such as technical consultation and technical transfer and form the socialized service system. Implement the financial and tax and monetary policies and government procurement policy that support independent innovation and enterprises to increase investment and development investment. Exert the innovation vitality of various enterprises and especially medium and small enterprises and encourage technological innovation and invention and creation.

#### Section 4 Increase the Protection of Intellectual Property Right

Strengthen citizens' intellectual property right awareness, improve intellectual property right protection system, establish intellectual property right pre-warning mechanism and legally severely crack down the actions of impinging intellectual property rights. Strengthen metering basic research, improve national standard and system and promptly eliminate backward standards. Preferably adopt the technical standards with independent intellectual property rights and actively participate in the formulation of international standards. Develop the intellectual property right service such as patent, trademark, copyright transfer and agency and intangible assets evaluation etc.

#### Section 5 Deepen the Reform of Scientific and Technological System

Integrate scientific and technological resource, rationally allocate the force of basic research, leading edge technology research and social welfare research, promote the rational flow and cooperation of scientific research personnel between scientific research institutions, universities

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and enterprises and build scientific and technological resource sharing mechanism. Deepen the enterprise system transformation and reform of technological development institutions and reform of social welfare scientific research institutions, improve modern scientific research institution system and form the open and cooperative research and development system. Improve scientific and technological management system and operation mechanism and reform the scientific and technological review and evaluation and achievement evaluation and reward systems. Establish pluralistic and multi-channel scientific and technological investment system, ensure that the growth amplitude of scientific and technological funds is apparently higher than that of fiscal ordinary revenue and gradually increase the proportion of national fiscal scientific and technological investment in the gross domestic product.

#### **Chapter 28 Give Priority to Education Development**

Comprehensively implement quality education, make efforts to complete the three major tasks of "Popularization, development and improvement", accelerate education restructuring, promote comprehensive and coordinated education development and build a learning society.

##### **Section 1 Popularize and Consolidate Compulsory Education**

Mainly strengthen rural compulsory education, make efforts to reduce the dropout rate of rural students and especial schoolgirls, ethnic minority students and poor family students in the compulsory education phase and make the retention rate in the three-year junior high school in the country reach 95%. Push forward the balanced development of urban and rural and interregional compulsory education. Governments at various levels shall ensure that the children of the people who go to work in cities to equally receive the same compulsory education as the local students.

##### **Section 2 All Out Develop Vocational Education**

Mainly develop secondary vocational education and expand the annual enrolment scale to 8 million students. Develop multi-form vocational skill training. Reform the teaching method of vocational education, renew teaching content, push the fostering mode of work and learning combination and school and enterprise cooperation and establish elastic learning system. Promote the coordinated development between vocational education and ordinary senior high school education and improve school running level and quality.

##### **Section 3 Improve Higher Education Quality**

Place the focus of higher education development in the quality improvement and structure optimization, strengthen research and practice and foster students' innovation spirit and practice ability. Stably improve higher education popularization level, steadily develop ordinary university and college and master student education and improve higher level talent training quality. Pertinently strengthen the construction of higher level university and key subjects and push forward the coordinated development various universities and colleges. Continue to develop various adult educations.

##### **Section 4 Increase Education Investment**

Ensure that the growth amplitude of financial educational fund is apparently higher than that of financial ordinary revenue and gradually make the proportion of financial educational fund in the gross domestic product reach 4%. Strengthen the government's safeguard responsibility for compulsory education and increase the transfer payment strength of the Central Government and provincial governments for the compulsory educational appropriations of the counties suffering financial difficulties. Promote education equality and incline public education resources towards rural areas, the Central and Western Region, poverty stricken area and minority nationality regions as well as weak schools and power families. Governments at various levels shall increase investment in vocational education and mainly support the rural student oriented secondary

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vocational schools. Support the establishment of non-governmental charitable foundation organizations to support poor family students to go to school and encourage social circles to donate funds for schools. continue to implement study loan, improve subsidy system aiming at students at various stages and perfect the system of helping poor family students for study. Enlarge the share of lottery public welfare funds in the special education.

#### Section 5 Deepen the Reform of the Management System of Education

Define that governments at various levels should provide public education, formulate and improve school setup standard, support the development of private education and form the school running pattern of joint development of state run education and private education. Form the pluralistic education investment system. Compulsory education is the full responsibility of the government, education in senior high school period is mainly invested by the government and vocational education and higher education are invested by the government and social investment complementarily. Standardize education charge and establish stringent education charge bulletin system. Form the education system conforming to the requirement of quality education, reform entrance exam system, push forward teaching course reformation, release overweight lesson burden of middle and primary school students and improve evaluation system. Form the right and responsibility defined education management system, provide schools more decision-making powers in subject, major, speciality, course setup and enrolment scale and talent engagement and foster and exert the advantages and characteristics of schools. Further strengthen the construction of teacher teams.

#### Special Column 15 Key Education Development Project

**Construction of rural boarding school in West Region:** in 2004-2007, the state allocates 10 billion Yuan fund to mainly support the western rural areas where the "two basics" have not been realized, to construct, expand or rebuild 7,700 rural boarding schools.

**Modern teleeducation of rural middle and primary schools:** in 2003-2007, the Central and local governments jointly allocate 10 billion Yuan fund to construct computer classrooms for 37,500 rural junior high schools in the west region, provide satellite teaching receiving equipment for 384,000 rural primary schools and provide teaching CD playing equipment and complete teaching CD for 110,000 primary schools.

**Reconstruction of rural junior high schools in the Central and Western Regions:** push the reconstruction of rural junior high school buildings in the Central and Western Regions not incorporated in the "two basics" development plan to improve school running conditions and increase student retention rate and lodging rate.

**Construction of basic vocational education ability:** support 1,000 county level vocational education centers, 1,000 secondary vocational schools and 100 pilot higher vocational schools to improve school running conditions and form a group of backbone vocational education bases.

**Higher education Project "211" and "985":** continue to strengthen the construction of high level universalities and major subjects, form a group of rising and intersubjects in the leading edge of scholar, some subjects approaching or attaining the world advanced level.

#### Chapter 29 Push Forward the Strategy of Revivifying China through Human Resource Development.

Adhere to the principle that the Party manages talents, firmly set up the scientific concept of talent, enlarge talent team, enhance talent quality, optimize talent structure, improve staffing mechanism, exert the functions of talent and promote the country with large population to change to strong capital country.

#### Section 1 Construct High Quality Talent Team

Implement the Party and political talent training project, improve training system, strengthen theoretical education, vocational training and practice, enhance the ideological and political quality and administration ability of the Party and political talents and construct a high quality Party and political leader talent team. Implement entrepreneur training project, training and bring up a group of entrepreneurs with innovation awareness and ability and conforming to the requirement of economic globalization and push forward the professionalization and marketization of enterprise operation and management talents. Implement specialized technical talent knowledge renewing project and strategic high tech talent training project, establish a group of highly skilful talent training bases and public practice and training bases and construct highly skilful talent team. Strengthen rural practical talent training. Strengthen talent resource development and talent team construction in the Central and Western Regions and the Northeast Region. Encourage and guide the Chinese people studying abroad to return China to work and serve the country. Actively attract overseas high level talents.

**Section 2 Innovate Talent Work Mechanism**

Push ahead the market configured talent resources, eliminate the system obstruction for the development of talent market, standardize the management of talent market and build the social environment in which people of talent come out in succession and everyone can do his best. Deepen the reform of personnel system for cadres, perfect the personnel systematic management system for cadres in agencies, enterprises and institutions, and improve the talent evaluation, selection and appointment and inspiration and safeguard mechanism focusing on moral character, ability and performance. Establish the comprehensive cadre examination and evaluation system conforming to the requirement of the scientific concept of development and pay attention to training talents in practice. Deepen professional title system reform. Implement the civil servant law and improve the system of public service. Governments at various levels and enterprises and institutions shall increase the investment in the development of talent resources, strengthen the ability construction of talent resource and form the pluralistic investment mechanism.

**Part 8 Deepen Structural Reform**

Focusing on the reforms such as changing governmental functions and deepening enterprise, finance and taxation and banking, accelerate the improvement of socialist market economic system and form the mechanism conducive to changing the economic growth mode and promoting the comprehensive coordinated sustainable development.

**Chapter 30 Make Efforts to Push Forward the Reform of the Administration System**

According to the principle of simplification, unification and efficiency and the requirement of decision, execution and supervision coordination, establish the administrative management system of scientific decision making, equal right and responsibility, rational work division, smooth execution and power supervision and accelerate the construction of serving government, responsible government and legally governing government.

**Section 1 Push Ahead the Change of Governmental Functions**

According to the principle of separation of governmental functions from enterprise management, separation of 政资分开 government from assets, separation of government from affairs and separation of government from market intermediary organization, rationally delimit the government responsibility scope and strengthen the social management public service functions of the governmental at various levels. Further push the administrative examination and approval system reform and reduce and standardize administrative examination and approval. Deepen the restructuring of government administration, optimize organizational structure, reduce administrative hierarchy, smooth responsibility division, increase administrative efficiency, reduce administrative cost, and realize the scientific, standardization and legalization of governmental responsibility, institution and organization. Rationally divide the responsibility of

the central and local governments in economic adjustment, market supervision and control, social management and public service. Accelerate the institution classification reform.

### Section 2 Improve the Government Decision Making Mechanism

Complete scientific and democratic decision making mechanism and improve the collective decision making, expert consultation, public disclosure and hearing and wrong decision making liability ascertainment system for major affairs. Carry out government affairs disclosure and gradually realize institutionalization, complete governmental news release system, enhance governmental work transparency and safeguard the citizens' right to know, to participate in, to express and to supervise the government work. Comprehensively push forward administration by law and administrative organs and their staffs shall strictly fulfil their responsibilities strictly according to legal authorities and procedure. Execute comprehensive law enforcement, strengthen supervision for administrative enforcement of law and establish law enforcement responsibility ascertainment system. Carry out citizens' requirement for government responsibility and improve administrative compensation system.

### Section 3 Deepen the Reform of Investment System

Determine enterprise's decision-making power for investments, gradually reduce the government's approval cope for investment projects and improve the enterprise investment project approval system and accreditation system. Rationally delimit the governmental investment scope and the central and local investment duties and responsibilities, improve and complete decision making rules and procedure, increase fund use efficiency and establish the government investment project decision making responsibility ascertainment system. Establish and complete the investment regulation and control system.

## Chapter 31 Adhere to and Improve Basic Economic System

Adhere to the basic economic system with public system as the subject and joint development of different types of ownership. Steadily consolidate and develop publicly-owned economy and steadily encourage, support and guide the development of non-public economy like individual and private economies.

### Section 1 Deepen State-Owned Enterprise Reform

Push the government capital to concentrate in the important industries and key fields critical to the national safety and national economic arteries, optimize state owned economic distribution, reinforce the controlling force, influence and driving force of the state owned economy and exert its leading function. Improve the flexible and rationally flowing mechanism of state owned capitals, accelerate joint stock system reform of large scaled state owned enterprises and most stated owned large scaled enterprises are restructured into pluralistic shareholder companies except that a few must be run by the sole national investment. Improve the capital stock structure of state owned enterprises, develop mixed ownership economy, realize pluralistic investment subject and property right, establish and improve modern enterprise system, form effective corporate legal person management structure and enhance enterprise vitality. Develop big company and big enterprise groups with relatively strong competitive power. Wholeheartedly rely on employees and masses to probe into the effective approach of democratic management by workers under the modern enterprise system. Continue to deepen collective enterprise reform and develop multi-form collective economy.

### Section 2 Improve State-Owned Assets Supervision and Control System

Formulate and improve the laws and associated administrative regulations for supervision and control system of operating state-owned assets, establish and complete government capital operation budget, enterprise operation performance evaluation and wrong major enterprise



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decision responsibility ascertainment systems. Determine supervision and control responsibility and realize the value maintenance and increase of stated owned assets. Establish and complete the supervision and management systems of stated own financial assets, non-operating assets and natural resource assets etc and prevent losses of stated own assets

### Section 3 Deepen the Reform of Monopoly Industries

Adhere to separation of governmental functions from enterprises, release access, introduce competition, supervise and control by law and push the reform of monopoly industry management system and property right system. Advance the reform of traffic and transport industry management system according to the requirements for the formation of comprehensive transport system. Actively and reliably push the railway system reform and accelerate railway investment and financing system reform. Deepen electric power system reform, consolidate the separation of plants from grids, accelerate the separation of main business from auxiliary business and stably push the separation of power transmission from distribution and the construction of regional power market. Deepen the reform of petroleum, telecommunication, civil aviation, post, tobacco, salt industry and municipal public utility, push the restructuring of state owned assets, form the competitive market pattern and establish modern enterprise system.

### Section 4 Encourage the Development of Non-Public Economy

All out develop non-public economies such as individual and private economies. Further eliminate the system obstruction and policy factors restricting the development of non-public economy and further implement the policy measures to encourage, support and guide the development of non-public economy. Allow non-public economy to enter the industries and fields not prohibited by laws and regulations, encourage and support non-public economy to participate in the reform of stated owned enterprises and enter the fields such as financial service, public utility and infrastructure. Complete the policies in finance, taxation, credit guaranty and technical innovation, improve administrative law enforcement and judicial environment and strengthen and improve service and supervision for non-public enterprises.

### Chapter 32 Push Forward the Reform of Fiscal taxation System

Adjust and standardize the expenditure-income relation between the central and local governments and between local governments at various levels and establish and complete the financial and taxation system matching with duties and responsibilities. Implement the financial and taxation system conducive to promoting scientific and technological progress, changing growth mode and optimizing economic structure.

### Section 1 Improve Financial System

Accelerate the construction of public financial system, definitely define the responsibility of fiscal expenditure of the governments at various levels and rationally adjust inter-governmental financial revenue division. Complete the financial transfer payment system of the central and provincial governments, smoothen the financial management system below the provincial level, implement the provincial administrative system directly for counties in the places where conditions permit and gradually push the equalization of basic public service. Reform the budget drafting system and increase budget normaliveness and transparency. Continue to deepen the management system reform such as departmental budget, state treasury centralized receipt and payment, government procurement and separation between revenue and expenditure. Establish treasury cash management and national debt balance management system and push governmental accounting system. Strengthen budget enforcement audit and enhance budget enforcement solemnity. Establish financial budget performance evaluation system and improve financial fund use efficiency. Strengthen government debt management and prevent government debt risk. Complete nontax revenue management system and standardize the management for land and exploration right and mining right transfer revenue.

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## Section 2 Improve Taxation System

Change value-added tax from production type to consumption type in the country, properly adjust the range of consumption tax collection and tax items. Improve export rebate system. Unify various enterprise taxation systems. Implement the integration and classification combined personal income tax system. Reform real estate taxation system and steadily implement property tax and accordingly cancel related charges. Reform the resource tax system. Improve urban maintenance and construction tax, farmland use tax and stamp tax.

## Chapter 33 Accelerate the Reform of Monetary System

### Section 1 Deepen the Reform of Financial Enterprises

Actively push the comprehensive reform of state own commercial banks, complete corporate governance structure and improve internal control mechanism by means of accelerating the disposal of non-performing assets, substantiating capitals and transforming enterprises into joint-stock ones and listing etc, and construct the modern joint stock banks with international competitive power. Rationally determine policy bank function orientation, improve self-regulating mechanism, risk regulation and control mechanism and risk compensation mechanism. Accelerate financial institution reform: such as other commercial banks and postal savings agency. Steadily develop multi-ownership financial enterprises and encourage social funds to participate in the establishment, reorganization and renovation of medium and small financial institutions. Improve the basic system for standard operation of financial institutions and steadily push the comprehensive operation experimental spots for banking industry. Push the reform of financial assets management companies. Improve insurance company governance structure and deepen the reform of insurance fund operation and management system.

### Section 2 Accelerate the Development of Direct Financing

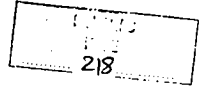
Actively develop stock and bond etc capital market and steadily develop futures market. Push the fundamental system construction such as securities issue, exchange and purchase, promote the standard operation of listed companies and security operation agencies, establish multi-level market system, complete market functions, broaden the channel for funds to enter the market and increase direct financing proportion. Develop investment for business establishment and well carry out the industrial investment fund experimental spot work.

### Section 3 Improve Financial Regulation and Control Mechanism

Strengthen the mutual coordination and cooperation between money market and other macroscopic policies and improve financial regulation and control system. Establish and complete the mechanism for the organic combination and coordinated development of money market, capital market and insurance market and maintain the financial stability and financial safety. Steadily develop money market, smooth the monetary policy transmission mechanism and push the interest rate marketization reform. Complete managed floating exchange rate system and gradually realize RMB capital item convertibility.

### Section 4 Improve Financial Supervision and Management System

Establish financial risk identification, pre-warning and control system and prevent and dissolve systematic financial risk. Standardize financial institution market exit mechanism and establish corresponding deposit insurance, investor protection and insurance and safeguard system. Improve financial supervision and management level, strengthen risk monitoring and supervision and restriction for rate of capital sufficiency and establish and improve the coordination mechanism between bank, security and insurance monitoring and supervision institutions and with the macroscopic regulation and control departments.



## **Chapter 34 Improve Modern Market System**

### **Section 1 Improve National Unified Open Market**

Further break the administrative monopoly and regional blockade, complete commodity market and improve the element market such as capital, land, technology and labour force. Strictly delimit welfare land use and operation purpose land use, carry out paid use of land for operation purpose infrastructure and complete the system of the grant of operation purpose land by invitation of bids, auction and listing and the system of open supply of non-operation purpose land. Standardize and develop property right trading market and actively develop technological market. Gradually establish the urban and rural unified labour market.

### **Section 2 Improve Price Formation Mechanism**

Actively and reliably push the reform of resource product price. Rationally adjust the price of hydraulic engineering water supply, city water supply and regenerated water supply. Push electricity price reform and gradually establish the mechanism that power generation and electricity sale price is formed through market competition and power transmission and distribution price is determined by the government. Push in appropriate time the petroleum price reform and establish the natural gas price formation mechanism in connection with replace energy price. Enlarge market scope for formation of land price.

### **Section 3 Standardize Market Order**

Crack down various illegal operation activities and standardize market subject behaviour and market competition order. Clear up and rectify indiscriminate charge, arbitrary fines and various apportionments for enterprises. Strengthen price monitoring and management and prohibit price fraud and price manipulation. Focusing on improving the credit record of credit, tax payment, contract fulfilment and product quality, accelerate the establishment of social credit systems and improve the faith breach punishment system.

## **Part 9 Implement the Mutual Benefit and Win-Win Opening Strategy**

Adhere to the basic policy of opening to the outside world, participate in international economic and technological cooperation competition in a higher level, better promote domestic development and reform and practically maintain the national economic safety.

### **Chapter 35 Accelerate the Change of Foreign Trade Growth Mode**

According to the requirements of exerting comparative superiority, making up resource deficiency, enlarging development space and improving added value, actively develop foreign trade and promote foreign trade to change from quantity increase to quality improvement. By 2010, the total export import volume of goods trade and service trade will reach 2,300 billion and 4,000 billion US dollars respectively.

### **Section Optimize Export Structure**

Focusing on own brand, independent intellectual property right and independent marketing, guide enterprises to reinforce comprehensive competitive power. Support the export of independent high tech products, electromechanical products and high value added labour intensive products. Strictly execute labour, safety and environmental protection standards and control high energy consumption, high pollution and resource products. Improve processing trade policy, continue develop processing trade, make efforts to enhance industrial level and processing depth, reinforce domestic ability to provide the auxiliary items and promote domestic industrial upgrading. Guide enterprises to construct overseas marketing network and reinforce independent marketing ability.

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Actively explore non-traditional export market and push market pluralism. Strengthen the dynamic monitoring for export commodity price, quality and quantity and construct the quality benefit oriented foreign trade promotion and regulation and control system.

#### Section 2 Actively Enlarge Import

Implement the policy of basic import and export balance and exert the function of import in the promotion of China's economic development. Improve import tax policy, expand the import of advanced technologies, key equipment and parts and components as well as domestically deficient energies and raw materials and promote resource import pluralism.

#### Section 3 Develop Service Trade

Enlarge the service trade export such project contracting, technology transfer, finance and insurance, international transport, education and training, information technology and national culture. Encourage foreign capitals to participate in software development, trans-border contracting and material flow service etc. Construct several service industry contracting bases and orderly undertake international service industry transfer. Actively and reliably enlarge the opening of service industry and establish service trade monitoring and control system and promotion system.

#### Section 4 Improve Fair Trade Policy

Improve trade operation monitoring and pre-warning system and friction response mechanism and rationally use the anti-dumping, anti-subsidy and safeguard measures to reinforce the ability to respond to trade dispute and maintain enterprises' legal rights and interests and national interests. Strengthen multi-lateral dialogue and cooperation for international trade and realize joint development. Improve trade legal system, establish bulk commodity import and export coordination mechanism, strengthen industrial self-discipline and standardize trade order. Effectively exert technological trade measures to strengthen import and export inspection quarantine and epidemic situation monitoring and control.

### Chapter 36 Improve the Quality of Introducing Foreign Investment

Take hold of the international industry transfer opportunity, continue to actively and effectively utilize foreign capitals and combine the introduction of foreign investment with domestic industrial structure and technological level mainly by introducing foreign investment and introducing foreign advanced technology, management experience and high quality talents.

#### Section 1 Guide the investment Orientation of Foreign Merchant

Improve laws and regulations and policies and form the stable, transparent management system and fair and foreseeable policy environment. Guide foreign capitals to be more invested in high tech industry, modern service industry, top class manufacturing link, infrastructure and ecological environmental protection and in the old industrial bases in the Central and Western Regions and the North-eastern Region. Encourage transnational companies to establish regional headquarters, research and development centres, procurement centres and training centres in China. Encourage foreign owned enterprises to carry out technological innovation and reinforce the ability to provide the auxiliary items and extend industrial chain. The regions and development zones with strong ability to attract foreign capitals shall pay attention to enhancing production and manufacturing level and actively expand towards research and development and modern circulation fields etc and sufficiently exert the concentration and driving effect.

#### Section 2 Promote the Diversified Modes of Introducing Foreign Investment

Guide domestic enterprises to conduct multi-form cooperation with transnational companies and exert the technology spill-over effect of foreign capitals. On the basis of protecting domestic independent brand, guide and standardize foreign merchants to participate in the restructuring and innovation of domestic enterprises. Effectively utilize overseas capital market to support the overseas listing of domestic enterprises. Improve risk investment exit mechanism and encourage foreign merchant risk investment companies and risk investment funds to invest in China. Encourage overseas institutions with conditions to participate by shares in domestic security companies and fund management companies.

Continue to well use the loans from international financial organizations and foreign governments and mainly invest the loans in the old industrial bases in the Central and Western Regions and the Northeast Region in resource conservation, environmental protection and infrastructural construction. Rationally and cautiously use international commercial loans and allow the financial institutions and enterprises with conditions to make financing in foreign countries. Strengthen macroscopic monitoring and management for foreign debts and optimize debt structure and maintain moderate debt scale.

#### **Chapter 37 Actively Conduct International Economic Cooperation**

Complete the system and policy to promote the cross-border flow and optimal allocation of production elements and actively develop economic and technological cooperation with neighbouring countries and other countries and realize mutual benefit and win-win.

##### **Section 1 Implement the "Go-Out" Strategy**

Support the enterprises with mature conditions to conduct direct foreign investment and transnational operation. With superior industry as the key point, guide enterprises to carry out overseas processing trade and promote product origin pluralism. By means of trans-national merge and acquisition, equity participation, listing, restructuring and association etc, foster and develop our trans-national companies. According to the principle of advantage complementation and equality and mutual benefit, enlarge overseas resource cooperation and development. Encourage enterprises to participate in overseas infrastructural construction, raise project contracting level and stably develop labour cooperation. Complete overseas investment promotion and safeguard system and strengthen the unified planning and coordination and risk management for overseas investment and overseas state owned assets supervision and control.

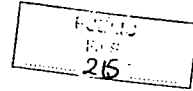
##### **Section 2 Push the International Regional Economic Cooperation**

Unifiedly plan and stably push the convenience of trade, investment and traffic transport, actively participate in the international regional economic cooperation mechanism, strengthen dialogue and consultation and develop bilateral and multilateral economic and trade cooperation with all countries. Actively participate in the formulation of multilateral trade and investment rules and push the establishment of the new international economic order. Increase Chinese aid to other developing countries and further strengthen the economic and technological cooperation with developing countries.

#### **Part 10 Push Forward the Construction of Harmonious Socialist Society**

According to the requirements of democracy and government by law, equity and justice, good faith and friendship, full of ginger, stability and order and harmonious coexistence between man and nature, firmly push forward the construction of harmonious society proceeding from resolving the most direct and most realistic vital interest problem most cared by the people and the masses.

#### **Chapter 38 Comprehensively and Well Carry Out Population Work**



#### **Section 1 Stabilize the Low Birth level of Population**

Adhere to the basic policy of birth control and stabilize and complete the current birth policy and implement the objective responsibility system of population and birth control work. Establish the only child death and disability family support system and complete the charge exemption system for basic service items. Strengthen the birth control service and management ability construction. Complete the floating population birth control service management system aiming at the management of the existing place of residence.

#### **Section 2 Improve the Quality and Structure of Born Population**

Popularize the prenatal and postnatal care knowledge, implement the birth control reproduction health promotion plan, increase birth defect intervention strength, encourage pre-marriage and pre-pregnant medical checkup and prevent and control the impact of congenital infection and genetic factors on the borne population. Take comprehensive measures to effectively deal with the rising of sex ratio of the borne population.

#### **Section 3 Actively Respond to Population Aging**

Carry forward the old people respect custom and build the social atmosphere that elderly will be looked after properly and will enjoy themselves. Actively develop senior industry, reinforce the whole society's old people caring service function, improve the old people's quality of life and safeguard their rights and interests. Implement caring project and strengthen the construction of seniors oriented service facilities such as seniors caring service, medical assistance and hospital bed at home.

#### **Section 4 Safeguard Women and Children's Rights and Interests**

Implement the basic national policy of sexual equality, implement the Outline of the Development of Chinese Women, safeguard that women equally obtain the rights of going to school, work, social security, marriage assets and participation in social affairs and strengthen women health care, poor people support and poverty relief, labour protection and legal aid. Adhere to the principle of children priority, implement the Outline of the Development of Chinese Children, and legally safeguard children's right of existence, right of development, right of being protected and right of participation. Improve children's growing environment and promote the development of children's physical and mental health. Improve mechanism of rehabilitation of disabled children through operation, family fosterage fund investment and AIDS orphan help.

#### **Section 5 Safeguard the Rights and Interests of the Handicapped People**

Advocate and encourage social circles to care, support and participate in the causes of the handicapped people. Push forward the construction of barrier-free facilities, strengthen the handicapped people rehabilitation, poverty cast-off of poor handicapped people, compulsory education of disabled children, employment service and social security for the handicapped people and create conditions for the handicapped people to equally participate in the social life.

### **Chapter 39 Improve the People's Living Standard**

#### **Section 1 Do Everything to Expand Employment**

Place the employment expansion in the more conspicuous position in the economic and social development, implement positive employment policy, unifiedly plan urban and rural employment and make efforts to control unemployment scale. Continue to implement and improve the preferential policies to encourage enterprises to increase job opportunities and strengthen finance and tax and credit for employment training. Complete the employment service system and

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accelerate the establishment of employment skill training mechanism supported by the government and participated by the society. Complete the employment aid system for difficulty suffering regions, industries and groups. Actively develop the labour intensive industries and service industries with large employment capacity and the medium and small enterprises of various types of ownership. Comprehensively implement labour contract system, actively push collective contract system, improve and coordinate labour relation three-party coordination mechanism and complete the labour dispute handling system. Comprehensively establish the employer law-abidingness and good faith system. Improve enterprise job displacement mechanism and prevent surplus personnel from being pushed to the society. State owned enterprises shall try to arrange surplus personnel by means of separating main industry from auxiliary industry and auxiliary industry restructuring. Strengthen labour force market supervision and management, labour protection and labour law enforcement supervision, standardize the behaviour of recruiting and using work force and practically maintain the labourers' legal rights and interests.

### Section 2 Increase the Income Distribution Regulation Strength

Complete the distribution system with distribution according to work as the subject and coexistence of multiple distribution modes and adhere to the participation of various production elements in distribution according to contributions. Accelerate the advancement of income distribution system reform, standardize individual income distribution order, strengthen the monitoring and supervision for distribution results and endeavour to mitigate the trend of distribution difference expansion between industries, regions and social members. Pay more attention to social equity and especially the equity of study in school, employment opportunity and distribution process. Make effort to improve the income level of low income people, gradually expand the proportion of middle-income people and effectively regulate excessively high income. Strictly execute the minimum wage system and gradual improve minimum wage criteria. Establish standard civil servants' wage system, standardize post related consumption and improve the income distribution rule and supervision and management mechanism of state owned enterprises and institutions. Control and regulate the income of monopoly industries, establish and complete individual income declaration system and strengthen individual income tax collection and management. Resolutely suppress various illegal incomes.

### Section 3 Improve the Social Security System

Increase the financial investment in social security, raise social security funds through multi-channels, rationally determine security standard and mode and establish and complete the layered and widely covering social security system conforming to the economic development level.

Expand urban basic pension insurance coverage, gradually complete individual account, gradually improve the overall social planning level and reinforce the ability of overall planning and regulation. Push forward the endowment insurance system reform for government organs and institutions. Establish the linkage mechanism of unemployment insurance and employment promotion and improve unemployment insurance system. Expand the coverage of basic medical insurance and complete multi-level medical security system. Improve and execute industrial injury insurance policy and standard and push various employers to legally participate in industrial injury insurance. Encourage the enterprises with conditions to establish supplementary insurance. Establish and complete birth insurance system. Earnestly resolve the social security of the people who go to work in cities. Standardize social insurance fund collection and payment and supervision and management. Strengthen the construction of social security service management ability.

Improve urban residents' minimum life security system and gradually improve security standard. Establish urban and rural medical assistance system and incorporate the urban residents' lowest life security objects and rural destitute households and the five guarantees support objects into the scope of assistance. Improve the assistance system for urban beggars and especially vagrant minors. Encourage the development of social support activities such as social charity,

social donation and mutual mass support and support voluntary service activities and realize institutionalization.

#### Section 4 Increase the Strength of Poverty Relief Work

Strengthen the poverty relief responsibilities of the governments at various levels, increase poverty relief investment, complete poverty relief development mechanism and increase poverty relief efficiency. For the poverty stricken regions with the basic existing conditions, continue to implement local poverty relief, improve basic production and living conditions and open up income increase approach; for the poverty stricken regions with severe existing conditions, implement poverty relief through relocation. For the poor population with labour ability, implement skill training, technical poverty relief and labour export poverty relief and reinforce their income increase ability; for the poor population without labour ability, implement relief and assistance salvation. Pay more attention to the support and assistance of the poor family children, improve their growing environment through boarding study, family fosterage, social caring and free vocational education etc and prevent intergeneration poverty transfer. Take the means of social salvation and special purpose loans to prevent returning to poverty due to disaster and illness. Increase the support for concentrated and area by area poverty stricken regions and implement the poverty relief development for the whole village by adjusting measures to local conditions. Continue to carry out fixed point help and support work and encourage social circles to actively participate in the poverty relief work.

#### Section 5 Expand Urban and Rural Resident Consumption

Increase the income level of urban and rural residents and reinforce the consumption capacity of residents and especial rural residents and urban low income people. Foster hot consumption spots, push the action of public nutrition improvement, complete the town housing supply system combining ordinary commercial housing, economic economically affordable housing and low rent housing, continue to raise telephone and computer etc popularity rate and promote the service consumption such as culture, bodybuilding, tourism and leisure. Guide resident consumption expectation and enlarge immediate consumption. Improve consumption environment and standardize and develop consumption credit.

### Chapter 40 Improve the People's Health Level

Pay close attention to the people's health, increase the government investment strength, accelerate the development of medical health cause and earnestly resolve the treatment difficulty and high treatment price.

#### Section 1 Complete the Public Health and Medical Service System

Establish and complete the emergency mechanism for sudden public health events and improve the ability of disease prevention and control and medical treatment. Improve the conditions of medical and public health institutions and strengthen the professional team construction. All out develop community health and accelerate the construction of the urban medical service system mainly based on the community health service and with work division and cooperation between community health service institutions and hospitals and two-way transfer for treatment.

#### Section 2 Strengthen Disease Prevention and Treatment and Health Care

Strictly control the propagation of major communicable diseases such as AIDS, tuberculosis and hepatitis B, effectively prevent and control parasitic diseases like schistosomiasis and endemic diseases, strengthen the prevention and treatment and immunity work for new found communicable diseases and comprehensively prevent and treat chronic diseases like cardiovascular and cerebrovascular diseases and malignant tumours. Strengthen mental health consultation and care and attachement importance to mental health and disease prevention and



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treatment. Strengthen mother and child health care to make planned children immunization rate exceed 90%, infant mortality reduced to 17‰ and pregnant and lying-in women death rate reduced to 40/100,000.

### Section 3 Strengthen Chinese Medicine and Medical Scientific Research Work

Protect and develop Chinese medicines, strengthen the construction of clinical research bases and hospitals of Chinese medicine and push forward Chinese medicine standardization and normalization. Integrate superior medical scientific research resources and strengthen research of major diseases.

### Section 4 Deepen the Medical Health System Reform

According to the direction of separation of government from public service institutions, separation of regulation from operation and separation of hospitals from medicines and separation of profitability from non-profitability and adhering to the principle of government domination, social participation, mechanism conversion and supervision strengthening, establish the medical health system conforming to Chinese situation and provide safe, convenient, efficient and rational public health and basic medical service for the broad masses. Improve classified management according to the principle of dependency and the whole industry management. Strengthen the responsibilities of the government in providing public health and basic medical service, establish the normative responsibility sharing and capital investment mechanism between the governments at various levels and gradually establish the hospital running system with pluralistic investment subjects and diversified investment modes. Improve the operation mechanism, inspiration mechanism and compensation policy of public medical institutions. Integrate medical health resources and all out increase the weight of public health resources in rural areas, the Central and Western Regions and grassroots. Strengthen the supervision and management for the medical health service behaviour, service quality and drug market, reduce exorbitant price of drugs and control excessively fast rise of medical costs.

### Chapter 41 Strengthen the Construction of Public Safety

To complete the tasks of reform and development, it is necessary to maintain long term stable social environment. Strengthen the public safety awareness of the whole society, strengthen the construction of public safety safeguard ability, raise the public safety safeguard level, maintain the people's life and property right and ensure social stability.

### Section 1 Reinforce the Ability to Prevent and Reduce Disaster

Strengthen the construction of weak links in flood prevention and disaster reduction, mainly strengthen the comprehensive governance of big rivers, danger removal and reinforcement of unsound and dangerous reservoirs, construction of pondage and flood retarding basins and urban flood prevention and reinforce the ability of coastal regions to prevent typhoon, storm surge and tsunami. Strengthen the prevention and treatment of landslide, mud and rock flow and forest and grassland fires. Increase flood prevention and disaster reduction prewarning and command ability and establish the disaster, flood for example, management system and flood prevention and disaster reduction safeguard system. Strengthen the prevention and treatment of geological hazards in the key regions such as the Three Gorges Reservoir area. Improve the later stage support policy for relocation of people from large and medium scaled reservoirs. Strengthen the basic seismic safety work for city agglomerations and big cities. Strengthen the construction of digital seismic network, seismic regime and disaster situation quick transmission system, implement comprehensive prediction, prevention and rescue management and improve comprehensive earthquake defensive ability.

### Section 2 Raise the Safety Production Level

Adhere to "safety first and prevention crucial and comprehensive treatment", implement the safety production responsibility system, strengthen the enterprise safety production subject responsibility, complete the safety production monitoring and management system and strictly execute the major safety production accident accountability system. Strengthen safety production scientific research and development, monitoring and control and supervision and support system construction. Implement the general investigation and monitoring and control of major dangerous sources, increase safety facility investment and well carry out hidden trouble treatment and safety technology innovation. Strictly execute the safety production license system, strengthen the safety production of high risk industry, coal for example, and key fields, and well carry out special rectification of fire safety for non-coal mines, special type equipment, hazardous chemicals, fireworks and crackers, building construction, road traffic and personal dense locations. Strengthen traffic and fire fighting infrastructural construction and safety supervision and management. Foster and standardize safety production intermediary agencies. Strengthen the safety production publicity and education and training. Establish safety production indicator evaluation system and make the production safety accident death rate per unit gross domestic product reduce for 35% and the production safety accident death rate of industrial, mining, commercial and trade employees reduce 25% by 2010.

### Section 3 Safeguard Food and Beverage and Drug Administration Safety

Strengthen the construction of food and drug supervision and management facilities, complete technical standard system innovate supervision and management mechanism, standardize supervision and management behaviour, promote supervision and management ability and level, legally strengthen the supervision and management for food, drug and dietetic hygiene and safeguard the people and the masses' health safety.

#### Special Column 16 Key Public Service Project

**Social assistance:** construct assistance management facilities, migrant minors protection centre, "charitable supermarket" and social donation receiving points etc.

**Social welfare:** construct comprehensive welfare centre, social welfare facilities, rural government, child welfare institutions and comprehensive handicapped people service facilities etc.

**Public health:** continue to improve disease prevention and control and medical treatment system and strengthen the construction of Chinese medicine clinical research base and key hospitals of Chinese medicine.

**Community service:** construct and reconstruct community service centre and community service station, and strengthen and improve community health and social insurance system.

**Flood prevention and disaster rectification:** construct backbone Heihe River Regulation Project and strengthen the regulation of big rivers and medium and small rivers. Implement the safety construction project of major river pondage land and flood retarding basin.

**Safety production emergency rescue:** construct national, provincial and municipal level safety production emergency rescue command centre and national, regional and backbone specialized emergency rescue system.

**Major accident hidden trouble treatment:** treat the dangerous reservoir and highly hazardous sound reservoir of mine tailings reservoirs and relocate the hazardous chemicals production and storage enterprises without subsidence safety distance in urban areas.

**National disaster emergency rescue:** construct four grade disaster emergency rescue command system.

**Grassroots politics and law infrastructure:** construct and reconstruct grassroots police station, judiciary bureau and the people's courts.

### Section 4 Maintain National Safety and Social Stability

Severely crack down various criminal activities according to the law and ensure that the people and the masses live and work in peace and contentment. Strengthen the comprehensive governance of public order, push the construction of public order prevention and control system and deeply carry out peace creation activities. Improve judicial safeguard conditions and

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strengthen the infrastructural construction of grassroots judicial and public security organizations, case investigation, drug prohibition, smuggling suppression and border inspection etc. Actively respond to traditional and non-traditional safety problems. Strengthen the construction of public security and political and legal team.

#### Section 5 Strengthen the Construction of Emergency System

Establish and complete the emergency management system, strengthen the construction of key fields and key projects such as command information system, emergency material safeguard, specialized disaster relief and emergency rescue team, emergency standard system and transport and field communication safeguard, complete the social mobilization mechanism following the occurrence of major and especially serious natural disasters and improve the ability to deal with sudden public events.

#### Chapter 4? Improve Social Management System

Improve the social management pattern of the Party Committee leadership, governmental responsibility, social coordination and public participation and push the innovation of social management system.

#### Section 1 Strengthen the Construction of Grassroots Self-Governing Organization

Push the construction of harmonious communities and villages and towns with orderly management and good public security, advocate the harmony between people and reinforce the social harmonious basis. Explore the effective model of construction and management for urban and rural grassroots self-governing organizations in the new phase and exert the function of urban and rural grassroots self-governing organizations in interest coordination and difficulty and anxiety exclusion.

#### Section 2 Standardize and Guide the Orderly Development of Non-Governmental Organizations

Foster and develop trades society, associations, welfare beneficence and grassroots service non-governmental organizations and exert their functions to provide service, reflect appeal and standardize behaviours. Complete the non-governmental organization self-discipline mechanism and strengthen and improve the supervision and management for non-governmental organizations.

#### Section 3 Correctly Deal with the Contradictions among the People

Attach great importance to safeguarding the people and the masses' fundamental interests, properly coordinate interest relations in various aspects and prevent and resolve the contradictions among the people from the sources. Improve and complete letter and visit complaint work, smooth the appeal channel, comprehensively exercise education, consultation, mediation and legal means to promptly and rationally deal with the problems reported by the masses. Improve the system of people's mediation and complete the social contradiction and dispute mediation and handling mechanism. Deeply and well carry out the work concerning the masses in the new phase and guide the masses to express their appeal using rational and legal means. Establish and complete contradiction elimination and investigation mechanism, information pre-warning mechanism, emergency disposal mechanism and responsibility ascertainment mechanism, prevent and properly deal with the mass and sudden events, practically resolve the masses' reasonable appeal and legally maintain the social stability.

### Part 11 Strengthen Socialist Democratic and Political Construction

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Adhere to the comprehensive development of political civilization and material civilization, expand socialist democracy, improve socialist legal system and provide political guarantee for the modernization construction.

## Chapter 43 Strengthen the Socialist Democratic and Politics Construction

### Section 1 Develop Socialist Democracy

Adhere to and improve the system of people's congress, the system of multi-party cooperation and political consultation led by the Communist Party of China and the system of regional autonomy of minority nationalities. Actively and reliably continue to push the reform of the political structure and consolidate and develop the political situation characterized by democracy, solidarity, liveness, stability and harmony.

Improve the democratic system, enrich democratic form, expand the citizens' orderly political participation and ensure that citizens legally carry out democratic election, democratic decision making, democratic management and democratic supervision. Strengthen grassroots democratic construction, adhere and complete public affair disclosure, factory affair disclosure, village affair disclosure and ensure that citizens legally execute the right to vote, right to learn the truth, right to precipitate and right to supervise. Respect and safeguard human rights and promote the comprehensive development of human right cause.

Consolidate and strengthen the most extensive patriotic united front and improve the consultative system prior to making decisions for major problems. Exert the functions of the Chinese People's Political Consultative Conference and support the Chinese People's Political Consultative Conference to fulfill their functions of political consultation, democratic supervision and participation in and discussion of government and political affairs. Adhere and complete the congress of staff and workers and other forms of enterprises and institutions democratic management systems. Exert the bridge and link functions of the people's organizations such as labour union, Youth League and Women's Federation. Ensure that autonomous minority nationality areas legally exercise their power of autonomy, consolidate and enhance socialist ethnic relations of equality, solidarity and mutual assistance and promote common prosperity and progress for all our ethnic groups. Comprehensive implement the policy of freedom of religion, legally manage religious affairs, uphold the principle of self-administration and running religious affairs independently and guide the accordance between religious beliefs and socialist society. Implement the policies concerning overseas Chinese affairs and well carry out the work of overseas Chinese affairs.

### Section 2 Comprehensively Push Legality Building

Implement the basic principle of ruling the country by law, push scientific legislation and democratic legislation and form a socialist system of laws with Chinese characteristics. Improve the laws and regulations in market subject, market trade, market supervision, social management and sustainable development. Push forward the reform of judicial system and work mechanism, standard judicial act, strengthen judicial supervision, promote judicial justice and maintain social justice and judicial authority. Implement the "Fifth Five-Year law promulgation plan", carry out legal system publicity and education, improve all the people's legal quality and form the social climate of law abidance and acting in strict with the law.

### Section 3 Strengthen the improvement of the Party's work style and building of clean government

Adhere to the policy of addressing both the symptoms and root causes of corruption, comprehensive treatment, paying equal attention to punishment and prevention and emphasizing prevention and establish and complete the corruption punishment and prevention system with equal attention paid to education, system and supervision. Increase the strength of preventing and treating corruption from the sources. Push forward the system, mechanism and institutional

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innovation of fighting against corruption and calling for honest administration, strengthen the restriction and supervision for right operation, strengthen the supervision of specialized governmental agencies and society and safeguard the citizens' right to impeach, right of accusation and right of appeal. Seriously investigate and prosecute the cases of discipline and law breach and resolutely rectify the unhealthy tendency that harms the masses' interests.

## Part 20 Strengthen the Socialist Cultural Construction

Keep the orientation of advanced culture firmly in hand, keep to the orientation of serving the people and socialism and the principle of letting a hundred flowers blossom and a hundred schools of thought contend, prosper socialist culture and continuously meet the people and the masses' increasingly growing demand of spiritual culture.

### Chapter 44 Strengthen the Socialist cultural Construction

#### Section 1 Promote ideological and ethical progress

Comprehensively implement Dengxiao Theory and the Important Thought of Three-Represents, deeply study and implement the scientific concept of development, strengthen Marxist theoretical research and construction, adhere to the guidance position of Marxism in the field of ideology and further consolidate the common ideological basis for the Chinese people of all ethnic groups for solidarity and struggle. Adhere to correct guidance of public opinion. Strengthen ideal and faith education and ideological and political work, all out carry forward the national spirit with patriotism as the core and time spirit with reform and innovation as the core, strengthen the construction of socialist ideology and morality, carry out the mass spiritual civilization creation activities in a down-to-earth manner, advocate the basic moral standards such as patriotism, law observation, good faith, solidarity and amiability, thrift and self-improvement, career respect and dedication, carry forward the excellent tradition of arduous struggle, further reinforce the cohesion of Chinese nation, make all the people be always filled with an enterprising spirit and provide powerful ideological guarantee and spiritual impetus for building a well off society in an all-round way.

#### Section 2 Enrich the People and the Masses' cultural life

Actively develop cultural undertakings and cultural industry and create more and better excellent cultural products meeting the need of the people and the masses. Increase the investment of the government in the cultural undertakings and gradually form the relatively complete public cultural service system covering the whole society. Push forward cultural innovation, implement the strategy of product excellence, prosper art creation and improve the quality of cultural and art products. Strengthen the protection of cultural and natural heritage and ethnical and folk culture. Expand the coverage of broadcast and movie and television, develop digital broadcast and movie and television and ensure broadcast safety. Prosper journalism. Develop modern publication and issuance industry, actively develop digital publication and lay stress on the construction of network media. All out popularize Putonghua. Expand international cultural exchange, actively explore international cultural market and push Chinese culture to enter the world. Make Shanghai Expo a success.

#### Special Column 17: Key Public Cultural Construction Project

**Extension of radio and TV coverage to every village:** comprehensively realize that the villages that contains over 20 families get the access to cable radio and TV

**Rural motion picture projection:** basically realize that a movie is projected in each village every month in all rural areas in the country.

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**Construction of village and town comprehensive cultural station:** basically realize that all villages and towns in the country have built a comprehensive cultural station.

**Cultural information resource sharing:** push the cultural resource digitalization and promote cultural information resource sharing with emphasis given to rural areas.

**Protection of major cultural and natural heritage:** strengthen the construction of protection and utilization facilities for world heritage, major historical and cultural relics under state protection, major national famous scenic sites and national famous historical and cultural city (town, village) and construct protection facilities for rescue cultural relic.

**"Tibet-Xinjiang Project":** strengthen the construction of broadcast and TV facilities in Tibet and Xinjiang etc, expand coverage, improve listening and watching quality and reinforce the safeguard ability for transmission safety.

**Construction of major cultural facilities:** push the construction national and local major cultural facilities such as National Museum, Chinese Art Gallery (Phase II) and National Drama Theatre.

### Section 3 Deepen the Reform of Cultural System

Establish the cultural management system and vibrant cultural product production and operation mechanism led by the Party committee, managed by the government, self-disciplined by the industry and legally operated by enterprises and institutions. Improve the support mode for public and cultural organizations to promote them to reinforce vigour and improve service. Push forward the system transformation of operating cultural cause institutions and make efforts to form a group of cultural enterprises and enterprise groups that keep to the advanced socialist cultural orientation and have relatively strong independent innovation capability and market competitive power. Improve cultural industrial policies, promote the development of national cultural industry, guide and standardize the entry of non-public economy into cultural industry and form the cultural industrial pattern with public ownership as the subject and common development of multiple types of ownership and the cultural market pattern with natural culture as the subject and attraction of exotic beneficial culture. Strengthen the comprehensive law enforcement for cultural market and management for Internet, adhere to anti-pornography and forgery actions and build the social environment of supporting healthy culture, innovating backward culture and resisting decadent culture. Actively advocate the construction of enterprise culture.

## Part 13 Strengthen the National Defence and Army Building

According to the requirements of safeguarding our national security and unity and development interest, strengthen national defence and army modernization construction and form the favourable situation of the coordinated development between national defence construction and economic construction.

### Catcher 45 Strengthen National Defence and Army Building

#### Section 1 Comprehensively Strengthen Army Building

The army must take Mao Zedong's military thinking and Deng Xiaoping's thinking on army building in the new period and Jiang Zemin's thinking on national defence and army building as the guide, take the scientific concept of development as the important guideline for strengthening national defence and army building, adhere to the Party's absolute leadership for the army, implement the positive defence military strategic policy, have an eye to effectively fulfilling the historical mission of the new phase army in the new century, comprehensively strengthen the army revolutionization, modernization and regularization construction, actively push forward the military change with Chinese characteristic and make efforts to improve the army's overall defence and combat capability under informatization conditions. Always put the ideological and

political construction in the first place of various constructions and maintain the correct orientation of army building. Carry out the strategy of building a strong army through science and technology and push forward the combined development of mechanization and informatization. Deepen the adjustment and reform of system and organization and policy system, optimize force structure and military establishment and reinforce the vitality of army building. Innovate military theory, strengthen army training and university and college education, train new type military talents and improve the quality of officers and soldiers. Develop modernized materiel facilities, optimize system architecture and improve supporting level. Push forward logistics construction and reform, reinforce comprehensive safeguard ability and improve the living standard of officers and soldiers. Strengthen the construction at grassroots level and lay a solid construction foundation. Implement the policy of running the army strictly in accordance with the law, strengthen the construction of style and discipline, strictly conduct army management and education and ensure the high stability and concentration and unification of the army. Strengthen the construction of the armed police forces and make efforts to improve the ability of duty, dealing with sudden events and anti-terrorism. Deeply carry out "Two Support" activities; the army shall actively participate in emergency rescue and disaster relief and support the national economic construction and the government and society shall well carry out the work special care and placement and consolidate and develop the solidarity between the army and the government and between the army and the people.

**Section 2 Adjust and Optimize National Defence Science and Technology Industry**

Adhere to the policy of combination of the army and the people, combination of military efforts with civilian support, strengthening the basis and independence, innovation, accelerate the transformation and upgrading of national defence science and technology and industry, improve the high tech innovation ability and develop the technology and product competent for both military and civilian purposes. Push the construction of digitalized military industry, improve the research and development and manufacturing level of arms and equipment, ensure the supply of arms and equipment. Adjust and optimize the military product scientific research and production capacity structure, promote the core capability of overall design, general assembly test and system integration, strength scientific research and production subject and push specialized restructuring and socialized coordination. Actively and reliably implement the reform of military industrial scientific research institutes. Establish society oriented military product scientific research and production assess and exit system and improve coordination mechanism of interaction and cooperation between the army and the people. With property right system reform as breakthrough, remould military industrial enterprises with the stock system. Deepen military industrial investment system reform and push the pluralistic investment subjects.

**Section 3 Reinforce National Defence Mobilization Ability**

Deepen the reform of the national defence mobilization system and operation system, implement the requirements of national defence in economic construction and gradually establish the centralized, unified, structurally rational, quick response, autonomous and highly efficient modern national defence mobilization system. Strengthen the militia and reserves, well carry out the construction of national economy mobilization, the people's air defence and comprehensive protection capability. Strengthen national defence infrastructural construction and legally protect national defence facilities.

## **Part 14 Establish and Complete the Planning and Implementation Mechanism**

Under the conditions that the socialist market economic system is preliminarily established, realize the objective and task of this plan and mainly rely on exerting the basic actions of market distribution resources. At the same time, the government shall correctly fulfil its responsibilities, regulate and control and guide social resources, rationally allocate public resources and safeguard the smooth implementation of the plan.

### **Chapter 46 Establish the Implementation Mechanism for Guidance to Different Types of Areas**

The development orientation of agricultural, industrial and service industrials put forward in this plan and the key points of development for making use of foreign investment and foreign trade etc are the orientation for market subject and are implemented mainly by relying on the independent behaviour of market subject. The governments at various levels shall maintain fair competition, strictly prohibit from local segmentation and departmental protection, shall not directly intervene in the enterprises operation activities or intervene in the normal operation of market mechanism.

The key tasks determined in this plan such as maintaining relatively rapid and stable economic development, changing economic growth mode, regulating and optimizing economic structure, reinforcing independent innovation capability, constructing new socialist village, promoting regional coordinated development, promoting sound urbanization development and constructing resource saving and environmentally friendly society are mainly realized by improving market mechanism and interest-orientation mechanism. The government shall build the favourable system and policy environment for the inspiration of the market subject initiatives and creativity by means of system and mechanism innovation and improvement policy. Stated own enterprises and institutions shall play the leading and demonstration role.

The tasks in the public service fields determined in this plan such as compulsory education, public health, social security, social assistance, poverty promotion, poverty reduction, disaster prevention and reduction, public safety, basic science and leading edge technology as well as social welfare technological research and national defence are the government's commitment and governments at various levels shall practically fulfil the functions and do everything to complete them by using public resources.

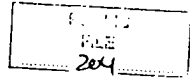
The requirements proposed in this plan such as subject functional division, ecological environmental protection, resource management, intellectual property rights protection, income distribution regulation, market economic order maintenance, the people's legal rights and interests safeguard and social construction and management are mainly implemented by legal means such as completing laws and regulations and increasing the strength of law enforcement associated with economic means.

The reform task determined in this plan is the government's important responsibilities and must be placed in the important position of the government work. It is necessary to strengthen the overall guidance and unified planning and coordination for the reform, decompose the reform tasks into and related departments, lose no time to push them forward and promptly determine the tried and true reform measures using the form of laws, rules and regulations and systems.

### **Chapter 47 Adjust and Improve Economic Policy**

In the principle that the public finance is submitted to and serves the public policy and in accordance with that the key point of the public finance allocation shall turn to providing equal basic public service for the whole people, rationally divide intergovernmental duties and responsibilities and rationally define the scope of fiscal expenditure. The preferred fields of public finance budget arrangement are: rural compulsory education and public health, rural science and technology transfer, vocational education, rural labour force training, employment promotion,





social security, poverty reduction, family planning, disaster prevention and reduction, public safety, public culture, basic science and leading edge technology as well as social welfare technological research, geological exploration for energy and important mineral resource, pollution prevention and control, ecological protection, resource management and national safety etc. the key supported regions are: restricted development zone, and prohibited development zone, Central and West Regions and especially old revolutionary base areas, minority nationality regions, border areas, poverty stricken areas, Three Gorges Reservoir area and resource depletion cities etc.

Sufficiently exert the regulation action of tax revenues, compile and formulate the tax policies that encourage the construction of resource saving and environmentally friendly society, promote employment and reemployment, promote scientific and technological development, reinforce independent innovation capability, promote cultural system reform and the sound development of equipment manufacturing industry and other industries.

According to the principle of concentrating socialist efforts to deal with great events, gradually increase the scale of the Central Government's investment on the basis of economic development and financial capability increase. Improve the government investment management system, integrate government investment, improve investment mode and strengthen project supervision and management.

Strengthen and improve industrial policy work, reinforce the unified planning for domestic industry development and forest investment introduction, strengthen the cooperation of the policies in credit, land, environmental protection, safety and science and technology with the industrial policy and use economic means to promote the development of industries. Strengthen the support for the weak links of high tech industries and equipment manufacturing industry, mainly support research and development and foster core competitive power. According to the principle of appropriate tightness, regulate and control the scale of high energy consumption industries and control the blind expansion of production capacity. According to the principle of guiding industries to develop in groups and reducing trans-regional large scaled resource mobilization, optimize industry layout and promote the industries that mainly use sea route to import resources to be arranged in the coastal regions and the industries that mainly use domestic resources and land route to import resources to be arranged in the major central and west development regions. Implement brand strategy and support the big enterprises that possess independent intellectual property rights and well known brands and strong competitive power to become trans-national companies. Implement the medium and small enterprises growth project. Legally eliminate the backward processes and techniques and close down the enterprises that destruct resources, pollute environment and do not have the conditions for safety production.

#### Special Column 18: Key Fields Supported by the Central Government Investment

**New village construction:** popularize and consolidate rural compulsory education, rural labor force transfer and employment, public health and basic medical service system, drinking water safety, rural road, rural power, renewable energy resources, rural power grid, rural public culture, high quality grain industry project, soil fertilization project, vegetation protection project, irrigation area construction, animal epidemic prevention system and crop production and livestock breeding line breed project etc.

**Public service:** compulsory education, secondary vocational education, labor force skill training, major disease prevention and treatment system, grassroots public health, social welfare, public culture and sports facilities, infrastructure of public security organs, governmental organs, people's courts and justice departments, employment service, community service, food and drug safety supervision and management facilities, safety production supervision and coal mine safety supervision facilities and supporting system, fixed prevention, weather and conflagration etc. disaster prevention and reduction, coal cutting, settling area treatment, work relief and poverty alleviation through relocation for poverty stricken areas, ecological environment development of minority nationality regions and border areas etc.

**Resource environment:** geological survey of energy and important mineral resource, ecological environmental protection and remediation, environmental pollution treatment, energy conservation and water and land saving, recycle economy, etc.

**Independent innovation:** knowledge innovation project, major scientific project and scientific and technological infrastructure, high tech industrialization, independent research and development and rationalization of major technical equipment, resource saving, technology research and development and transfer demonstration.

**Infrastructure:** national railway, national expressway, important port and navigational channel, hub airport and important branch line airport, air

traffic control facilities, major hydrom projects such as South-North Water Transfer, big river governance, informatization and information safety infrastructure, strategic material reserves, renewable energy resources, fuel gas and centralized heating facilities, town sewage and waste treatment facilities etc.

#### Chapter 48 Improve the Planning and Management System

Strengthen the unified planning and coordination. Continue to handle well the balance between the total demand and total supply and particularly strengthen the system coordination, planning coordination and policy coordination. Unified to plan and coordinate the policy objective and policy means, well carry out the cooperation between financial policy, monetary policy, industrial policy, regional policy, social policy and political achievement evaluation and prevent national policy departmentalization. Unified to plan and coordinate long term development and short term develop. Near term measures shall be conducive to resolving the long term difficulty, system reform, policy formulation, investment arrangement and development speed determination shall sufficiently consider sustainability and prevent from being impatient for success.

Reform planning and management system, improve scientific and democratized compilation procedure and form the unified and linking planning system commanded by the national economy and social development planning and with clear orientation of various plans and complementary functions. Deepen and consolidate urban planning, land use planning, environmental protection planning and special planning for grain, energy and traffic etc. compile national primary function division planning and define the range, functional orientation, development direction and regional policies for the primary functional areas. Strengthen regional planning work and compile the regional planning form some primary functional areas. Reform and complete local planning and deepen city and country planning system reform.

The obligatory indicators determined in this plan has legal force and should be incorporated all regions and all departments' comprehensive evaluation and performance evaluation for economic and social development. The obligatory indicators shall be decomposed into related departments and the indicators such as farmland retention quantity, reduction of energy consumption per unit gross domestic product and reduction of total discharge of major pollutants etc should be decomposed into all provinces, autonomous regions and municipalities directly under the Central Government.

Related department of the State Council shall strengthen the trade analysis for the implementation of this plan and receive the supervision and inspection of the implementation of the plan by the National People's Congress and its Standing Committee.

In the mid-phase of the implementation of this plan, it is necessary to carry out interim evaluation for the implementation of the plan. The interim evaluation report should be submitted to the Standing Committee of the National People's Congress for deliberation. When it is necessary to revise this plan after the interim evaluation, it should be reported to the Standing Committee of the National People's Congress for approval.

Maintain the long term prosperity and stability of Hong Kong and Macao. Continue to steadfastly implement the policy of "one country, two systems", Hong Kong People governing Hong Kong, Macao People governing Macao and a high degree of autonomy, handle things in strict conformity with the Basic Law of special administrative region, strengthen and push the exchange and cooperation between Mainland and Hong Kong and Macao in the fields of economy and trade, science and education, culture, health and sports etc, continue to implement the closer economic and trade relation arrangement between the Mainland and Hong Kong and Macao and strengthen the cooperation between the Mainland and Hong Kong and Macao in infrastructural construction, industrial development, resource utilization and environmental protection. Support Hong Kong to develop the service industries such as finance, material circulation, tourism and interconnection and maintain Hong Kong's centre position in international finance, trade and maritime navigation. Support Macao to develop service industries such as tourism and promote the moderate and pluralistic development of Macao's economy.

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Taiwan is the inseparable sacred territory of the People's Republic of China. We should push the development of cross-strait relations and the great cause of peaceful reunification, expand cross-strait economic, cultural, scientific and technological and educational exchange and visits back and forth by individuals, maintain the legitimate rights and interests of Taiwan compatriots, push ahead the direct, two-way and complete "Three Links", promote the establishment of stable cross-strait economic and trade cooperation mechanism, promote the development of cross-strait relations and maintain the peace and stability in Taiwan Strait.

The Eleventh Five-Year Plan is the important plan in the progress of building a well-off society in an all round way. The people of all ethnic groups in the country shall, under the leadership of the Communist Party of China, be closely united around the Central Committee of the Party led by General-Secretary Hu Jintao, hold high the banner of Deng Xiaoping Theory and carry out the important thoughts of "Three Represents", comprehensively implement the scientific concept of development, enliven our spirit, do a solid job, be enterprising and forge ahead triumphantly, and strive for the realization of the Eleventh Five-Year Plan and the magnificent objective of building a well off society in an all round way (end).

中华人民共和国国民经济和社会发展第十一个五年规划纲要

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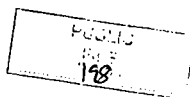
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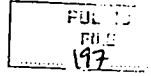
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中华人民共和国国民经济和社会发展第十一个五年（2006～2010年）规划纲要根据《中共中央关于制定国民经济和社会发展第十一个五年规划的建议》编制，主要阐明国家战略意图，明确政府工作重点，引导市场主体行为，是未来五年我国经济社会发展的宏伟蓝图，是全国各族人民共同的行动纲领，是政府履行经济调节、市场监管、社会管理和公共服务职责的重要依据。

## 第一篇 指导原则和发展目标

### 第一章 全面建设小康社会的关键时期

“十五”时期是不平凡的五年，我国综合国力明显增强，人民生活明显改善，国际地位明显提高。面对复杂多变的国内外形势，在全国各族人民共同努力下，我们有效抑制经济运行中出现的不稳定不健康因素，成功战胜非典疫情和重大自然灾害的挑战，从容应对加入世界贸易组织后的新变化，国民经济持续较快发展，“十五”计划确定的主要发展目标提前实现。工业化、城镇化、市场化、国际化步伐加快，经济体制改革不断深化，对外贸易迈上新台阶，国家财政收入大幅度增加，价格总水平保持基本稳定，城乡面貌和人民生活进一步改善，民族团结不断巩固，各项社会事业取得新进步，国防和军队建设取得新进展，社会主义民主政治和精神文明建设继续加强。更为重要的是，党中央提出了树立科学发展观和构建社会主义和谐社会的重大战略思想。这些都为“十一五”时期的发展奠定了良好基础。面向未来，我们站在一个新的历史起点上。



专栏1 “十五”计划主要指标实现情况				
指标	2000年	“十五” 计划目标	2005年	“十五” 年均增长 (%)
国内生产总值年均增长(%)		7		9.5
五年城镇新增就业(万人)		[4000]		[4200]
五年转移农业劳动力(万人)		[4000]		[4000]
城镇登记失业率(%)	3.1	5	4.2	
价格总水平		基本稳定		1.4
货物进出口总额(亿美元)	4743	6800	14221	24.6
研究与试验发展经费支出占国内生产总值比重(%)	0.9	1.5	1.3	
高等教育毛入学率(%)	11.5	15	21	
高中阶段教育毛入学率(%)	42.8	60	53	
初中毛入学率(%)	88.6	90	95	
全国总人口(万人)	126743	133000	130756	6.3%
主要污染物排放总量减少(%)		[10]		< [10]
城镇居民人均可支配收入年均增长(%)		5		9.6
农村居民人均纯收入年均增长(%)		5		5.3
城镇居民人均住宅建筑面积(平方米)	20.3	22	26	5.1

注：研究与试验发展经费支出占国内生产总值比重按经济普查前数据，2005年为1.55%；带[]的为五年累计数。

“十一五”时期是全面建设小康社会的关键时期，具有承前启后的历史地位，既面临难得机遇，也存在严峻挑战。

我国具备保持经济平稳较快发展和社会和谐进步的有利条件。城乡居民消费结构加速升级，将带动产业结构加快调整和城镇化加快发展，市场潜力巨大。劳动力资源丰富，国民储蓄率较高，基础设施不断改善，产业配套能力较强，科技教育具有较好基础，社会政治保持长期稳定。改革向纵深推进，社会主义市场经济体制逐步完善，将进一步激发社会活力和发展动力。和平、发展、合作成为当

今时代的潮流，世界政治力量对比有利于保持国际环境的总体稳定，经济全球化趋势深入发展，科技进步日新月异，生产要素流动和产业转移加快，我国与世界经济的相互联系和影响日益加深，国内国际两个市场、两种资源相互补充，外部环境总体上对我国发展有利。

在前进道路上还存在不少困难和问题。我国正处于并将长期处于社会主义初级阶段，生产力还不发达，制约发展的一些长期性深层次矛盾依然存在：耕地、淡水、能源和重要矿产资源相对不足，生态环境比较脆弱，经济结构不合理，解决“三农”问题任务相当艰巨，就业压力较大，科技自主创新能力不强，影响发展的体制机制障碍亟待解决。“十五”时期在快速发展中又出现了一些突出问题：投资和消费关系不协调，部分行业盲目扩张、产能过剩，经济增长方式转变缓慢，能源资源消耗过大，环境污染加剧，城乡、区域发展差距和部分社会成员之间收入差距继续扩大，社会事业发展仍然滞后，影响社会稳定的因素还较多。国际环境复杂多变，影响和平与发展的不稳定不确定因素增多，发达国家在经济科技上占优势的压力将长期存在，世界经济发展不平衡状况加剧，围绕资源、市场、技术、人才的竞争更加激烈，贸易保护主义有新的表现，对我国经济社会发展和安全提出了新的挑战。

在战略机遇与矛盾凸显并存的关键时期，要有高度的历史责任感、强烈的忧患意识和宽广的世界眼光，准确把握我国发展的阶段性特征，立足科学发展，着力自主创新，完善体制机制，促进社会和谐，全面提高我国的综合国力、国际竞争力和抗风险能力，开创社会主义经济建设、政治建设、文化建设、社会建设的新局面，为后十年顺利发展打下坚实基础，奋力把中国特色社会主义事业推向前进。

## 第二章 全面贯彻落实科学发展观

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“十一五”时期促进国民经济持续快速协调健康发展和社会全面进步，要以邓小平理论和“三个代表”重要思想为指导，以科学发展观统领经济社会发展全局。坚持发展是硬道理，坚持抓好发展这个党执政兴国的第一要务，坚持以经济建设为中心，坚持用发展和改革的办法解决前进中的问题。发展必须是科学发展，要坚持以人为本，转变发展观念、创新发展模式、提高发展质量，落实“五个统筹”，把经济社会发展切实转入全面协调可持续发展的轨道。要坚持以下原则：

——必须保持经济平稳较快发展。要进一步扩大国内需求，调整投资和消费的关系，合理控制投资规模，增强消费对经济增长的拉动作用。正确把握经济发展趋势的变化，保持社会供求总量基本平衡，避免经济大起大落，实现又快又好发展。

——必须加快转变经济增长方式。要把节约资源作为基本国策，发展循环经济，保护生态环境，加快建设资源节约型、环境友好型社会，促进经济发展与人口、资源、环境相协调。推进国民经济和社会信息化，切实走新型工业化道路，坚持节约发展、清洁发展、安全发展，实现可持续发展。

——必须提高自主创新能力。要深入实施科教兴国战略和人才强国战略，把增强自主创新能力作为科学技术发展的战略基点和调整产业结构、转变增长方式的中心环节，大力提高原始创新能力、集成创新能力和引进消化吸收再创新能力。

——必须促进城乡区域协调发展。要从社会主义现代化建设全局出发，统筹城乡区域发展。坚持把解决好“三农”问题作为重中之重，实行工业反哺农业、城市支持农村，推进社会主义新农村建设，促进城镇化健康发展。落实区域发展总体战略，形成东中西优势互补、良性互动的区域协调发展机制。

——必须加强和谐社会建设。要按照以人为本的要求，从解决关系人民群众切身利益的现实问题入手，更加注重经济社会协调发展，千方百计扩大就业，加快发展社会事业，促进人的全面发展；更加注重社会公平，使全体人民共享改革发展成果；更加注重民主法制建设，正确处理改革发展稳定的关系，保持社会安定团结。

——必须不断深化改革开放。要坚持社会主义市场经济的改革方向，完善现代企业制度和现代产权制度，建立反映市场供求状况和资源稀缺程度的价格形成机制，更大程度地发挥市场在资源配置中的基础性作用，提高资源配置效率，切实转变政府职能，健全国家宏观调控体系。统筹国内发展和对外开放，不断提高对外开放水平，增强在扩大开放条件下促进发展的能力。

根据上述指导思想和原则，针对发展中的突出矛盾和问题，要进一步调整推动发展的思路，转变推动发展的方式，明确推动发展的政策导向。

——立足扩大国内需求推动发展，把扩大国内需求特别是消费需求作为基本立足点，促使经济增长由主要依靠投资和出口拉动向消费与投资、内需与外需协调拉动转变。

——立足优化产业结构推动发展，把调整经济结构作为主线，促使经济增长由主要依靠工业带动和数量扩张带动向三次产业协同带动和结构优化升级带动转变。

——立足节约资源保护环境推动发展，把促进经济增长方式根本转变作为着力点，促使经济增长由主要依靠增加资源投入带动向主要依靠提高资源利用效率带动转变。

——立足增强自主创新能力推动发展，把增强自主创新能力作为国家战略，促使经济增长由主要依靠资金和物质要素投入带动向主要依靠科技进步和人力资本带动转变。

——立足深化改革开放推动发展，把改革开放作为动力，促使经济增长由某些领域相当程度上依靠行政干预推动向在国家宏观调控下更大程度发挥市场配置资源基础性作用转变。

——立足以人为本推动发展，把提高人民生活水平作为根本出发点和落脚点，促使发展由偏重于增加物质财富向更加注重促进人的全面发展和经济社会的协调发展转变。

### 第三章 经济社会发展的主要目标

根据全面建设小康社会的总体要求，“十一五”时期要努力实现以下经济社会发展的主要目标：

——宏观经济平稳运行。国内生产总值年均增长7.5%，实现人均国内生产总值比2000年翻一番。城镇新增就业和转移农业劳动力各4500万人，城镇登记失业率控制在5%。价格总水平基本稳定。国际收支基本平衡。

——产业结构优化升级。产业、产品和企业组织结构更趋合理，服务业增加值占国内生产总值比重和就业人员占全社会就业人员比重分别提高3个和4个百分点。自主创新能力增强，研究与试验发展经费支出占国内生产总值比重增加到2%，形成一批拥有自主知识产权和知名品牌、国际竞争力较强的优势企业。

——资源利用效率显著提高。单位国内生产总值能源消耗降低 20%左右，单位工业增加值用水量降低 30%，农业灌溉用水有效利用系数提高到 0.5，工业固体废物综合利用率提高到 60%。

——城乡区域发展趋向协调。社会主义新农村建设取得明显成效，城镇化率提高到 47%。各具特色的区域发展格局初步形成，城乡、区域间公共服务、人均收入和生活水平差距扩大的趋势得到遏制。

——基本公共服务明显加强。国民平均受教育年限增加到 9 年。公共卫生和医疗服务体系比较健全。社会保障覆盖面扩大，城镇基本养老保险覆盖人数达到 2.23 亿人，新型农村合作医疗覆盖率提高到 80%以上。贫困人口继续减少。防灾减灾能力增强，社会治安和安全生产状况进一步好转。

——可持续发展能力增强。全国总人口控制在 136000 万人。耕地保有量保持 1.2 亿公顷，淡水、能源和重要矿产资源保障水平提高。生态环境恶化趋势基本遏制，主要污染物排放总量减少 10%，森林覆盖率达到 20%，控制温室气体排放取得成效。

——市场经济体制比较完善。行政管理、国有企业、财税、金融、科技、教育、文化、卫生等领域的改革和制度建设取得突破，市场监管能力和社会管理水平明显提高。对外开放与国内发展更加协调，开放型经济达到新水平。

——人民生活水平继续提高。城镇居民人均可支配收入和农村居民人均纯收入分别年均增长 5%，城乡居民生活质量普遍提高，居住、交通、教育、文化、卫生和环境等方面的条件有较大改善。

——民主法制建设和精神文明建设取得新进展。法制建设全面推进，形成中国特色社会主义法律体系。思想道德建设进一步加强，构建和谐社会取得新进步。

专栏2 “十一五”时期经济社会发展的主要指标

类别	指标	2005年	2010年	年均增长(%)	属性
经济增长	国内生产总值(万亿元)	18.2	26.1	7.5	预期性
	人均国内生产总值(元)	13985	19270	6.6	预期性
经济结构	服务业增加值比重(%)	40.3	43.3	[3]	预期性
	服务业就业比重(%)	31.3	35.3	[4]	预期性
	研究与试验发展经费支出占国内生产总值比重(%)	1.3	2	[0.7]	预期性
	城镇化率(%)	43	47	[4]	预期性
人口、资源、环境	全国总人口(万人)	130756	136000	<8‰	约束性
	单位国内生产总值能源消耗降低(%)			[20]	约束性
	单位工业增加值用水量降低(%)			[30]	约束性
	农业灌溉用水有效利用系数	0.45	0.5	[0.05]	预期性
	工业固体废物综合利用率(%)	55.8	60	[432]	预期性
	耕地保有量(亿公顷)	1.22	1.2	-0.3	约束性
	主要污染物排放总量减少(%)			[10]	约束性
	森林覆盖率(%)	18.2	20	[1.8]	约束性
公共服务人民生活	国民平均受教育年限(年)	8.5	9	[0.5]	预期性
	城镇基本养老保险覆盖人数(亿人)	1.74	2.23	[5.1]	约束性
	新型农村合作医疗覆盖率(%)	23.5	>80	>[56.5]	约束性
	五年城镇新增就业(万人)			[4500]	预期性
	五年转移农业劳动力(万人)			[4500]	预期性
	城镇登记失业率(%)	4.2	5		预期性
	城镇居民人均可支配收入(元)	10493	13390	5	预期性
	农村居民人均纯收入(元)	3255	4150	5	预期性

注：国内生产总值和城乡居民收入为2005年价格；带[]的为五年累计数；主要污染物指二氧化硫和化学需氧量。

### 专栏3 规划指标的属性

本规划确定的发展目标体现了人民的根本利益和长远利益，是凝聚人民意愿的国家战略意图，其中的量化指标分为预期性和约束性两类。

**预期性指标**是国家期望的发展目标，主要依靠市场主体的自主行为实现。政府要创造良好的宏观环境、制度环境和市场环境，并适时调整宏观调控方向和力度，综合运用各种政策引导社会资源配置，努力争取实现。

**约束性指标**是在预期性基础上进一步明确并强化了政府责任的指标，是中央政府在公共服务和涉及公众利益领域对地方政府和中央政府有关部门提出的工作要求。政府要通过合理配置公共资源和有效运用行政力量，确保实现。

## 第二篇 建设社会主义新农村

坚持统筹城乡经济社会发展的基本方略，在积极稳妥地推进城镇化的同时，按照生产发展、生活宽裕、乡风文明、村容整洁、管理民主的要求，扎实稳步推进新农村建设。

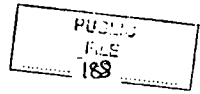
### 第四章 发展现代农业

坚持把发展农业生产力作为建设社会主义新农村的首要任务，推进农业结构性调整，转变农业增长方式，提高农业综合生产能力和增值能力，巩固和加强农业基础地位。

#### 第一节 提高农业综合生产能力

坚持粮食基本自给，稳定发展粮食生产，确保国家粮食安全，粮食综合生产能力达到5亿吨左右。加强粮食主产区生产能力建设，提高粮食单产、品质和生





产效益。建立粮食主产区与主销区间利益协调机制。抓好其他区域粮食生产能力建设。

坚持最严格的耕地保护制度，确保基本农田总量不减少、质量不下降。加强以小型水利设施为重点的农田基本建设，改造大型灌区，加快中低产田改造，提高耕地质量和农业防灾减灾能力。

提高农业科技创新和转化能力。加快建设国家农业科技创新基地和区域性农业科研中心。加快农作物和畜禽水产良种繁育、饲料饲养、疫病防治、资源节约、污染治理等技术的研发和推广。培育和推广超级杂交水稻等优良品种。加强物种资源保护和合理开发利用。

改革传统耕作方式，推行农业标准化，发展节约型农业。科学使用化肥、农药和农膜，推广测土配方施肥、平衡施肥、缓释氮肥、生物防治病虫害等适用技术。推广先进适用农机具，提高农业机械化水平。

## 第二节 推进农业结构调整

优化农业产业结构。在保证粮棉油稳定增产的同时，提高养殖业比重。加快发展畜牧业和奶业，保护天然草场，建设饲草料基地，改进畜禽饲养方式，提高规模化、集约化和标准化水平。因地制宜发展经济林和花卉产业。发展水产养殖和水产品加工，实施休渔、禁渔制度，控制捕捞强度。

优化农业产品结构。发展高产、优质、高效、生态、安全农产品。重点发展优质专用粮食品种、经济效益高的经济作物、节粮型畜产品和名特优新水产品。

优化农业区域布局。提高黄淮海平原、长江中下游平原和东北平原的粮食综合生产能力。在气候条件适宜区域建设经济作物产业带和名特优新稀热带作物产

业带。发展农区、农牧交错区畜牧业，在南方草山草坡和西南岩溶地区发展草地畜牧业，恢复和培育传统牧区可持续发展能力。在缺水地区发展旱作节水农业。

### 第三节 加强农业服务体系建设

健全农业技术推广、农产品质量安全和标准、动物防疫和植物保护、认证认可等服务体系。整合涉农信息资源，加强农村经济信息应用系统建设。推进农业服务组织和机制创新，鼓励和引导农民发展各类专业合作经济组织，提高农业的组织化程度。

### 第四节 完善农村流通体系

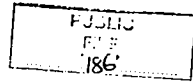
推进农产品批发市场建设和改造，促进农产品质量等级化、包装规格化。继续实施“万村千乡市场工程”，加快供销合作社经营网络改造和城市商业网点向农村延伸。完善鲜活农产品“绿色通道”网络。发展农资连锁经营，规范农资市场秩序。

## 第五章 增加农民收入

### 第一节 挖掘农业增收潜力

积极发展品种优良、特色明显、附加值高的优势农产品。延长农业产业链条，使农民在农业功能拓展中获得更多收益。发展农产品加工、保鲜、储运和其他服务。支持发展农业产业化经营，培育带动力强的龙头企业，健全企业与农户利益共享、风险共担的机制。扩大养殖、园艺等劳动密集型产品和绿色食品生产。鼓励优势农产品出口。发展休闲观光农业。

### 第二节 增加非农产业收入



推动乡镇企业机制创新和结构调整,引导乡镇企业向有条件的小城镇和县城集中,扶持县域经济发展,注重发展就业容量大的劳动密集型产业和服务业,壮大县域经济。健全就业信息服务体系,引导富余劳动力向非农产业和城镇有序转移,保障进城务工人员合法权益,增加农民务工收入。

### 第三节 完善增收减负政策

继续实行对农民的直接补贴政策,加大补贴力度,完善补贴方式。促进农产品价格保持在合理水平,稳定农业生产资料价格,建立农业支持保护制度。严格涉农收费管理,禁止向农民乱收费、乱摊派。

## 第六章 改善农村面貌

统筹规划、分步实施,政府引导、群众自愿,因地制宜、注重实效,改善农民生产生活条件。

### 第一节 加强农村基础设施建设

着力加强农民最急需的生产生活设施建设。加快实施农村饮水安全工程,加强农村公路建设,基本实现全国所有乡镇通油(水泥)路,东中部地区所有具备条件的建制村通油(水泥)路,西部地区具备条件的建制村通公路,健全农村公路管护体系。积极发展农村沼气、秸秆发电、小水电、太阳能、风能等可再生能源,完善农村电网。建立电信普遍服务基金,加强农村信息网络建设,发展农村邮政和电信,基本实现村村通电话、乡乡能上网。按照节约土地、设施配套、节能环保、突出特色的原则,做好乡村建设规划,引导农民合理建设住宅,保护有特色的农村建筑风貌。

### 第二节 加强农村环境保护

开展全国土壤污染现状调查,综合治理土壤污染。防治农药、化肥和农膜等面源污染,加强规模化养殖场污染治理。推进农村生活垃圾和污水处理,改善环境卫生和村容村貌。禁止工业固体废物、危险废物、城镇垃圾及其他污染物向农村转移。

### 第三节 积极发展农村卫生事业

加强以乡镇卫生院为重点的农村卫生基础设施建设,健全农村三级卫生服务和医疗救助体系。培训乡村卫生人员,开展城市医师支援农村活动。建设农村药品供应网和监督网。加强禽流感等人畜共患疾病防治。完善农村计划生育服务体系,实施农村计划生育家庭奖励扶助制度和“少生快富”工程。

### 第四节 发展农村社会保障

探索建立与农村经济发展水平相适应、与其他保障措施相配套的农村养老保险制度。基本建立新型农村合作医疗制度。有条件的地方要建立农村最低生活保障制度。完善农村“五保户”供养、特困户生活补助、灾民救助等社会救助体系。

## 第七章 培养新型农民

加快发展农村教育、技能培训和文化事业,培养造就有文化、懂技术、会经营的新型农民。

### 第一节 加快发展农村义务教育

着力普及和巩固农村九年制义务教育。对农村义务教育阶段学生免收学杂费,对其中的贫困家庭学生免费提供课本和补助寄宿生生活费。按照明确各级责任、中央地方共担、加大财政投入、提高保障水平、分步组织实施的原则,将农村义务教育全面纳入公共财政保障范围,构建农村义务教育经费保障机制。实施

农村教师培训计划，使中西部地区 50% 的农村教师得到一次专业培训。鼓励城市各单位开展智力支农，加大城镇教师支援农村教育的力度。全面实施农村中小学远程教育。

### 第二节 加强劳动力技能培训

支持新型农民科技培训，提高农民务农技能和科技素质。实施农村劳动力转移培训工程，增强农村劳动力的就业能力。实施农村实用人才培训工程，培养一大批生产能手、能工巧匠、经营能人和科技人员。

### 第三节 发展农村文化事业

加强农村文化设施建设，扩大广播电视和电影覆盖面。引导文化工作者深入乡村，满足农民群众精神文化需求。扶持农村业余文化队伍，鼓励农民兴办文化产业。推动实施农民体育健身工程。开展“文明村镇”和“文明户”活动，引导农民形成科学文明健康的生活方式。

## 第八章 增加农业和农村投入

坚持“多予少取放活”的方针，加快建立以工促农、以城带乡的长效机制。调整国民收入分配格局，国家财政支出和预算内固定资产投资，要按照存量适度调整、增量重点倾斜的原则，不断增加对农业和农村的投入。扩大公共财政覆盖农村的范围，确保财政用于“三农”投入的增量高于上年，新增教育、卫生、文化财政支出主要用于农村，中央和地方各级政府基础设施建设投资的重点要放在农业和农村。改革政府支农投资管理方式，整合支农投资，提高资金使用效率。鼓励、支持金融组织增加对农业和农村的投入，积极发展小额信贷，引导社会资金投入农业和农村。

## 第九章 深化农村改革

稳定并完善以家庭承包经营为基础、统分结合的双层经营体制，有条件的地方可根据自愿、有偿的原则依法流转土地承包经营权，发展多种形式的适度规模经营，搞好土地承包流转中的仲裁服务。巩固农村税费改革成果，全面推进农村综合改革，基本完成乡镇机构、农村义务教育和县乡财政管理体制等改革任务。深化农村金融体制改革，规范发展适合农村特点的金融组织，发挥农村信用社的支农作用，建立健全农村金融体系。稳步推进集体林权改革。加快征地制度改革，健全对被征地农民的合理补偿机制。增强村级集体经济组织的服务功能。

大力推进农村基层组织建设。着重抓好村党组织建设，同步推进村民自治组织和其他村级组织配套建设。积极推进村级组织活动场所建设。加强农村基层干部队伍建设。推进政务公开和民主管理，健全村党组织领导的充满活力的村民自治机制。

#### 专栏4 新农村建设重点工程

**大型粮油生产基地和优质粮食产业工程** 在粮食主产区集中连片建设高产稳产大型商品粮生产基地, 继续建设优质棉基地、优质油料带。在13个粮食主产区的484个粮食主产县(场), 建设万亩连片标准粮田, 实施良种繁育、病虫害防控和农机装备推进等项目。

**沃土工程** 对增产潜力大的中低产田加大耕地质量建设力度, 配套建设不同类型的土肥新技术集成转化示范基地, 使项目实施区的中低产田耕地基础地力提高一个等级。

**植保工程** 完善县(市)级基层站点和省级分中心, 建设一批生态和生物控灾示范基地, 农药安全测试评价中心和生物技术测试区域中心。

**大型灌区续建配套改造和中部四省大型排涝泵站改造** 大型灌区续建配套和节水改造。更新改造湖南、湖北、江西、安徽四省已有大型排涝泵站。

**种养殖业良种工程** 建设农作物种质资源库、农作物改良中心、良种繁育基地, 畜禽水产原良种场、水产遗传育种中心、种质资源场及检测中心等。

**动物防疫体系** 建设和完善动物疫病监测预警、预防控制、检疫监督、兽药质量监测及残留监控、防疫技术支持、防疫物质保障六大系统。

**农产品质量安全检验检测体系** 建设国家级农产品质量检验与检测技术研究中心、农产品质检中心, 区域性质检中心, 省级综合性农产品质检中心和县级农产品检测站。

**农村饮水安全** 解决1亿农村居民饮用高氟水、高砷水、苦咸水、污染水和血吸虫病区、微生物超标等水质不达标及局部地区严重缺水问题。

**农村公路** 新建和改造农村公路120万公里; 实现所有具备条件的乡镇和行政村通公路。

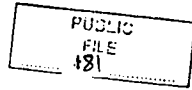
**农村沼气** 建设以沼气池、改圈、改厕、改厨为基本内容的农村户用沼气, 以及部分规模化畜禽养殖场和养殖小区大中型沼气工程。

**送电到村和绿色能源县工程** 建成50个绿色能源示范县, 利用电网延伸、风力发电、小水电、太阳能光伏发电等, 解决350万户无电人口用电问题。

**农村医疗卫生服务体系** 以中西部地区乡镇卫生院为重点, 同步建设县医院、妇幼保健机构、县中医院(民族医院)。

**农村计划生育服务体系** 以中西部地区县、乡计划生育技术服务站为重点, 建设县级服务站、中心乡镇服务站、流动服务车等。

**农村劳动力转移就业** 加强农村劳动力技能培训、就业服务和维权服务能力建设, 为外出务工农民免费提供法律政策咨询、就业信息、就业指导和职业介绍。



### 第三篇 推进工业结构优化升级

按照走新型工业化道路要求，坚持以市场为导向、企业为主体，把增强自主创新能力作为中心环节，继续发挥劳动密集型产业的竞争优势，调整优化产品结构、企业组织结构和产业布局，提升整体技术水平和综合竞争力，促进工业由大变强。

#### 第十章 加快发展高技术产业

按照产业集聚、规模发展和扩大国际合作的要求，加快促进高技术产业从加工装配为主向自主研发制造延伸，推进自主创新成果产业化，引导形成一批具有核心竞争力的先导产业、一批集聚效应突出的产业基地、一批跨国高技术企业和一批具有自主知识产权的知名品牌。

##### 第一节 提升电子信息制造业

根据数字化、网络化、智能化总体趋势，大力发展集成电路、软件和新型元器件等核心产业，重点培育光电通信、无线通信、高性能计算及网络设备等信息产业群，建设软件、微电子、光电子等产业基地，推动形成光电子产业链。开发信息产业关键技术，增强创新能力和竞争力，延伸产业链。

##### 第二节 培育生物产业

发挥我国特有的生物资源优势和技术优势，面向健康、农业、环保、能源和材料等领域的重大需求，重点发展生物医药、生物农业、生物能源、生物制造。实施生物产业专项工程，努力实现生物产业关键技术和重要产品研制的新突破。健全市场准入制度，保护特有生物资源，保障生物安全。



### 第三节 推进航空航天产业

坚持远近结合、军民结合、自主开发与国际合作结合，发展新支线飞机、大型飞机、直升机和先进发动机、机载设备，扩大转包生产，推进产业化；推进航天产业由试验应用型向业务服务型转变，发展通信、导航、遥感等卫星及其应用，形成空间、地面与终端产品制造、运营服务的航天产业链。

#### 专栏 5 高技术产业工程重大专项

**集成电路和软件**►建设集成电路研发中心，实现90纳米及以下集成电路工艺技术产业化。发展基础软件、中间件、大型关键应用软件和集成系统。

**新一代网络**►建设下一代互联网示范工程，覆盖全国的数字电视网和具有自主知识产权的移动通信示范网。实现新一代网络关键技术、关键设备和关键软件产业化，建成新一代信息网络基础设施。实施数字音视频产品产业化专项。

**先进计算**►突破千万亿次高性能计算机系统技术，建设基于网格的先进计算平台，实现万亿次高性能计算机产业化。

**生物医药**►建设一批重大疾病防治疫苗和基因工程药物产业化示范工程，完善现代中药体系，提高新药创制能力。

**民用飞机**►发展干线、支线、通用飞机和直升机。开发先进发动机。

**卫星应用**►研制新型气象、海洋、资源、通信等卫星，开发无毒无污染大推力运载火箭。建设对地观测和导航定位卫星系统、民用卫星地面系统设施及应用示范工程。

**新材料**►建设信息、生物、航空航天等行业急需的各类高性能新型材料产业化示范工程。

### 第四节 发展新材料产业

围绕信息、生物、航空航天、重大装备、新能源等产业发展的需求，重点发展特种功能材料、高性能结构材料、纳米材料、复合材料、环保节能材料等产业群，建立和完善新材料创新体系。

## 第十一章 振兴装备制造业

### 第一节 振兴重大技术装备

努力突破核心技术，提高重大技术装备研发设计、核心元器件配套、加工制造和系统集成整体水平。加强组织协调，强化政策支持，依托重点工程，完善技术标准，在高档数控机床与基础制造装备、高效清洁发电与输变电等领域研制一批对国家经济安全、技术进步、产业升级有重大影响和带动作用的重大技术装备，引导形成一批集研发设计制造于一体、竞争力强的企业。

### 第二节 提升汽车工业水平

增强汽车工业自主创新能力，加快发展拥有自主知识产权的汽车发动机、汽车电子、关键总成及零部件。发挥骨干企业作用，提高自主品牌乘用车市场占有率。鼓励开发使用节能环保和新型燃料汽车。引导企业在竞争中兼并重组，形成若干产能百万辆的企业。

### 第三节 壮大船舶工业实力

加强船舶自主设计能力、船用装备配套能力和大型造船设施建设，优化散货船、油船、集装箱船三大主力船型，重点发展高技术、高附加值的新型船舶和海洋工程装备。在环渤海、长江口和珠江口等区域建设造船基地，引导其他地区造船企业合理布局和集聚发展。

### 专栏6 装备制造业振兴的重点

**大型高效清洁发电装备**▶百万千瓦级核电机组、超超临界火电机组、燃气—蒸汽联合循环机组、整体煤气化燃气—蒸汽联合循环机组、大型循环流化床锅炉、大型水电机组及抽水蓄能机组、大型空冷机组、大功率风力发电机组等。

**超高压输变电设备**▶掌握±500千伏直流和750千伏交流输变电关键设备制造技术，开发1000千伏特高压交流和±800千伏直流输变电成套设备。

**大型乙烯成套设备**▶推进百万吨级大型乙烯成套设备和对二甲苯、对苯二甲酸成套设备的国产化。

**大型煤化工成套设备**▶煤炭液化和气化、煤制烯烃等设备。

**大型冶金设备**▶大型薄板冷热连轧成套设备及涂镀层加工成套设备等。

**煤矿综合采掘设备**▶大型煤炭井下综合采掘、运输提升和洗选设备以及大型露天矿设备。

**大型船舶装备**▶大型海洋石油工程设备、30万吨矿石和原油运输船、万标箱以上集装箱船、液化天然气运输船等大型、高技术、高附加值船舶及大功率柴油机等配套装备。

**轨道交通装备**▶掌握时速200公里及以上高速铁路列车、新型地铁车辆等装备核心技术，实现产业化。

**环保及资源综合利用装备**▶大气污染治理、城市及工业污水处理、固体废物处理等大型环保设备，海水利用、报废汽车处理等资源综合利用设备。

**数控机床**▶提高大型、精密、高速数控装备和数控系统及功能部件的水平。

坚持节约优先、立足国内、煤为基础、多元发展，优化生产和消费结构，构筑稳定、经济、清洁、安全的能源供应体系。

### 第一节 有序发展煤炭

加强煤炭资源勘探，统筹规划，合理开发，提高回采率，减少煤炭开采对生态环境的影响。建设大型煤炭基地，鼓励煤炭企业联合重组，引导形成若干产能亿吨级的企业。鼓励有优势的煤炭企业实行煤电联营或煤电运一体化经营。调整改造重组中小煤矿，依法关闭不具备安全生产条件、破坏资源和环境的煤矿。

加强煤矿瓦斯综合治理，加快煤层气开发利用。加强煤炭清洁生产和利用，鼓励发展煤炭洗选及低热值煤、煤矸石发电等综合利用，开发推广高效洁净燃烧、烟气脱硫等技术。发展煤化工，开发煤基液体燃料，有序推进煤炭液化示范工程建设，促进煤炭深度加工转化。

### 第二节 积极发展电力

以大型高效环保机组为重点优化发展火电。建设大型超超临界电站和大型空冷电站。推进洁净煤发电，建设单机60万千瓦级循环流化床电站，启动整体煤气化燃气—蒸汽联合循环电站工程。鼓励发展坑口电站，建设大型煤电基地。适度发展天然气发电。加快淘汰落后的小火电机组。

在保护生态基础上有序开发水电。统筹做好移民安置、环境治理、防洪和航运。建设金沙江、雅鲁江、澜沧江、黄河上游等水电基地和溪洛渡、向家坝等大型水电站。适当建设抽水蓄能电站。

积极推进核电建设。重点建设百万千瓦级核电站，逐步实现先进压水堆核电站的设计、制造、建设和运营自主化。加强核燃料资源勘查、开采、加工工艺改造以及核电关键技术开发和核电人才培养。

加强电网建设。建设西电东送三大输电通道和跨区域输变电工程，扩大西电东送规模，继续推进西电东送、南北互济、全国联网。加强区域、省级电网建设，同步发展输配电网络，加强城乡电网建设和改造，完善城乡配电网络，扩大供电范围，确保供电安全。

### 第三节 加快发展石油天然气

加大石油天然气资源勘探力度。加强油气资源调查评价，扩大勘探范围，重点开拓海域、主要油气盆地和陆地油气新区，开展煤层气、油页岩、油砂、天然气水合物等非常规油气资源调查勘探。推进油气勘探开发主体多元化。

实行油气并举，稳定增加原油产量，提高天然气产量。加强老油田稳产改造，延缓老油田产量递减。加快深海海域和塔里木、准噶尔、鄂尔多斯、柴达木、四川盆地等地区的油气资源开发。坚持平等合作、互利共赢，扩大境外油气资源合作开发。在沿海地区适度建设进口液化天然气项目。扩建和新建国家石油储备基地。

加快油气干线管网和配套设施的规划建设，逐步完善全国油气管线网络。建成西油东送、北油南运成品油管道。适时建设第二条西气东输管道及陆路进口油气管道。

### 第四节 大力发展可再生能源

实行优惠的财税、投资政策和强制性市场份额政策，鼓励生产与消费可再生能源，提高在一次能源消费中的比重。大力开发风能，建成 30 个 10 万千瓦级以上的大型风电项目，在内蒙古、河北、江苏、甘肃等地区形成百万千瓦风电基地。加快开发生物质能，支持发展秸秆、垃圾焚烧和垃圾填埋气发电，建设一批秸秆和林木质电站，扩大生物质固体成型燃料、燃料乙醇和生物柴油生产能力。并网风电装机、生物质发电装机分别达到 500 万千瓦和 550 万千瓦。积极开发利用太阳能、地热能和海洋能。

### 第十三章 调整原材料工业结构和布局

按照控制总量、淘汰落后、加快重组、提升水平的原则，加快调整原材料工业结构和布局，降低消耗，减少污染，提高产品档次、技术含量和产业集中度。

#### 第一节 优化发展冶金工业

坚持内需主导，着力解决产能过剩问题，严格控制新增钢铁生产能力，加速淘汰落后工艺、装备和产品，提高钢铁产品档次和质量。推进钢铁工业发展循环经济，发挥钢铁企业产品制造、能源转换和废物消纳处理功能。鼓励企业跨地区集团化重组，形成若干具有国际竞争力的企业。结合首钢等城市钢铁企业搬迁和淘汰落后生产能力，建设曹妃甸等钢铁基地。积极利用低品位铁矿资源。

控制电解铝总量，适度发展氧化铝，鼓励发展铝深加工和新型合金材料，提高铝工业资源综合利用水平。加大铜铅锌锰矿资源勘查力度，增加后备资源，稳定矿山生产。控制铜铅锌冶炼建设规模，发展深加工产品和新型合金材料。加强稀土和钨锡铌资源保护，推动稀土在高新技术产业的应用。

#### 第二节 调整化学工业布局

按照基地化、大型化、一体化方向，调整石化工业布局。在油品消费集中区域以扩建为主适度扩大炼油生产能力，在无炼油工业的油品消费集中区域合理布局新项目，在生产能力相对过剩区域控制炼油规模。关停并转小型低效炼油装置。合理布局大型乙烯项目，形成若干炼化一体化基地，防止一哄而上。

调整化肥、农药、农膜工业布局和结构。在能源产地和粮棉主产区建设百万吨级尿素基地，建设云南、贵州、湖北磷复肥基地和青海、新疆钾肥基地。控制农药总量，提高农药质量，发展高效、低毒、低残留农药。发展和推广可降解农膜。

优化发展基础化工原料，积极发展精细化工，淘汰高污染化工企业。

提高药品自主开发能力，巩固传统化学原料药，开发特色原料药。加强中药资源普查、保护、开发和可持续利用，建设中药资源基地，大力发展中药产业。

### 第三节 促进建材建筑业健康发展

以节约能源资源、保护生态环境和提高产品质量档次为重点，促进建材产业结构调整 and 产业升级。在有条件的地区发展日产 5000 吨及以上的新型干法水泥，逐步淘汰立窑等落后生产能力。提高玻璃等建筑材料质量及加工深度。大力发展节能环保的新型建筑材料、保温材料以及绿色装饰装修材料。

推进建筑业技术进步，完善工程建设标准体系和质量安全监管机制，发展建筑标准件，推进施工机械化，提高建筑质量。

## 第十四章 提升轻纺工业水平

着力打造自主品牌，提高质量，增加品种，满足多样化需求，扩大高端市场份额，巩固和提高轻纺工业竞争力。

### 第一节 鼓励轻工业提高制造水平

运用信息、生物、环保等新技术改造轻工业。调整造纸工业原料结构，降低水资源消耗和污染物排放，淘汰落后草浆生产线，在有条件的地区实施林纸一体化工程。大力发展食品工业，提高精深加工水平，保障食品安全，鼓励家用电器、塑料制品和皮革及其他轻工行业开发新产品，提高技术含量和质量。

### 第二节 鼓励纺织工业增加附加值

提高纺织工业技术含量和自主品牌比重。发展高技术、高性能、差别化、绿色环保纤维和再生纤维，扩大产业用纺织品、丝绸和非棉天然纤维开发利用。推进纺织工业梯度转移。

## 第十五章 积极推进信息化

坚持以信息化带动工业化，以工业化促进信息化，提高经济社会信息化水平。

### 第一节 加快制造业信息化

以信息化改造制造业，推进生产设备数字化、生产过程智能化和企业管理信息化，促进制造业研发设计、生产制造、物流库存和市场营销变革。提高机电装备信息化水平，实现精准、高效生产。推广集散控制、现场总线控制、敏捷制造等技术，强化生产过程的在线监测、预警和控制。

### 第二节 深度开发信息资源

加快国家基础信息库建设，促进基础信息共享。优化信息资源结构。加强生产、流通、科技、人口、资源、生态环境等领域的信息采集，加强信息资源深度开发、及时处理、传播共享和有效利用。



### 第三节 完善信息基础设施

积极推进“三网融合”。建设和完善宽带通信网，加快发展宽带用户接入网，稳步推进新一代移动通信网络建设。建设集有线、地面、卫星传输于一体的数字电视网络，构建下一代互联网，加快商业化应用。制定和完善网络标准，促进互联互通和资源共享。

### 第四节 强化信息安全保障

积极防御、综合防范，提高信息安全保障能力。强化安全监控、应急响应、密钥管理、网络信任等信息安全基础设施建设，加强基础信息网络和国家重要信息系统的安全防护，推进信息安全产品产业化。发展咨询、测评、灾备等专业化信息安全服务。健全安全等级保护、风险评估和安全准入制度。

## 第四篇 加快发展服务业

坚持市场化、产业化、社会化方向，拓宽领域、扩大规模、优化结构、增强功能、规范市场，提高服务业的比重和水平。

## 第十六章 拓展生产性服务业

大力发展主要面向生产者的服务业，细化深化专业化分工，降低社会交易成本，提高资源配置效率。

### 第一节 优先发展交通运输业

统筹规划、合理布局交通基础设施，做好各种运输方式相互衔接，发挥组合效率和整体优势，建设便捷、通畅、高效、安全的综合运输体系。

加快发展铁路运输。重点建设客运专线、城际轨道交通、煤运通道，初步形成快速客运和煤炭运输网络。扩展西部地区路网，强化中部地区路网，完善东部地区路网。加强集装箱运输系统和主要客货枢纽建设。建设铁路新线 1.7 万公里，其中客运专线 7000 公里。

进一步完善公路网络。重点建设国家高速公路网，基本形成国家高速公路网骨架。继续完善国道、省道干线公路网络，打通省际间通道，发挥路网整体效率。公路总里程达到 230 万公里，其中高速公路 6.5 万公里。

积极发展水路运输。完善沿海沿江港口布局，重点建设集装箱、煤炭、进口油气和铁矿石中转运输系统，扩大港口吞吐能力。改善出海航道，提高内河通航条件，建设长江黄金水道和长江三角洲、珠江三角洲高等级航道网。推进江海联运。

优化民用机场布局。扩大大型机场，完善中型机场，增加小型机场，提高中西部地区和东北地区机场密度。完善航线网络。建设现代化空中交通管理系统。

### 专栏7 交通基础设施重点工程

**铁路**►建设北京至上海、北京至广州至深圳、哈尔滨至大连、郑州至西安、上海至宁波至深圳、南京至武汉至成都等客运专线，北京至天津、上海至南京、上海至杭州、南京至杭州、广州至珠海等城际轨道交通，向塘至涪州湾、兰州至重庆、太原至中卫（银川）铁路和青藏铁路延伸线，大同至秦皇岛，朔州至黄骅铁路扩能改造。

**公路**►建设北京至上海、北京至福州、北京至香港（澳门）、北京至昆明、北京至哈尔滨、沈阳至海口、包头至茂名、青岛至银川、南京至洛阳、上海至西安、上海至重庆、上海至昆明、福州至银川、广州至昆明等高速公路。

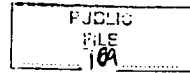
**港口**►建设大连、唐山、天津、青岛、上海、宁波—舟山、福州、厦门、深圳、广州、湛江及防城等沿海港口的煤炭、进口油气、进口铁矿石中转运输系统和集装箱运输系统。适时建设华东、华南地区煤炭中转储存基地。

**水运**►建设长江口深水航道治理三期工程、珠江口出海航道工程，长江水系、珠江水系和京杭运河航道整治工程，加快重庆、武汉、南京等内河港口建设。

**机场**►扩建北京、上海、广州、杭州、成都、深圳、西安、乌鲁木齐、郑州、武汉等机场，迁建昆明、合肥等机场，在中西部地区和东北地区新建支线机场。

优化运输资源配置，强化枢纽衔接和集疏运配套，促进运输一体化。开发应用高速重载、大型专业化运载、新一代航行系统等高新技术，推广集装箱多式联运和快递服务。应用信息技术提升运输管理水平，推广智能交通运输体系。发展货运代理、客货营销等运输中介服务。建设上海、天津、大连等国际航运中心。

#### 第二节 大力发展现代物流业



推广现代物流管理技术，促进企业内部物流社会化，实现企业物资采购、生产组织、产品销售和再生资源回收的系列化运作。培育专业化物流企业，积极发展第三方物流。建立物流标准化体系，加强物流新技术开发利用，推进物流信息化。加强物流基础设施整合，建设大型物流枢纽，发展区域性物流中心。

### 第三节 有序发展金融服务业

健全金融体系，完善服务功能，创新服务品种，提高服务质量。规范发展多种所有制形式的中小银行以及证券公司、财务公司、融资租赁公司、基金管理公司等非银行金融机构。鼓励金融创新，稳步发展综合类金融服务，支持发展网上金融服务。积极发展面向中小企业的融资和小额信贷。完善支付结算体系，提高支付清算效率。健全金融市场的登记、托管、交易、清算系统。发展境外金融服务和外汇风险管理、综合理财等，为企业跨境经营提供便利服务和外汇避险工具。

拓宽保险服务领域，发展养老、医疗保险，发挥商业保险在健全社会保障体系中的重要作用。发展农业保险、责任保险，建立国家支持的农业和巨灾再保险体系。拓宽保险资金运用渠道。发展网上保险等新的服务方式。

### 第四节 积极发展信息服务业

改善邮政和电信基础业务，发展增值业务，开发新兴业务，促进普遍服务。调整电信业务结构，发展互联网产业。

积极发展电子商务。建立健全电子商务基础设施、法律环境、信用和安全认证体系，建设安全、便捷的在线支付服务平台。发展企业间电子商务，推广面向中小企业、重点行业和区域的第三方电子商务交易与服务。

推进电子政务。整合网络资源，建设统一的电子政务网络，构建政务信息网络平台、数据交换中心、数字认证中心，推动部门间信息共享和业务协同。开发基础数据资源和办公资源，完善重点业务系统。健全政府与企业、公众互动的门户网站体系，依法开放政务信息，促进办事程序规范。培育公益性信息服务机构，开发利用公益性信息资源。

加强测绘基础设施建设，丰富和开发利用基础地理信息资源，发展地理信息产业。鼓励教育、文化、出版、广播影视等领域的数字内容产业发展，丰富中文数字内容资源，发展动漫产业。

#### 第五节 规范发展商务服务业

拓展和规范律师、公证、法律援助、司法鉴定、经济仲裁等法律服务。发展项目策划、财务顾问、并购重组、上市等投资与资产管理服务。规范发展会计、审计、税务、资产评估、校准、检测、验货等经济鉴证类服务。支持发展市场调查、工程咨询、管理咨询、资信服务等咨询服务。鼓励发展专业化的工业设计。推动广告业发展。合理规划展馆布局，发展会展业。

### 第十七章 丰富消费性服务业

适应居民消费结构升级趋势，继续发展主要面向消费者的服务业，扩大短缺服务产品供给，满足多样化的服务需求。

#### 第一节 提升商贸服务业

鼓励发展所有制形式和经营业态多样化、诚信便民的零售、餐饮等商贸服务。积极发展连锁经营、特许经营、物流配送等现代流通方式和组织形式。按照优化城市功能、疏解交通的要求，合理调整城市商业网点结构和布局。

## 第二节 发展房地产业

调整住房供应结构，重点发展普通商品住房和经济适用住房，严格控制大户型高档商品房。按照保障供给、稳定房价的原则，加强对房地产一、二级市场和租赁市场的调控，促进住房梯次消费。完善房地产开发融资方式，加强资本金管理，规范发展住房消费信贷和保险。规范物业管理行为，提高市场化程度。

## 第三节 大力发展旅游业

全面发展国内旅游，积极发展入境旅游，规范发展出境旅游。合理开发和保护旅游资源，改善基础设施，推进重点旅游区、旅游线路建设，规范旅游市场秩序。继续发展观光旅游，开发休闲度假以及科普、农业、工业、海洋等专题旅游，完善自助游服务体系。继续推进红色旅游。加快旅游企业整合重组。鼓励开发特色旅游商品。

## 第四节 加强市政公用事业

优先发展公共交通，完善城市路网结构和公共交通场站，有条件的大城市和城市群地区要把轨道交通作为优先领域，超前规划，适时建设。积极发展出租车业。加强城市给排水、中水管网改造和建设，增强安全供水能力，扩大再生水使用范围。合理规划建设和改造城市集中供热、燃气设施。

## 第五节 加快发展社区服务业

围绕便民服务，重点发展社区卫生、家政服务、社区保安、养老托幼、食品配送、修理服务和废旧物品回收等。理顺社区管理体制，推进社区服务规范化和网络化建设。

## 第六节 发展体育事业和体育产业

加强城乡基层和各类学校体育设施建设,开展全民健身活动,提高全民特别是青少年的身体素质。保护发展民族民间体育。深化体育改革,鼓励社会力量兴办体育事业和投资体育产业。规范发展体育健身、竞赛表演、体育彩票、体育用品,以及多种形式的体育组织和经营实体。提高竞技运动水平,办好北京奥运会和广州亚运会。

## 第十八章 促进服务业发展的政策

打破垄断,放宽准入领域,建立公开、平等、规范的行业准入制度。鼓励社会资金投入服务业,提高非公有制经济比重。公共服务以外的领域,要按照营利性与非营利性分开的原则加快产业化改组。营利性事业单位要改制为企业,并尽快建立现代企业制度。继续推进政府机关和事业单位后勤服务社会化改革。采取积极的财税、土地、价格等政策,支持服务业关键领域、薄弱环节、新兴产业和新型业态的发展。健全服务业标准体系,推进服务业标准化。大城市要把发展服务业放在优先位置,有条件的要逐步形成服务经济为主的产业结构。

## 第五篇 促进区域协调发展

根据资源环境承载能力、发展基础和潜力,按照发挥比较优势、加强薄弱环节、享受均等化基本公共服务的要求,逐步形成主体功能定位清晰,东中西良性互动,公共服务和人民生活水平差距趋向缩小的区域协调发展格局。

## 第十九章 实施区域发展总体战略

坚持实施推进西部大开发,振兴东北地区等老工业基地,促进中部地区崛起,鼓励东部地区率先发展的区域发展总体战略,健全区域协调互动机制,形成合理的区域发展格局。

### 第一节 推进西部大开发

西部地区要加快改革开放步伐,通过国家支持、自身努力和区域合作,增强自我发展能力。坚持以线串点,以点带面,依托中心城市和交通干线,实行重点开发,加强基础设施建设,建设出境、跨区铁路和西煤东运新通道,建成“五纵七横”西部路段和八条省际公路,建设电源基地和西电东送工程。巩固和发展退耕还林成果,继续推进退牧还草、天然林保护等生态工程,加强植被保护,加大荒漠化和石漠化治理力度,加强重点区域水污染防治。加强青藏高原生态安全屏障保护和建设。支持资源优势转化为产业优势,大力发展特色产业,加强清洁能源、优势矿产资源开发及加工,支持发展先进制造业、高技术产业及其他有优势的产业。加强和改善公共服务,优先发展义务教育和职业教育,改善农村医疗卫生条件,推进人才开发和科技创新。建设和完善边境口岸设施,加强与毗邻国家的经济技术合作,发展边境贸易。落实和深化西部大开发政策,加大政策扶持和财政转移支付力度,推动建立长期稳定的西部开发资金渠道。

### 第二节 振兴东北地区等老工业基地

东北地区要加快产业结构调整 and 国有企业改革改组改造,在改革开放中实现振兴。发展现代农业,强化粮食基地建设,推进农业规模化、标准化、机械化和产业化经营,提高商品率和附加值。建设先进装备、精品钢材、石化、汽车、船舶和农副产品深加工基地,发展高技术产业。建立资源开发补偿机制和衰退产业援助机制,抓好阜新、大庆、伊春和辽源等资源枯竭型城市经济转型试点,搞好棚户区改造和采煤沉陷区治理。加强东北东部铁路通道和跨省区公路运输通道等



基础设施建设, 加快市场体系建设, 促进区域经济一体化。扩大与毗邻国家的经济技术合作。加强黑土地水土流失和东北西部荒漠化综合治理。支持其他地区老工业基地的振兴。

### 第三节 促进中部地区崛起

中部地区要依托现有基础, 提升产业层次, 推进工业化和城镇化, 在发挥承东启西和产业发展优势中崛起。加强现代农业特别是粮食主产区建设, 加大农业基础设施建设投入, 增强粮食等大宗农产品生产能力, 促进农产品加工转化增值。支持山西、河南、安徽加强大型煤炭基地建设, 发展坑口电站和煤电联营。加快钢铁、化工、有色、建材等优势产业的结构调整, 形成精品原材料基地。支持发展矿山机械、汽车、农业机械、机车车辆、输变电设备等装备制造制造业以及软件、光电子、新材料、生物工程等高新技术产业。构建综合交通运输体系, 重点建设干线铁路和公路、内河港口、区域性机场。加强物流中心基础设施建设, 完善市场体系。

### 第四节 鼓励东部地区率先发展

东部地区要率先提高自主创新能力, 率先实现经济结构优化升级和增长方式转变, 率先完善社会主义市场经济体制, 在率先发展和改革中带动帮助中西部地区发展。加快形成一批自主知识产权、核心技术和知名品牌, 提高产业素质和竞争力。优先发展先进制造业、高新技术产业和服务业, 着力发展精加工和高端产品。促进加工贸易升级, 积极承接高新技术产业和现代服务业转移, 提高外向型经济水平, 增强国际竞争力。加强耕地保护, 发展现代农业。提高资源特别是土地、能源利用效率, 加强生态环境保护, 增强可持续发展能力。继续发挥经济特区、上海浦东新区的作用, 推进天津滨海新区开发开放, 支持海峡西岸和其他台商投资相对集中地区的经济发展, 带动区域经济发展。

## 第五节 支持革命老区、民族地区和边疆地区发展

加大财政转移支付力度和财政性投资力度，支持革命老区、民族地区和边疆地区加快发展。保护自然生态，改善基础设施条件。发展学前教育，加快普及义务教育，办好中心城市的民族初中班和高中班，加强民族大学建设和民族地区高等教育。建设少数民族民间传统文化社区，扶持少数民族出版事业，建立双语教学示范区。加强少数民族人才队伍建设，稳定民族地区人才队伍。支持发展民族特色产业、民族特需商品、民族医药产业和其他有优势的产业。优先解决特困少数民族贫困问题，扶持人口较少民族的社会经济发展，推进兴边富民行动。继续实行支持西藏、新疆及新疆生产建设兵团发展的政策。

## 第六节 健全区域协调互动机制

健全市场机制，打破行政区划的局限，促进生产要素在区域间自由流动，引导产业转移。健全合作机制，鼓励和支持各地区开展多种形式的区域经济协作和技术、人才合作，形成以东带西、东中西共同发展的格局。健全互助机制，发达地区要采取对口支援、社会捐助等方式帮扶欠发达地区。健全扶持机制，按照公共服务均等化原则，加大国家对欠发达地区的支持力度。国家继续在经济政策、资金投入和产业发展等方面，加大对中西部地区的支持。

# 第二十章 推进形成主体功能区

根据资源环境承载能力、现有开发密度和发展潜力，统筹考虑未来我国人口分布、经济布局、国土利用和城镇化格局，将国土空间划分为优化开发、重点开发、限制开发和禁止开发四类主体功能区，按照主体功能定位调整完善区域政策和绩效评价，规范空间开发秩序，形成合理的空间开发结构。

## 第一节 优化开发区域的发展方向

优化开发区域是指国土开发密度已经较高、资源环境承载能力开始减弱的区域。要改变依靠大量占用土地、大量消耗资源和大量排放污染实现经济较快增长的模式，把提高增长质量和效益放在首位，提升参与全球分工与竞争的层次，继续成为带动全国经济社会发展的龙头和我国参与经济全球化的主体区域。

### 第二节 重点开发区域的发展方向

重点开发区域是指资源环境承载能力较强、经济和人口集聚条件较好的区域。要充实基础设施，改善投资创业环境，促进产业集群发展，壮大经济规模，加快工业化和城镇化，承接优化开发区域的产业转移，承接限制开发区域和禁止开发区域的人口转移，逐步成为支撑全国经济发展和人口集聚的重要载体。

### 第三节 限制开发区域的发展方向

限制开发区域是指资源环境承载能力较弱、大规模集聚经济和人口条件不够好并关系到全国或较大区域范围生态安全的区域。要坚持保护优先、适度开发、点状发展，因地制宜发展资源环境可承载的特色产业，加强生态修复和环境保护，引导超载人口逐步有序转移，逐步成为全国或区域性的重要生态功能区。

### 专栏 8 部分限制开发区域功能定位及发展方向

大小兴安岭森林生态功能区>禁止非保护性采伐,植树造林,涵养水源,保护野生动物。

长白山森林生态功能区>禁止林木采伐,植树造林,涵养水源,防止水土流失。

川滇森林生态及生物多样性功能区>在已明确的保护区域保护生物多样性和多种珍稀动物基因库。

秦巴生物多样性功能区>适度开发水能,减少林木采伐,保护野生物种。

藏东南高原边缘森林生态功能区>保护自然生态系统。

新疆阿尔泰山地森林生态功能区>禁止非保护性采伐,合理更新林地。

青海三江源草原草甸湿地生态功能区>封育草地,减少载畜量,扩大湿地,涵养水源,防治草原退化,实行生态移民。

新疆塔里木河荒漠生态功能区>合理利用地表水和地下水,调整农牧业结构,加强药材开发管理。

新疆阿尔金草原荒漠生态功能区>控制放牧和旅游区域范围,防范盗猎,减少人类活动干扰。

藏西北羌塘高原荒漠生态功能区>保护荒漠生态系统,防范盗猎,保护野生动物。

东北三江平原湿地生态功能区>扩大保护范围,降低农业开发和城市建设强度,改善湿地环境。

苏北沿海湿地生态功能区>停止围垦,扩大湿地保护范围,保护鸟类南北迁徙通道。

四川若尔盖高原湿地生态功能区>停止开垦,减少过度开发,保持湿地面积,保护珍稀动物。

甘南黄河重要水源补给生态功能区>加强天然林、湿地和高原野生动植物保护,实行退耕还林还草,牧民定居和生态移民。

川滇干热河谷生态功能区>退耕还林、还灌、还草,综合整治,防止水土流失,降低人口密度。

内蒙古呼伦贝尔草原沙漠化防治区>禁止过度开垦、不适当樵采和超载放牧,退牧还草,防治草场退化沙化。

内蒙古科尔沁沙漠化防治区>根据沙化程度采取针对性强的治理措施。

内蒙古浑善达克沙漠化防治区>采取植物和工程措施,加强综合治理。

毛乌素沙漠化防治区>恢复天然植被,防止沙丘活化和沙漠面积扩大。

黄土高原丘陵沟壑水土流失防治区>控制开发强度,以小流域为单元综合治理水土流失,建设淤地坝。

大别山土壤侵蚀防治区>实行生态移民,降低人口密度,恢复植被。

桂黔滇等喀斯特石漠化防治区>封山育林育草,种草养畜,实行生态移民,改变耕作方式,发展生态产业和优势非农产业。

#### 第四节 禁止开发区域的发展方向

禁止开发区域是指依法设立的自然保护区域。要依据法律法规规定和相关规划实行强制性保护，控制人为因素对自然生态的干扰，严禁不符合主体功能定位的开发活动。

##### 专栏 9 禁止开发区域

国家级自然保护区>共 243 个，面积 8944 万公顷。

世界文化自然遗产>共 31 处。

国家重点风景名胜区>共 187 个，面积 927 万公顷。

国家森林公园>共 565 个，面积 1100 万公顷。

国家地质公园>共 138 个，面积 48 万公顷。

#### 第五节 实行分类管理的区域政策

财政政策，要增加对限制开发区域、禁止开发区域用于公共服务和生态环境补偿的财政转移支付，逐步使当地居民享有均等化的基本公共服务。投资政策，要重点支持限制开发区域、禁止开发区域公共服务设施建设和生态环境保护，支持重点开发区域基础设施建设。产业政策，要引导优化开发区域转移占地多、消耗高的加工业和劳动密集型产业，提升产业结构层次，引导重点开发区域加强产业配套能力建设；引导限制开发区域发展特色产业，限制不符合主体功能定位的产业扩张。土地政策，要对优化开发区域实行更严格的建设用地增量控制，在保证基本农田不减少的前提下适当扩大重点开发区域建设用地供给，对限制开发区域和禁止开发区域实行严格的土地用途管制，严禁生态用地改变用途。人口管理政策，要鼓励在优化开发区域、重点开发区域有稳定就业和住所的外来人口定居落户，引导限制开发区域和禁止开发区域的人口逐步自愿平稳有序转移。绩效评

价和政绩考核，对优化开发区域，要强化经济结构、资源消耗、自主创新等的评价，弱化经济增长的评价；对重点开发区域，要综合评价经济增长、质量效益、工业化和城镇化水平等；对限制开发区域，要突出生态环境保护等的评价，弱化经济增长、工业化和城镇化水平的评价；对禁止开发区域，主要评价生态环境保护。

## 第二十一章 促进城镇化健康发展

坚持大中小城市和小城镇协调发展，提高城镇综合承载能力，按照循序渐进、节约土地、集约发展、合理布局的原则，积极稳妥地推进城镇化，逐步改变城乡二元结构。

### 第一节 分类引导人口城镇化

对临时进城务工人员，继续实行亦工亦农、城乡双向流动的政策，在劳动报酬、劳动时间、法定假日和安全保护等方面依法保障其合法权益；对在城市已有稳定职业和住所的进城务工人员，要创造条件使之逐步转为城市居民，依法享有当地居民应有的权利，承担应尽的义务；对因城市建设承包地被征用、完全失去土地的农村人口，要转为城市居民，城市政府要负责提供就业援助、技能培训、失业保险和最低生活保障等。鼓励农村人口进入中小城市和小城镇定居，特大城市要从调整产业结构的源头入手，形成用经济办法等控制人口过快增长的机制。

### 第二节 形成合理的城镇化空间格局

要把城市群作为推进城镇化的主体形态，逐步形成以沿海及京广京哈线为纵轴，长江及陇海线为横轴，若干城市群为主体，其他城市和小城镇点状分布，永久耕地和生态功能区相间隔，高效协调可持续的城镇化空间格局。

已形成城市群发展格局的京津冀、长江三角洲和珠江三角洲等区域，要继续发挥带动和辐射作用，加强城市群内各城市的分工协作和优势互补，增强城市群的整体竞争力。

具备城市群发展条件的区域，要加强统筹规划，以特大城市和大城市为龙头，发挥中心城市作用，形成若干用地少、就业多、要素集聚能力强、人口分布合理的新城市群。

人口分散、资源条件较差、不具备城市群发展条件的区域，要重点发展现有城市、县城及有条件的建制镇，成为本地区集聚经济、人口和提供公共服务的中心。

### 第三节 加强城市规划建设管理

规划城市规模与布局，要符合当地水土资源、环境容量、地质构造等自然承载力，并与当地经济发展、就业空间、基础设施和公共服务供给能力相适应。

加强城市水源地保护和供水设施建设。缺水城市要适度控制城市规模，禁止发展高耗水产业和建设高耗水景观。地下水超采城市要控制地下水开采，防止地面沉降。城市道路以及供排水、能源、环保、电信、有线电视等的建设，要破除部门和地方分割，在统一规划基础上协同建设，减少盲目填挖和拆建。加强城市综合防灾减灾和应急管理能力建设。稳步推进城市危旧住房和“城中村”改造，保障拆迁户合法权益。城市规划和建筑设计要延续历史，传承文化，突出特色，保护民族、文化遗产和风景名胜资源。强化城市规划实施的监管，推进城市综合管理，提高城市管理水平。

### 第四节 健全城镇化发展的体制机制

加快破除城乡分割的体制障碍，建立健全与城镇化健康发展相适应的财税、征地、行政管理和公共服务等制度。完善行政区划设置和管理模式。改革城乡分割的就业管理制度，深化户籍制度改革，逐步建立城乡统一的人口登记制度。

## 第六篇 建设资源节约型、环境友好型社会

落实节约资源和保护环境基本国策，建设低投入、高产出，低消耗、少排放，能循环、可持续的国民经济体系和资源节约型、环境友好型社会。

### 第二十二章 发展循环经济

坚持开发节约并重、节约优先，按照减量化、再利用、资源化的原则，在资源开采、生产消耗、废物产生、消费等环节，逐步建立全社会的资源循环利用体系。

#### 第一节 节约能源

强化能源节约和高效利用的政策导向，加大节能力度。通过优化产业结构特别是降低高耗能产业比重，实现结构节能；通过开发推广节能技术，实现技术节能；通过加强能源生产、运输、消费各环节的制度和监管，实现管理节能。突出抓好钢铁、有色、煤炭、电力、化工、建材等行业和耗能大户的节能工作。加大汽车燃油经济性标准实施力度，加快淘汰老旧运输设备，制定替代液体燃料标准，积极发展石油替代产品。鼓励生产使用高效节能产品。



### 专栏 10 节能重点工程

**低效燃煤工业锅炉(窑炉)改造**▶采用循环流化床、粉煤燃烧等技术改造或替代现有中小燃煤锅炉(窑炉)。

**区域热电联产**▶发展采用热电联产和热电冷联产,将分散式供热小锅炉改造为集中供热。

**余热余压利用**▶在钢铁、建材等行业开展余热余压利用。

**节约和替代石油**▶在电力、交通运输等行业实施节油措施,发展煤炭液化、醇醚类燃料等石油替代产品。

**电机系统节能**▶在煤炭等行业进行电动机拖动风机、水泵系统优化改造。

**能量系统优化**▶在石化、钢铁等行业实施系统能量优化,使企业综合能耗达到或接近世界先进水平。

**建筑节能**▶严格执行建筑节能设计标准,推动既有建筑节能改造,推广新型墙体材料和节能产品等。

**绿色照明**▶在公用设施、宾馆、商厦、写字楼以及住宅中推广高效节电照明系统等。

**政府机构节能**▶政府机构建筑按照建筑节能标准进行改造,在政府机构推广使用节能产品等。

**节能监测和技术服务体系**▶更新监测设备,加强人员培训等。

### 第二节 节约用水

发展农业节水,推进雨水集蓄,建设节水灌溉饲草基地,提高水的利用效率,基本实现灌溉用水量总量零增长。重点推进火电、冶金等高耗水行业节水技术改造。抓好城市节水工作,强制推广使用节水设备和器具,扩大再生水利用。加强公共建筑和住宅节水设施建设。积极开展海水淡化、海水直接利用和矿井水利用。

### 第三节 节约土地

落实保护耕地基本国策。管住总量、严控增量、盘活存量,控制农用地转为建设用地的规模。建立健全用地定额标准,推行多层标准厂房。开展农村土地整

理，调整居民点布局，控制农村居民点占地，推进废弃土地复垦。控制城市大广场建设，发展节能省地型公共建筑和住宅。到2010年实现所有城市禁用实心粘土砖。

#### 第四节 节约材料

推行产品生态设计，推广节约材料的技术工艺，鼓励采用小型、轻型和再生材料。提高建筑物质量，延长使用寿命，提倡简约实用的建筑装修。推进木材、金属材料、水泥等的节约代用。禁止过度包装，规范并减少一次性用品生产和使用。

#### 第五节 加强资源综合利用

抓好煤炭、黑色和有色金属共生矿产资源综合利用。推进粉煤灰、煤矸石、冶金和化工废渣及尾矿等工业废物利用。推进秸秆、农膜、禽畜粪便等循环利用。建立生产者责任延伸制度，推进废纸、废旧金属、废旧轮胎和废弃电子产品等回收利用。加强生活垃圾和污泥资源化利用。

推动钢铁、有色、煤炭、电力、化工、建材、制糖等行业实施循环经济改造，形成一批循环经济示范企业。在重点行业、领域、产业园区和城市开展循环经济试点。发展黄河三角洲、三峡库区等高效生态经济。

### 专栏 11 循环经济示范试点工程

**重点行业** > 建设济钢、宝钢、鞍本钢、攀钢、中铝、金川公司、江西铜业、鲁北化工等一批循环经济示范企业。

**产业园区** > 建设资源循环利用产业链及园区集中供热和废物处理中心，建设河北曹妃甸、青海柴达木等若干循环经济产业示范区。

**再生资源回收利用** > 建设湖南汨罗等再生资源回收利用市场和加工示范基地。

**再生金属利用** > 建设若干 30 万吨以上的再生铜、再生铝、再生铅示范企业。

**废旧家电回收处理** > 建设若干废旧家电回收利用示范基地。

**再制造** > 建设若干汽车发动机、变速箱、电机和轮胎翻新等再制造示范企业。

#### 第六节 强化促进节约的政策措施

加快循环经济立法。实行单位能耗目标责任和考核制度。完善重点行业能耗和水耗准入标准、主要用能产品和建筑物能效标准、重点行业节能设计规范和取水定额标准。严格执行设计、施工、生产等技术标准和材料消耗核算制度。实行强制淘汰高耗能高耗水落后工艺、技术和设备的制度。推行强制性能效标识制度和节能产品认证制度。加强电力需求侧管理、政府节能采购、合同能源管理。实行有利于资源节约、综合利用和石油替代产品开发的财税、价格、投资政策。增强全社会的资源忧患意识和节约意识。

### 第二十三章 保护修复自然生态

生态保护和建设的重点要从事后治理向事前保护转变，从人工建设为主向自然恢复为主转变，从源头上扭转生态恶化趋势。

## 专栏 12 生态保护重点工程

**天然林资源保护** > 对工程区内 9418 万公顷天然林和其他森林实行全面有效管护, 在长江上游、黄河上中游工程区造林 579 万公顷。

**退耕还林还草** > 在长江、黄河流域水土流失以及北方风沙地区等继续实施退耕还林还草。

**退牧还草** > 在内蒙古东部、内蒙古甘肃宁夏西部、青藏高原东部、新疆北部四大片区治理严重退化草地。

**京津风沙源治理** > 退耕还林 34 万公顷, 在宜林荒山荒沙地区造林 29 万公顷, 人工造林 127 万公顷, 飞播造林 145 万公顷, 封山育林育草 95 万公顷, 草地治理 291 万公顷。

**防护林体系** > 建设“三北”防护林体系四期工程, 长江、珠江防护林和太行山绿化、平原绿化及沿海防护林体系工程, 推进三峡库区绿化带建设。

**湿地保护与修复** > 建设 222 个湿地保护区, 其中国家级湿地保护区 49 个, 通过对水资源的合理调配和管理等措施恢复重要湿地。

**青海三江源自然保护区生态保护和建设** > 退牧还草 644 万公顷, 退耕还林还草 0.65 万公顷, 封山育林、沙漠化土地防治、湿地保护、黑土滩治理 80 万公顷, 鼠害治理 209 万公顷, 水土流失治理 5 万公顷。

**水土保持工程** > 新增水土流失治理面积 1900 万公顷, 实施石羊河流域综合治理。

**野生动植物保护及自然保护区建设** > 建设和完善一批自然保护区, 继续实施对极度濒危野生动植物物种的拯救工程。

**石漠化地区综合治理** > 通过植被保护, 退耕还林、封山育林育草, 种草养畜, 合理开发利用水资源, 土地整治和水土保持, 改变耕作制度, 建设农村沼气, 易地扶贫等措施, 加大石漠化地区治理力度。

在天然林保护区、重要水源涵养区等限制开发区域建立重要生态功能区, 促进自然生态恢复。健全法制, 落实主体、分清责任, 加强对自然保护区的监管。有效保护生物多样性, 防止外来有害物种对我国生态系统的侵害。按照谁开发谁保护、谁受益谁补偿的原则, 建立生态补偿机制。

## 第二十四章 加大环境保护力度

坚持预防为主、综合治理，强化从源头防治污染，坚决改变先污染后治理、边治理边污染的状况。以解决影响经济社会发展特别是严重危害人民健康的突出问题为重点，有效控制污染物排放，尽快改善重点流域、重点区域和重点城市的环境质量。

### 第一节 加强水污染防治

加大“三河三湖”等重点流域和区域水污染防治力度。科学划定饮用水源保护区，强化对主要河流和湖泊排污的管制，坚决取缔饮用水源地的直接排污口，严禁向江河湖海排放超标污水。加强城市污水处理设施建设，全面开征污水处理费，到2010年城市污水处理率不低于70%。

### 第二节 加强大气污染防治

加大重点城市大气污染防治力度。加快现有燃煤电厂脱硫设施建设，新建燃煤电厂必须根据排放标准安装脱硫装置，推进钢铁、有色、化工、建材等行业二氧化硫综合治理。在大中城市及其近郊，严格控制新（扩）建除热电联产外的燃煤电厂，禁止新（扩）建钢铁、冶炼等高耗能企业。加大城市烟尘、粉尘、细颗粒物 and 汽车尾气治理力度。

### 第三节 加强固体废物污染防治

加快危险废物处理设施建设，妥善处置危险废物和医疗废物。强化对危险化学品监管，加强重金属污染治理，推进堆存铬渣无害化处置。加强核设施和放射源安全监管，确保核与辐射环境安全。加强城市垃圾处理设施建设，加大城市垃圾处理费征收力度，到2010年城市生活垃圾无害化处理率不低于60%。

### 专栏 13 环境治理重点工程

**重点流域水污染治理** > “三河三湖”、三峡库区、长江上游、黄河中上游、松花江、南水北调水源及沿线的水污染治理工程。

**燃煤电厂烟气脱硫** > 增加现有燃煤电厂脱硫能力，使 90% 的现有电厂达标排放。

**医疗废物及危险废物处置** > 建设医疗废物及危险废物集中处置设施，基本实现医疗废物及危险废物的安全处置。

**核与辐射安全工程** > 加快中低放射性废物处置场建设，解决高放射性废物永久处置问题。

**铬渣污染治理** > 对堆存铬渣及受污染土壤进行综合治理，实现所有堆存铬渣无害化处置。

#### 第四节 实行强有力的环保措施

各地区要切实承担对所辖地区环境质量的责任，实行严格的环保绩效考核、环境执法责任制和责任追究制。各级政府要将环保投入作为本级财政支出的重点并逐年增加。健全环境监管体制，提高监管能力，加大环保执法力度。实施排放总量控制、排放许可和环境影响评价制度。实行清洁生产审核、环境标识和环境认证制度，严格执行强制淘汰和限期治理制度，建立跨省界河流断面水质考核制度。实行环境质量公告和企业环保信息公开制度，鼓励社会公众参与并监督环保。大力发展环保产业，建立社会化多元化环保投融资机制，运用经济手段加快污染治理市场化进程。积极参与全球环境与发展事务，认真履行环境国际公约。

### 第二十五章 强化资源管理

实行有限开发、有序开发、有偿开发，加强对各种自然资源的保护和管理。

#### 第一节 加强水资源管理

顺应自然规律,调整治水思路,从单纯的洪水控制向洪水管理、雨洪资源科学利用转变,从注重水资源开发利用向水资源节约、保护和优化配置转变。加强水资源统一管理,统筹生活、生产、生态用水,做好上下游、地表地下水调配,控制地下水开采。完善取水许可和水资源有偿使用制度,实行用水总量控制与定额管理相结合的制度,健全流域管理与区域管理相结合的水资源管理体制,建立国家初始水权分配制度和水权转让制度。完成南水北调东线和中线一期工程,合理规划建设其他水资源调配工程。

### 第二节 加强土地资源管理

实行最严格的土地管理制度。严格执行法定权限审批土地和占用耕地补偿制度,禁止非法压低地价招商。严格土地利用总体规划、城市总体规划、村庄和集镇规划修编的管理。加强土地利用计划管理、用途管制和项目用地预审管理。加强村镇建设用地管理,改革和完善宅基地审批制度。完善耕地保护责任考核体系,实行土地管理责任追究制。加强土地产权登记和土地资产管理。

### 第三节 加强矿产资源管理

加强矿产资源勘查开发统一规划管理,严格矿产资源开发准入条件,强化资格认证和许可管理,严格按照法律法规和规划开发。完善矿产资源开发管理体制,依法设置探矿权、采矿权,建立矿业权交易制度,健全矿产资源有偿占用制度和矿山环境恢复补偿机制。完善重要资源储备制度,加强国家重要矿产品储备,调整储备结构和布局。实行国家储备与用户储备相结合,对资源消耗大户实行强制性储备。

## 第二十六章 合理利用海洋和气候资源

### 第一节 保护和开发海洋资源

强化海洋意识，维护海洋权益，保护海洋生态，开发海洋资源，实施海洋综合管理，促进海洋经济发展。综合治理重点海域环境，遏制渤海、长江口和珠江口等近岸海域生态恶化趋势。恢复近海海洋生态功能，保护红树林、海滨湿地和珊瑚礁等海洋、海岸带生态系统，加强海岛保护和海洋自然保护区管理。完善海洋功能区划，规范海域使用秩序，严格限制开采海砂。有重点地勘探开发专属经济区、大陆架和国际海底资源。

## 第二节 开发利用气候资源

加强空中水资源、太阳能、风能等的合理开发利用。发展气象事业，加强气象卫星应用、天气雷达等综合监测，建立先进的气象服务业务系统。增强灾害性天气预警预报能力，提高预报准确率和时效性。增强气象为农业等行业服务的能力。加强人工影响天气、大气成分和气候变化监测、预测、评估工作。

## 第七篇 实施科教兴国战略和人才强国战略

把科技进步和创新作为经济社会发展的重要推动力，把发展教育和培养德才兼备的高素质人才摆在更加突出的战略位置，深化体制改革，加大投入，加快科技教育发展，努力建设创新型国家和人力资本强国。

## 第二十七章 加快科学技术创新和跨越

实施国家中长期科学和技术发展规划，按照自主创新、重点跨越、支撑发展、引领未来的方针，加快建设国家创新体系，不断增强企业创新能力，加强科技与经济、教育的紧密结合，全面提高科技整体实力和产业技术水平。

### 第一节 大力推进自主创新



加强基础研究、前沿技术研究和社会公益性技术研究，在信息、生命、空间、海洋、纳米及新材料等领域超前部署，集中优势力量，加大投入力度，力争取得重要突破。适应国家重大战略需求，启动一批重大科技专项，在能源、资源、环境、农业、信息、健康等领域加强关键技术攻关，实现核心技术集成创新与跨越。实施重大产业技术开发专项，促进引进技术消化吸收再创新。

## 专栏 14 重大科技专项与重大科技基础设施

**核心电子器件、高端通用芯片及基础软件** > 开发高端电子通用器件和高可信网络化基础软件, 信息安全所需芯片和器件等关键技术。

**极大规模集成电路制造技术及成套工艺** > 开发 60 纳米至 45 纳米高速、低功耗芯片和新型硅集成电路的制造工艺技术, 核心集成电路装备技术。

**新一代宽带无线移动通信** > 开发新一代宽带无线移动通信网络、终端与应用技术。

**高档数控机床与基础制造技术** > 开发高档数控机床与基础制造成套技术, 研究数字化与智能化控制单元。

**大型油气田及煤层气开发** > 开发特殊地质条件下油气资源工业化开采成套技术。

**大型先进压水堆及高温气冷堆核电站** > 开发百万千瓦级大型先进压水堆核电设计技术和 20 万千瓦级模块式高温气冷堆商业化技术。

**水体污染控制与治理** > 研究典型流域水污染控制, 湖泊富营养化防治和水环境生态修复等关键技术。

**转基因生物新品种培育** > 开发功能基因克隆与验证, 规模化转基因操作等核心技术, 建立和完善优异种质创新、新品种培育和规模化制种三大技术平台。

**重大新药创制** > 研制一批具有自主知识产权和市场竞争力的新药, 建立具有国际先进水平的研发平台。

**艾滋病和病毒性肝炎等重大传染病防治** > 构建艾滋病、病毒性肝炎等重大传染病的有效防控技术体系, 研制高效特异性诊断试剂、疫苗和药物及检测技术。

**大型飞机** > 开发大型飞机设计与制造成套技术。

**高分辨率对地观测系统** > 开发基于卫星、飞机和平流层飞艇的高分辨率先进观测技术, 建立对地观测数据中心及重点应用系统。

**载人航天与探月工程** > 突破航天员出舱活动以及空间飞行器交会对接重大技术, 建立具有一定应用规模的短期有人照料、长期在轨自主飞行的空间实验室, 开发月球探测关键技术, 建立月球探测工程系统。

**重大科技基础设施** > 建设散裂中子源、强磁场装置, 大型天文望远镜、海洋科学综合考察船、航空遥感系统、结冰风洞、大陆构造环境监测网络、重大工程材料服役安全研究评价设施、蛋白质科学研究设施、子午工程、地下资源与地震预测极低频电磁探测网、农业生物安全研究设施等。

坚持哲学社会科学与自然科学并重，繁荣和发展哲学社会科学。实施马克思主义理论研究和建设工程，构建哲学社会科学创新体系，积极推动理论创新，进一步发挥对经济社会发展的重要促进作用。促进自然科学与哲学社会科学的结合。

## 第二节 加强自主创新能力建设

建设科技支撑体系，全面提升科技自主创新能力。建设国家重大科技基础设施，实施知识创新工程，整合研究实验体系，建设若干世界一流水平的科研机构和研究型大学，构筑高水平科学研究和人才培养基地。实施重大科学工程，加强国家重点实验室建设，构建国家科技基础条件平台，促进科技资源共享。建设一批产业技术研发试验设施，提高产业技术创新能力。加强科普能力建设，实施全民科学素质行动计划。

## 第三节 强化企业技术创新主体地位

加快建立以企业为主体、市场为导向、产学研相结合的技术创新体系，形成自主创新的基本体制架构。加强国家工程实验室、国家工程中心和企业技术中心建设，建立企业自主创新的基础支撑平台。发展技术咨询、技术转让等技术创新中介服务，形成社会化服务体系。实行支持自主创新的财税、金融和政府采购政策，引导企业增加研发投入。发挥各类企业特别是中小企业的创新活力，鼓励技术创新革新和发明创造。

## 第四节 加大知识产权保护力度

加强公民知识产权意识，健全知识产权保护体系，建立知识产权预警机制，依法严厉打击侵犯知识产权行为。加强计量基础研究，完善国家标准体系，及时

淘汰落后标准。优先采用具有自主知识产权的技术标准,积极参与制定国际标准。发展专利、商标、版权转让与代理、无形资产评估等知识产权服务。

### 第五节 深化科技体制改革

整合科技资源,合理配置基础研究、前沿技术研究和社会公益性研究力量,促进科研机构、大学、企业间科研人员的合理流动与合作,构建科技资源共享机制。深化技术开发类院所企业化转制改革和社会公益类科研机构改革,完善现代科研院所制度,形成开放合作的研究开发体系。完善科技管理体制和运行机制,改革科技评审评估和成果评价奖励等制度。建立多元化、多渠道的科技投入体系,保证科技经费的增长幅度明显高于财政经常性收入的增长幅度,逐步提高国家财政性科技投入占国内生产总值的比例。

## 第二十八章 优先发展教育

全面实施素质教育,着力完成“普及、发展、提高”三大任务,加快教育结构调整,促进教育全面协调发展,建设学习型社会。

### 第一节 普及和巩固义务教育

重点加强农村义务教育,努力降低义务教育阶段农村学生特别是女性学生、少数民族学生和贫困家庭学生的辍学率,全国初中三年保留率达到95%。推进城乡、地区间义务教育均衡发展。各地政府要保证进城务工人员子女与当地学生平等接受义务教育。

### 第二节 大力发展职业教育

重点发展中等职业教育,年招生规模扩大到800万人。发展多种形式的职业技能培训。改革职业教育教学方式,更新教学内容,推行工学结合、校企合作的

培养模式，建立弹性学习制度。促进职业教育和普通高中教育协调发展，提高办学水平和质量。

### 第三节 提高高等教育质量

把高等教育发展的重点放在提高质量和优化结构上，加强研究与实践，培养学生的创新精神和实践能力。稳步提高高等教育大众化水平，稳步发展普通本专科和研究生教育，提高高层次人才培养质量。有重点地加强高水平大学和重点学科建设，推动各类高等院校协调发展。继续发展各类成人教育。

### 第四节 加大教育投入

保证财政性教育经费的增长幅度明显高于财政经常性收入的增长幅度，逐步使财政性教育经费占国内生产总值的比例达到4%。强化政府对义务教育的保障责任，加大中央和省级政府对财政困难县义务教育经费的转移支付力度。促进教育公平，公共教育资源要向农村、中西部地区、贫困地区、民族地区以及薄弱学校、贫困家庭学生倾斜。各级政府要增加职业教育投入，重点支持面向农村学生的中等职业学校。支持设立资助贫困家庭学生就学的民间慈善基金组织，鼓励社会各界捐资助教。继续实行助学贷款，健全面向各阶段学生的资助制度，完善贫困家庭学生助学体系。扩大彩票公益金收益用于特殊教育的份额。

### 第五节 深化教育体制改革

明确各级政府提供公共教育职责，制定和完善学校的设置标准，支持民办教育发展，形成公办教育与民办教育共同发展的办学格局。形成多元化的教育投入体制，义务教育由政府负全责，高中阶段教育以政府投入为主，职业教育和高等教育实行政府投入与社会投入相互补充。规范教育收费，建立严格的教育收费公示制度。形成适应素质教育要求的教学体制，改革招生考试制度，推进教学课程

改革,减轻中小学生过重的课业负担,健全评价制度,形成权责明确的教育管理体制,在学科、专业和课程设置以及招生规模、人才招聘等方面给学校更多自主权,培育并发挥学校的优势和特色,进一步加强教师队伍建设。

### 专栏 15 教育发展重点工程

**西部地区农村寄宿制学校建设** > 2004~2007年 国家安排资金 100 亿元,重点支持尚未实现“两基”的西部农村地区,新建和改扩建 7700 所农村寄宿制学校。

**农村中小学现代远程教育** > 2003~2007 年中央和地方政府共同安排资金 100 亿元,为中西部地区 3.75 万所农村初中建设计算机教室,为 38.4 万所农村小学配备卫星教学接收设备,为 11 万个小学教学点配备教学光盘播放设备和成套教学光盘。

**中西部农村初中改造** > 推动未纳入“两基”攻坚计划实施范围的中西部地区农村初中校舍改造,改善办学条件,提高学生巩固率和寄宿率。

**职业教育基础能力建设** > 支持 1000 所县级职教中心,1000 所中等职业学校和 100 所示范性高等职业院校改善办学条件,形成一批职业教育骨干基地。

**高等教育“211”和“985”工程** > 继续加强高水平大学和重点学科建设,形成一批处于学术前沿的新兴和交叉学科,部分学科接近或达到国际先进水平。

## 第二十九章 推进人才强国战略

坚持党管人才原则,牢固树立科学人才观,壮大人才队伍,提高人才素质,优化人才结构,完善用人机制,发挥人才作用,促进人口大国向人力资本强国转变。

### 第一节 建设高素质人才队伍

实施党政人才培养工程，完善培训制度，加强理论教育、专业培训和实践锻炼，提高党政人才思想政治素质和执政能力，建设高素质党政领导人才队伍。实施企业家培养工程，培养造就一批富有创新意识和能力、适应经济全球化要求的企业家，推进企业经营管理人才职业化、市场化。实施专业技术人才知识更新工程和战略高技术人才培养工程，重点培养造就一批科技领军人才、学科带头人和战略科学家。实施高技能人才培养工程，建立一批高技能人才培训基地和公共实训基地，建设高技能人才队伍。加强农村实用人才培养，加强中西部地区和东北地区人力资源开发和人才队伍建设，鼓励和引导海外留学人员回国工作、为国服务。积极吸引海外高层次人才。

## 第二节 创新人才工作机制

推进市场配置人才资源，消除人才市场发展的体制性障碍，规范人才市场管理，营造人才辈出、人尽其才的社会环境。深化干部人事制度改革，完善机关、企业和事业单位干部人事分类管理体制，健全以品德、能力和业绩为重点的人才评价、选拔任用和激励保障机制。建立符合科学发展观要求的干部综合考核评价体系，注重在实践中锻炼培养人才。深化职称制度改革。贯彻实施公务员法，完善公务员制度。各级政府和企事业单位要加大人才资源开发投入，加强人才资源能力建设，形成多元化投入机制。

## 第八篇 深化体制改革

以转变政府职能和深化企业、财税、金融等改革为重点，加快完善社会主义市场经济体制，形成有利于转变经济增长方式、促进全面协调可持续发展的机制。

## 第三十章 着力推进行政管理体制改革

按照精简、统一、效能的原则和决策、执行、监督相协调的要求，建立决策科学、权责对等、分工合理、执行顺畅、监督有力的行政管理体制，加快建设服务型政府、责任政府、法治政府。

### 第一节 推进政府职能转变

按照政企分开、政资分开、政事分开以及政府与市场中介组织分开的原则，合理界定政府职责范围，加强各级政府的社会管理和公共服务职能。进一步推进行政审批制度改革，减少和规范行政审批。深化政府机构改革，优化组织结构，减少行政层级，理顺职责分工，提高行政效率，降低行政成本，实现政府职责、机构和编制的科学化、规范化、法定化。合理划分中央与地方及地方各级政府间在经济调节、市场监管、社会管理和公共服务方面的权责。加快推进事业单位分类改革。

### 第二节 健全政府决策机制

健全科学民主决策机制，完善重大事项集体决策、专家咨询、社会公示和听证以及决策失误责任追究制度。推行政务公开并逐步实现制度化，完善政府新闻发布制度，提高政府工作透明度，保障公民对政府工作的知情权、参与权、表达权和监督权。全面推进依法行政，行政机关及其工作人员要严格按照法定权限和程序履行职责。实行综合执法，加强对行政执法的监督，建立执法责任追究制。推行政府问责制，完善行政赔偿制度。

### 第三节 深化投资体制改革

落实企业投资自主权，逐步缩小政府对投资项目的核准范围，健全企业投资项目核准制和备案制。合理界定政府投资范围和中央与地方的投资事权，改进和



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完善决策规则和程序，提高资金使用效率，建立政府投资项目决策责任追究制。  
建立和完善投资调控体系。

### 第三十一章 坚持和完善基本经济制度

坚持公有制为主体、多种所有制经济共同发展的基本经济制度。毫不动摇地巩固和发展公有制经济，毫不动摇地鼓励、支持和引导个体、私营等非公有制经济发展。

#### 第一节 深化国有企业改革

推动国有资本向关系国家安全和国民经济命脉的重要行业和关键领域集中，优化国有经济布局，增强国有经济控制力、影响力和带动力，发挥主导作用。完善国有资本有进有退、合理流动的机制，加快国有大型企业股份制改革，除极少数必须由国家独资经营的企业外，绝大多数国有大型企业改制为多元股东的公司。改善国有企业股本结构，发展混合所有制经济，实现投资主体和产权多元化，建立和完善现代企业制度，形成有效的公司法人治理结构，增强企业活力。发展具有较强竞争力的大公司大企业集团。全心全意依靠职工群众，探索现代企业制度下职工民主管理的有效途径。继续深化集体企业改革，发展多种形式的集体经济。

#### 第二节 健全国有资产监管体制

制定完善经营性国有资产监管体制的法律及配套行政法规，建立健全国有资产经营预算、企业经营业绩考核和企业重大决策失误追究等制度，落实监管责任，实现国有资产保值增值。建立健全国有金融资产、非经营性资产和自然资源资产等监管体制，防止国有资产流失。

### 第三节 深化垄断行业改革

坚持政企分开、放宽准入、引入竞争、依法监管，推进垄断行业管理体制和产权制度改革。按照形成综合运输体系的要求，推进交通运输业管理体制改革。积极稳妥地推进铁路体制改革，加快铁路投融资体制改革。深化电力体制改革，巩固厂网分开，加快主辅分开，稳步推进输配分开和区域电力市场建设。深化石油、电信、民航、邮政、烟草、盐业和市政公用事业改革，推进国有资产重组，形成竞争性市场格局，建立现代企业制度。

### 第四节 鼓励非公有制经济发展

大力发展个体、私营等非公有制经济。进一步消除制约非公有制经济发展的体制性障碍和政策性因素，进一步落实鼓励、支持和引导非公有制经济发展的政策措施。允许非公有制经济进入法律法规未禁止的行业和领域，鼓励和支持非公有制经济参与国有企业改革，进入金融服务、公用事业、基础设施等领域。完善金融、税收、信用担保、技术创新等方面的政策，改善行政执法和司法环境，加强和改进对非公有制企业的服务和监管。

## 第三十二章 推进财政税收体制改革

调整和规范中央与地方、地方各级政府间的收支关系，建立健全与事权相匹配的财税体制。实行有利于促进科技进步、转变增长方式、优化经济结构的财税制度。

### 第一节 完善财政体制

加快公共财政体系建设，明确界定各级政府的财政支出责任，合理调整政府间财政收入划分。完善中央和省级政府的财政转移支付制度，理顺省级以下财政

管理体制，有条件的地方可实行省级直接对县的管理体制，逐步推进基本公共服务均等化。改革预算编制制度，提高预算的规范性和透明度。继续深化部门预算、国库集中收付、政府采购和收支两条线管理制度改革。建立国库现金管理和国债余额管理制度，推进政府会计改革。加强预算执行审计，提高预算执行的严肃性。建立财政预算绩效评价体系，提高财政资金使用效率。加强政府债务管理，防范政府债务风险。完善非税收入管理制度，规范对土地和探矿权、采矿权出让收入的管理。

## 第二节 完善税收制度

在全国范围内实现增值税由生产型转为消费型。适当调整消费税征收范围，合理调整部分应税品目税负水平和征缴办法。适时开征燃油税。合理调整营业税征税范围和税目。完善出口退税制度。统一各类企业税收制度。实行综合和分类相结合的个人所得税制度。改革房地产税收制度，稳步推行物业税并相应取消有关收费。改革资源税制度。完善城市维护建设税、耕地占用税、印花税。

## 第三十三章 加快金融体制改革

### 第一节 深化金融企业改革

积极推进国有商业银行综合改革，通过加快处置不良资产、充实资本金、股份制改造和上市等途径，完善公司治理结构，健全内控机制，建设具有国际竞争力的现代股份制银行。合理确定政策性银行职能定位，健全自我约束机制、风险调控机制和风险补偿机制。加快其他商业银行、邮政储蓄机构等金融机构改革。稳步发展多种所有制金融企业，鼓励社会资金参与中小金融机构的设立、重组与改造。完善金融机构规范运作的基本制度，稳步推进金融业综合经营试点。推进

金融资产管理公司改革。完善保险公司治理结构，深化保险资金运用管理体制改  
革。

## 第二节 加快发展直接融资

积极发展股票、债券等资本市场，稳步发展期货市场。推进证券发行、交易、  
并购等基础性制度建设，促进上市公司、证券经营机构规范运作，建立多层次市  
场体系，完善市场功能，拓宽资金入市渠道，提高直接融资比重。发展创业投资，  
做好产业投资基金试点工作。

## 第三节 健全金融调控机制

加强货币政策与其他宏观政策的相互协调配合，完善金融调控体系。建立健  
全货币市场、资本市场、保险市场有机结合、协调发展的机制，维护金融稳定和  
金融安全。稳步发展货币市场，理顺货币政策传导机制，推进利率市场化改革。  
完善有管理的浮动汇率制度，逐步实现人民币资本项目可兑换。

## 第四节 完善金融监管体制

建立金融风险识别、预警和控制体系，防范和化解系统性金融风险。规范金  
融机构市场退出机制，建立相应的存款保险、投资者保护和保险保障制度。提高  
金融监管水平，加强风险监管和资本充足率约束，建立健全银行、证券、保险监  
管机构间以及同宏观调控部门的协调机制。

# 第三十四章 完善现代市场体系

## 第一节 健全全国统一开放市场

进一步打破行政性垄断和地区封锁,完善商品市场,健全资本、土地、技术和劳动力等要素市场。严格界定公益性用地和经营性用地,经营性基础设施用地实行有偿使用,完善经营性用地招标投标挂牌出让和非经营性用地公开供地制度,规范发展产权交易市场,积极发展技术市场,逐步建立城乡统一的劳动力市场。

### 第二节 完善价格形成机制

积极稳妥地推进资源性产品价格改革。合理调整水利工程供水、城市供水和再生水价格。推进电价改革,逐步建立发电、售电价格由市场竞争形成,输电、配电价格由政府定价的机制。适时推进石油价格改革,建立与替代能源价格挂钩的天然气价格形成机制。扩大市场形成土地价格的范围。

### 第三节 规范市场秩序

打击各种违法经营活动,规范市场主体行为和市场竞争秩序。清理整顿对企业的乱收费、乱罚款和各种摊派。加强价格监管,禁止价格欺诈、价格操纵等行为。以完善信贷、纳税、合同履约、产品质量的信用记录为重点,加快建设社会信用体系,健全失信惩戒制度。

## 第九篇 实施互利共赢的开放战略

坚持对外开放基本国策,在更大范围、更广领域、更高层次上参与国际经济技术合作和竞争,更好地促进国内发展与改革,切实维护国家经济安全。

### 第三十五章 加快转变对外贸易增长方式

按照发挥比较优势、弥补资源不足、扩大发展空间、提高附加价值的要求，积极发展对外贸易，促进对外贸易由数量增加为主向质量提高为主转变。到2010年货物贸易、服务贸易进出口总额分别达到2.3万亿美元和4000亿美元。

### 第一节 优化出口结构

以自有品牌、自主知识产权和自主营销为重点，引导企业增强综合竞争力。支持自主性高技术产品、机电产品和高附加值劳动密集型产品出口。严格执行劳动、安全、环保标准，规范出口成本构成，控制高耗能、高污染和资源性产品出口。完善加工贸易政策，继续发展加工贸易，着重提高产业层次和加工深度，增强国内配套能力，促进国内产业升级。引导企业构建境外营销网络，增强自主营销能力。积极开拓非传统出口市场，推进市场多元化。加强对出口商品价格、质量、数量的动态监测，构建质量效益导向的外贸促进和调控体系。

### 第二节 积极扩大进口

实行进出口基本平衡的政策，发挥进口在促进我国经济发展中的作用。完善进口税收政策，扩大先进技术、关键设备及零部件和国内短缺的能源、原材料进口，促进资源进口多元化。

### 第三节 发展服务贸易

扩大工程承包、设计咨询、技术转让、金融保险、国际运输、教育培训、信息技术、民族文化等服务贸易出口。鼓励外资参与软件开发、跨境外包、物流服务。建设若干服务业外包基地，有序承接国际服务业转移。积极稳妥扩大服务业开放，建立服务贸易监管体制和促进体系。

### 第四节 完善公平贸易政策

健全贸易运行监测预警体系和摩擦应对机制，合理运用反倾销、反补贴、保障措施，增强应对贸易争端能力，维护企业合法权益和国家利益。加强国际贸易的多双边对话与合作，实现共同发展。完善贸易法律制度，建立大宗商品进出口协调机制，加强行业自律，规范贸易秩序。有效运用技术性贸易措施，加强进出口检验检疫和疫情监控。

### 第三十六章 提高利用外资质量

抓住国际产业转移机遇，继续积极有效利用外资，重点通过利用外资引进国外先进技术、管理经验和高素质人才，把利用外资同提升国内产业结构、技术水平结合起来。

#### 第一节 引导外商投资方向

完善法律法规和政策，形成稳定、透明的管理体制和公平、可预见的政策环境。引导外资更多地投向高技术产业、现代服务业、高端制造环节、基础设施和生态环境保护，投向中西部地区和东北地区等老工业基地。鼓励跨国公司在我国设立地区总部、研发中心、采购中心、培训中心。鼓励外资企业技术创新，增强配套能力，延伸产业链。吸引外资能力较强的地区和开发区，要注重提高生产制造层次，并积极向研究开发、现代流通等领域拓展，充分发挥集聚和带动效应。

#### 第二节 促进利用外资方式多样化

引导国内企业同跨国公司开展多种形式的合作，发挥外资的技术溢出效应。在保护国内自主品牌基础上，引导和规范外商参与国内企业改组改造。有效利用境外资本市场，支持国内企业境外上市。完善风险投资退出机制，鼓励外商风险投资公司和风险投资基金来华投资。鼓励具备条件的境外机构参股国内证券公司和基金管理公司。

继续用好国际金融组织和外国政府贷款，重点投向中西部地区和东北地区等老工业基地，用于资源节约、环境保护和基础设施建设。合理、审慎使用国际商业贷款，允许具备条件的金融机构和企业在境外融资，加强对外债的宏观监测和管理，优化债务结构，保持适度的外债规模。

### 第三十七章 积极开展国际经济合作

完善促进生产要素跨境流动和优化配置的体制和政策，积极发展与周边国家及其他国家的经济技术合作，实现互利共赢。

#### 第一节 实施“走出去”战略

支持有条件的企业对外直接投资和跨国经营，以优势产业为重点，引导企业开展境外加工贸易，促进产品原产地多元化。通过跨国并购、参股、上市、重组联合等方式，培育和发展我国的跨国公司。按照优势互补、平等互利的原则扩大境外资源合作开发，鼓励企业参与境外基础设施建设，提高工程承包水平，稳步发展劳务合作。完善境外投资促进和保障体系，加强对境外投资的统筹协调、风险管理和海外国有资产监管。

#### 第二节 推进国际区域经济合作

统筹规划并稳步推进贸易、投资、交通运输的便利化，积极参与国际区域经济合作机制，加强对话与协商，发展与各国的双边、多边经贸合作。积极参与多边贸易、投资规则制定，推动建立国际经济新秩序。增加我国对其他发展中国家的援助，进一步加强与发展中国家的经济技术合作。

### 第十篇 推进社会主义和谐社会建设



按照民主法治、公平正义、诚信友爱、充满活力、安定有序、人与自然和谐相处的要求，从解决人民群众最关心、最直接、最现实的切身利益问题入手，扎实推进和谐社会建设。

## 第三十八章 全面做好人口工作

### 第一节 稳定人口低生育水平

坚持计划生育基本国策，稳定和完善现行生育政策，落实人口和计划生育工作目标责任制。建立独生子女死亡、伤残家庭扶助制度，完善基本服务项目免费制度。加强计划生育服务管理能力建设。完善以现居住地管理为主的流动人口计划生育服务管理体系。

### 第二节 改善出生人口素质和结构

普及优生优育知识，实施计划生育生殖健康促进计划，加大出生缺陷干预力度，鼓励婚前和孕前医学检查，预防和控制先天性感染、遗传性因素对出生人口健康的影响。采取综合措施有效治理出生人口性别比升高的问题。

### 第三节 积极应对人口老龄化

弘扬敬老风尚，营造老有所养、老有所乐、老有所为的社会氛围。积极发展老龄产业，增强全社会的养老服务功能，提高老年人生活质量，保障老年人权益。实施爱心护理工程，加强养老服务、医疗救助、家庭病床等面向老年人的服务设施建设。

### 第四节 保障妇女儿童权益

落实男女平等基本国策，实施妇女发展纲要，保障妇女平等获得就学、就业、社会保障、婚姻财产和参与社会事务的权利，加强妇女卫生保健、扶贫减贫、劳动保护、法律援助等工作。坚持儿童优先原则，实施儿童发展纲要，依法保障儿童生存权、发展权、受保护权和参与权。改善儿童成长环境，促进儿童身心健康发展。完善孤残儿童手术康复、家庭寄养经费投入和艾滋孤儿救助机制。

### 第五节 保障残疾人权益

倡导和鼓励社会各界关心、支持和参与残疾人事业。推进无障碍设施建设，加强残疾人康复、贫困残疾人脱贫、残疾少年儿童义务教育、残疾人就业服务和社会保障等工作，创造残疾人平等参与社会生活的条件。

## 第三十九章 提高人民生活水平

### 第一节 千方百计扩大就业

把扩大就业摆在经济社会发展更突出的位置，实行积极的就业政策，统筹城乡就业，努力控制失业规模。继续实施和完善鼓励企业增加就业岗位、加强就业培训的财税、信贷等优惠政策。健全就业服务体系，加快建立政府扶助、社会参与的职业技能培训机制。完善对困难地区、困难行业和困难群体的就业援助制度。积极发展就业容量大的劳动密集型产业、服务业和各类所有制的中小企业。鼓励劳动者自主创业和自谋职业，促进多种形式就业。支持并规范发展就业中介服务。全面实行劳动合同制度，积极推行集体合同制度，健全协调劳动关系三方机制，完善劳动争议处理体制。全面建立用人单位守法诚信制度。完善企业裁员机制，避免把富余人员集中推向社会。国有企业要尽可能通过主辅分离、辅业改制等措施安置富余人员。加强劳动力市场监管、劳动保护和劳动执法监察，规范用工行为，切实维护劳动者合法权益。

## 第二节 加大收入分配调节力度

完善按劳分配为主体、多种分配方式并存的分配制度，坚持各种生产要素按贡献参与分配。加快推进收入分配制度改革，规范个人收入分配秩序，强化对分配结果的监管，努力缓解行业、地区和社会成员间收入分配差距扩大的趋势。更加注重社会公平，特别要关注就学、就业机会和分配过程的公平。着力提高低收入者收入水平，逐步扩大中等收入者比重，有效调节过高收入。严格执行最低工资制度，逐步提高最低工资标准。建立规范的公务员工资制度，规范职务消费，完善国有企事业单位收入分配规则和监管机制。控制和调节垄断性行业的收入，建立健全个人收入申报制，强化个人所得税征管。坚决取缔各种非法收入。

## 第三节 健全社会保障体系

增加财政社会保障投入，多渠道筹措社会保障基金，合理确定保障标准和方式，建立健全与经济发展水平相适应的分层次、广覆盖的社会保障体系。

扩大城镇基本养老保险覆盖范围，逐步做实个人账户，逐步提高社会统筹层次，增强统筹调剂的能力。推进机关事业单位养老保险制度改革。建立失业保险与促进就业联动机制，完善失业保险制度。扩大基本医疗保险覆盖范围，健全多层次的医疗保障体系。完善和落实工伤保险政策和标准，推进各类用人单位依法参加工伤保险。鼓励有条件的企业建立补充保险。建立健全生育保险制度。认真解决进城务工人员社会保障问题。规范社会保险基金征缴和监管。加强社会保障服务管理能力建设。

完善城市居民最低生活保障制度，逐步提高保障标准。建立城乡医疗救助制度，将城市居民最低生活保障对象、农村特困户和五保供养对象纳入救助范围。

完善城市生活无着流浪乞讨人员特别是流浪未成年人的救助制度。鼓励开展社会慈善、社会捐赠、群众互助等社会扶助活动，支持志愿服务活动并实现制度化。

#### 第四节 加大扶贫工作力度

强化各级政府扶贫职责，加大扶贫投入，完善扶贫开发机制，提高扶贫效率。对具备基本生存条件的贫困地区，继续实行就地扶贫，改善基本生产生活条件，开辟增收途径；对生存条件恶劣的贫困地区，实行易地扶贫。对有劳动能力的贫困人口，实行技能培训、技术扶贫和劳务输出扶贫，增强其增收能力；对不具备劳动能力的贫困人口，实行救济和救助。更加注重对贫困家庭子女的扶助，通过寄宿学习、家庭寄养、社会托养、免费职业教育等，改善其成长环境，防止贫困代际传递。采取社会救助和设立专项贷款等措施，防止因灾因病返贫。加大对集中连片贫困地区扶持力度，因地制宜地实行整村推进的扶贫开发方式。继续开展定点帮扶工作，鼓励社会各界积极参与扶贫工作。

#### 第五节 扩大城乡居民消费

提高城乡居民收入水平，增强居民特别是农村居民和城镇低收入者的消费能力。培育消费热点，推进公众营养改善行动，健全普通商品住房与经济适用住房、廉租住房相结合的城镇住房供应体系，继续提高电话、计算机等的普及率，促进文化、健身、旅游、休闲等服务性消费。引导居民消费预期，扩大即期消费。改善消费环境，规范和发展消费信贷。

### 第四十章 提高人民健康水平

高度关注人民健康，加大政府投入力度，加快发展医疗卫生事业，认真解决群众看病难看病贵问题。

### 第一节 完善公共卫生和医疗服务体系

建立健全突发公共卫生事件应急机制，提高疾病预防控制和医疗救治能力。改善医疗卫生机构条件，加强专业队伍建设。大力发展社区卫生，加快构建以社区卫生服务为基础，社区卫生服务机构与医院分工协作、双向转诊的城市医疗服务体系。

### 第二节 加强疾病防治和预防保健

严格控制艾滋病、结核病、乙型肝炎等重大传染病的传播，有效预防和控制血吸虫病等寄生虫病和地方病，加强新发传染病防治和免疫工作，综合防治心脑血管疾病、恶性肿瘤等慢性病和职业病。加强心理健康教育 and 保健，重视精神卫生及疾病防治。加强妇幼卫生保健，儿童计划免疫接种率达到90%以上，婴儿死亡率降至17%，孕产妇死亡率降至40/10万。

### 第三节 加强中医药和医学科研工作

保护和发发展中医药，加强中医临床研究基地和中医医院建设，推进中医药标准化、规范化。整合优势医学科研资源，加强对重大疾病的研究。

### 第四节 深化医疗卫生体制改革

按照政事分开、管办分开、医药分开、营利性与非营利性分开的方向，坚持政府主导、社会参与、转换机制、加强监管的原则，建立符合国情的医疗卫生体制，为人民群众提供安全方便有效合理的公共卫生和基本医疗服务。按属地化和全行业管理的原则完善分类管理。强化政府在提供公共卫生和基本医疗服务中的责任，建立各级政府间规范的责任分担与资金投入机制，逐步建立投资主体多元化、投资方式多样化的办医体制。完善公立医疗机构运行机制、激励机制和补偿

政策。整合医疗卫生资源，大力提高农村、中西部地区和基层公共卫生资源的比重。加强对医疗卫生服务行为、服务质量和药品市场的监管，降低药品虚高价格，控制医疗费用过快上涨。

#### 第四十一章 加强公共安全建设

完成改革和发展的任务，必须保持长期稳定的社会环境。要强化全社会公共安全意识，加强公共安全保障能力建设，提高公共安全保障水平，维护人民生命财产安全，确保社会稳定。

##### 第一节 增强防灾减灾能力

加强防洪减灾薄弱环节建设，重点加强大江大河综合治理、病险水库除险加固、蓄滞洪区建设和城市防洪，增强沿海地区防台风、风暴雨、海啸的能力。加强对滑坡、泥石流和森林、草原火灾的防治，提高防洪减灾预警和指挥能力，建立洪水等灾害风险管理制度和防洪减灾保障制度。加强对三峡库区等重点地区地质灾害的防治。完善大中型水库移民后期扶持政策，加强城市群和大城市地震安全基础工作，加强数字地震台网、震情、灾情信息快速传输系统建设，实行预测、预防、救助综合管理，提高地震综合防御能力。

##### 第二节 提高安全生产水平

坚持安全第一、预防为主、综合治理，落实安全生产责任制，强化企业安全生产主体责任，健全安全生产监管体制，严格执行重大安全生产事故责任追究制度。加强安全生产科研开发、监管监察和支撑体系建设。实施重大危险源普查和监测监控，加大安全设施投入，搞好隐患治理和安全技术改造。严格执行安全生产许可制度，加强煤炭等高危行业和重点领域的安全生产，抓好非煤矿山、特种设备、危险化学品、烟花爆竹、建筑施工、道路交通和人员密集场所消防安全等

的专项整治。强化交通、消防基础设施建设和安全监管。培育和规范安全生产中介机构。加强安全生产宣传教育培训。建立安全生产指标考核体系，到2010年单位国内生产总值生产安全事故死亡率下降35%，工矿商贸就业人员生产安全事故死亡率下降25%。

### 第三节 保障饮食和用药安全

加强食品、药品监管设施建设，完善技术标准体系，创新监管机制，规范监管行为，提升监管能力和水平，依法强化对食品、药品、餐饮卫生等的监管，保障人民群众健康安全。

### 专栏 16 公共服务重点工程

**社会救助** > 建设救助管理设施、流浪未成年人保护中心、“慈善超市”和社会捐助接收点等。

**社会福利** > 建设综合福利中心、社区福利设施、农村敬老院、儿童福利机构、残疾人综合服务设施等。

**公共卫生** > 继续完善疾病预防控制和医疗救治体系，加强中医临床研究基地和重点中医医院建设。

**社区服务** > 新建和改造社区服务中心、社区服务站；加强和完善社区卫生、社会保险服务。

**防洪减灾** > 建设治淮骨干工程，加强大江大河及中小河流治理，实施主要江河蓄滞洪区安全建设工程。

**安全生产应急救援** > 建设国家、省、市三级安全生产应急救援指挥中心和国家、区域、骨干专业应急救援体系。

**重大事故隐患治理** > 治理尾矿库危库、险库和危险性较大的病库，搬迁城区内安全距离不达标危险化学品生产和储存企业。

**国家灾害应急救援** > 建设四级灾害应急救援指挥体系。

**基层政法基础设施** > 新建和改造基层派出所、司法所、人民法庭。

#### 第四节 维护国家安全和社会稳定

依法严厉打击各种犯罪活动，保障人民群众安居乐业。加强社会治安综合治理，推进社会治安防控体系建设，深入开展平安创建活动。改善司法保障条件，加强基层政法机构、案件侦查、禁毒、缉私、边境检查等的基础设施建设。积极应对传统和非传统安全问题。加强公安政法队伍建设。

#### 第五节 强化应急体系建设



建立健全应急管理体系，加强指挥信息系统、应急物资保障、专业救灾抢险队伍、应急标准体系以及运输、现场通讯保障等重点领域和重点项目的建设，健全重特大自然灾害发生后的社会动员机制，提高处置突发公共事件能力。

#### 第四十二章 完善社会管理体制

健全党委领导、政府负责、社会协同、公众参与的社会管理格局，推进社会管理体制创新。

##### 第一节 加强基层自治组织建设

推进管理有序、治安良好的和谐社区、和谐村镇建设，倡导人与人和睦相处，增强社会和谐基础，探索新时期城乡基层自治组织建设和管理的有效模式，发挥城乡基层自治组织协调利益、排忧解难的作用。

##### 第二节 规范引导民间组织有序发展

培育发展行业协会、学会、公益慈善和基层服务性民间组织，发挥提供服务、反映诉求、规范行为的作用。完善民间组织自律机制，加强改进对民间组织的监管。

##### 第三节 正确处理人民内部矛盾

高度重视并维护人民群众根本利益，妥善协调各方面利益关系，从源头上预防和化解人民内部矛盾。改进和完善信访工作，畅通诉求渠道，综合运用教育、协商、调解、法律等方式，依法及时合理地处理群众反映的问题。健全人民调解制度，完善社会矛盾纠纷调处机制。深入做好新时期的群众工作，引导群众以理性合法的形式表达诉求。建立和完善矛盾排查机制、信息预警机制、应急处置机

制和责任追究机制，预防和妥善处置群体性、突发性事件，切实解决群众的合理诉求，依法维护社会稳定。

## 第十一篇 加强社会主义民主政治建设

坚持政治文明和物质文明全面发展，扩大社会主义民主，健全社会主义法制，为现代化建设提供政治保证。

### 第四十三章 加强社会主义民主政治建设

#### 第一节 发展社会主义民主

坚持和完善人民代表大会制度、中国共产党领导的多党合作和政治协商制度、民族区域自治制度。积极稳妥地继续推进政治体制改革，巩固和发展民主团结、生动活泼、安定和谐的政治局面。

健全民主制度，丰富民主形式，扩大公民有序的政治参与，保证公民依法实行民主选举、民主决策、民主管理、民主监督。加强基层民主建设，坚持和完善政务公开、厂务公开、村务公开，保证公民依法行使选举权、知情权、参与权、监督权。尊重和保障人权，促进人权事业全面发展。

巩固和壮大最广泛的爱国统一战线，健全重大问题决策前协商的制度。发挥人民政协的作用，支持人民政协履行政治协商、民主监督、参政议政的职能。坚持和完善职工代表大会和其他形式的企事业单位民主管理制度。发挥工会、共青团、妇联等人民团体的桥梁纽带作用。保证民族自治地方依法行使自治权，巩固和发展平等团结互助的社会主义民族关系，促进各民族共同繁荣进步。全面贯彻宗教

信仰自由政策，依法管理宗教事务，坚持独立自主自办的原则，引导宗教与社会主义社会相适应。贯彻落实侨务方针政策，做好侨务工作。

## 第二节 全面推进法制建设

贯彻依法治国基本方略，推进科学立法、民主立法，形成中国特色社会主义法律体系。完善市场主体、市场交易、市场监管、社会管理、可持续发展等方面的法律法规。推进司法体制和工作机制改革，规范司法行为，加强司法监督，促进司法公正，维护社会主义和司法权威。实施“五五”普法规划，开展法制宣传教育，提高全民法律素质，形成遵法守法、依法办事的社会风气。

## 第三节 加强廉政建设

坚持标本兼治、综合治理、惩防并举、注重预防的方针，建立健全教育、制度、监督并重的惩治和预防腐败体系。加大从源头上预防和治理腐败的力度。推进反腐倡廉体制、机制和制度创新，加强对权力运行的制约和监督，强化政府专门机构和社会监督，保障公民的检举权、控告权、申诉权。严肃查处违纪违法案件，坚决纠正损害群众利益的不正之风。

## 第十二篇 加强社会主义文化建设

牢牢把握先进文化的前进方向，坚持为人民服务、为社会主义服务的方向和百花齐放、百家争鸣的方针，繁荣社会主义文化，不断满足人民群众日益增长的精神文化需求。

## 第四十四章 加强社会主义文化建设

## 第一节 加强思想道德建设

全面落实邓小平理论和“三个代表”重要思想，深入学习贯彻科学发展观，加强马克思主义理论研究和建设，坚持马克思主义在意识形态领域的指导地位，进一步巩固全国各族人民团结奋斗的共同思想基础。坚持正确的舆论导向，加强理想信念教育和思想政治工作，大力弘扬以爱国主义为核心的民族精神和以改革创新为核心的时代精神，加强社会主义思想道德建设，扎实开展群众性精神文明创建活动，在全社会倡导爱国守法、明礼诚信、团结友善、勤俭自强、敬业奉献的基本道德规范，发扬艰苦奋斗的优良传统，进一步增强中华民族的凝聚力和创造力，使全体人民始终保持昂扬向上的精神状态，为全面建设小康社会提供强大的思想保证和精神动力。

## 第二节 丰富人民群众精神文化生活

积极发展文化事业和文化产业，创造更多更好适应人民群众需求的优秀文化产品。加大政府对文化事业的投入，逐步形成覆盖全社会的比较完备的公共文化服务体系。推进文化创新，实施精品战略，繁荣艺术创作，提高文化艺术产品质量。加强文化自然遗产和民族民间文化保护。扩大广播影视覆盖范围，发展数字广播影视，确保播出安全。繁荣新闻事业。发展现代出版发行业，积极发展数字出版，重视网络媒体建设。大力推广普通话。扩大国际文化交流，积极开拓国际文化市场，推动中华文化走向世界。办好上海世博会。

### 专栏 17 公共文化建设工程

**村村通广播电视** > 全面实现 20 户以上已通电自然村通广播电视。

**农村电影放映** > 基本实现全国农村一村一月放映一场电影。

**乡镇综合文化站建设** > 基本实现全国乡镇均建有综合文化站。

**文化信息资源共享** > 推进文化资源数字化，以农村为重点促进文化信息资源共享。

**重大文化自然遗产保护** > 加强世界遗产、国家重点文物保护单位、国家重点风景名胜区、国家历史文化名城(镇、村)等保护和利用设施建设，建设抢救性文物保护设施。

**“西新工程”** > 加强西藏、新疆等地区广播电视设施建设，扩大覆盖范围，提高收听收看质量，增强播出传输安全保障能力。

**重大文化设施建设** > 推进国家博物馆、中国美术馆(二期)、国家话剧院等和地方重点文化设施建设。

### 第三节 深化文化体制改革

建立党委领导、政府管理、行业自律、企事业单位依法运营的文化管理体制和富有活力的文化产品生产经营机制。改进对公共文化单位的扶持方式，促其增强活力、改善服务。推进经营性文化事业单位转制，努力形成一批坚持社会主义先进文化方向，有较强自主创新能力、市场竞争能力的文化企业和企业集团。完善文化产业政策，促进民族文化产业发展，引导和规范非公有制经济进入文化产业，形成以公有制为主体、多种所有制共同发展的文化产业格局和民族文化为主体、吸收外来有益文化的文化市场格局。加强文化市场综合执法和对互联网的管理，坚持扫黄打非，营造扶持健康文化、改造落后文化、抵制腐朽文化的社会环境。积极倡导企业文化建设。

## 第十三篇 加强国防和军队建设

根据维护国家安全统一和发展利益的要求,加强国防和军队现代化建设,形成国防建设与经济建设协调发展的良好局面。

### 第四十五章 加强国防和军队建设

#### 第一节 全面加强军队建设

坚持以毛泽东军事思想、邓小平新时期军队建设思想、江泽民国防和军队建设思想为指导,坚持把科学发展观作为加强国防和军队建设的重要指导方针,坚持党对军队的绝对领导,贯彻积极防御的军事战略方针,着眼有效履行新世纪新阶段军队的历史使命,全面加强军队革命化现代化正规化建设,积极推进中国特色军事变革,努力提高部队信息化条件下整体防卫作战能力。始终把思想政治建设摆在各项建设的首位,保持军队建设的正确方向。实施科技强军战略,推进机械化和信息化复合发展。深化体制编制和政策制度调整改革,优化力量结构和部队编成,增强军队建设的活力。创新军事理论,加强部队训练和院校教育,培养新型军事人才,提高官兵素质。发展现代化武器装备,优化体系结构,提高配套水平。推进后勤建设和改革,增强综合保障能力,提高官兵生活水平。加强基层建设,打牢部队建设基础。贯彻依法治军、从严治军方针,强化作风纪律建设,严格部队管理教育,确保部队高度稳定和集中统一。加强武装警察部队建设,着力提高执勤处突反恐的能力。深入开展“双拥”活动,军队要积极参加抢险救灾和支援国家经济建设,国家和社会要做好优抚安置工作,巩固和发展军民团结。

#### 第二节 调整优化国防科技工业

坚持军民结合、寓军于民、强化基础、自主创新的方针，加快国防科技工业转型升级，提高科技创新能力，开发军民两用技术和产品。推进数字化军工建设，提高武器装备研发和制造水平，确保武器装备供应。调整优化军品科研生产能力结构，提升总体设计、总装测试和系统集成等核心能力，精干科研生产主体，推进专业化重组和社会化协作。积极稳妥地实施军工科研院所改革。建立面向社会的军品科研生产准入和退出制度，健全军民互动合作的协调机制。以产权制度改革为突破口，分类实施军工企业股份制改造。深化军工投资体制改革，推进投资主体多元化。

### 第三节 增强国防动员能力

深化国防动员体制和运行机制改革，坚持在经济建设中贯彻国防的要求，逐步建立集中统一、结构合理、反应迅速、权威高效的现代国防动员体系。加强民兵预备役部队质量建设，抓好国民经济动员、人民防空和交通战备等建设，推进国防动员信息化，开展全民国防教育，提高平战转换、快速动员、持续保障和综合防护能力。加强国防基础设施建设，依法保护国防设施。

## 第十四篇 建立健全规划实施机制

在社会主义市场经济体制初步建立条件下，实现本规划的目标和任务，主要依靠发挥市场配置资源的基础性作用。同时，政府要正确履行职责，调控引导社会资源，合理配置公共资源，保障规划顺利实施。

### 第四十六章 建立分类指导的实施机制

本规划提出的农业、工业、服务业等的发展方向，利用外资、对外贸易等的发展重点，是对市场主体的导向，主要依靠市场主体的自主行为实施。各级政府要维护公平竞争，严禁地方分割和部门保护，不得直接干预企业经营活动，不得干预市场机制正常运行。

本规划确定的保持经济平稳较快发展、转变经济增长方式、调整优化经济结构、增强自主创新能力、建设社会主义新农村、促进区域协调发展、促进城镇化健康发展、建设资源节约型和环境友好型社会等重点任务，主要通过完善市场机制和利益导向机制努力实现。政府要通过体制机制创新和完善政策，为激发市场主体的积极性、创造性营造良好的制度和政策环境。国有企事业单位要发挥带头和示范作用。

本规划确定的义务教育、公共卫生、社会保障、社会救助、促进就业、减少贫困、防灾减灾、公共安全、公共文化、基础科学与前沿技术以及社会公益性技术研究、国防等公共服务领域的任务，是政府的承诺，各级政府要切实履行职能，运用公共资源全力完成。

本规划提出的主体功能区划、保护生态环境、资源管理、保护知识产权、调节收入分配、维护市场经济秩序、保障人民合法权益、社会建设和管理等的要求，主要通过健全法律法规、加大执法力度等法律手段，并辅之以经济手段加以落实。

本规划确定的改革任务，是政府的重要职责，必须放在政府工作的重要位置。要加强对改革的总体指导和统筹协调，将改革任务分解落实到有关部门，不失时机地推进，并注重及时把行之有效的改革措施用法律、规章和制度的形式确立下来。

#### 第四十七章 调整和完善经济政策



根据公共财政服从和服务于公共政策的原则,按照公共财政配置的重点要转到为全体人民提供均等化基本公共服务的方向,合理划分政府间事权,合理界定财政支出范围。公共财政预算安排的优先领域是:农村义务教育和公共卫生、农业科技推广、职业教育、农村劳动力培训、促进就业、社会保障、减少贫困、计划生育、防灾减灾、公共安全、公共文化、基础科学与前沿技术以及社会公益性技术研究、能源和重要矿产资源地质勘查、污染防治、生态保护、资源管理和国家安全等。重点支持的区域是:限制开发区域和禁止开发区域,中西部地区特别是革命老区、民族地区、边疆地区、贫困地区,三峡库区,资源枯竭型城市等。

充分发挥税收的调节作用,完善和制定鼓励资源节约型和环境友好型社会建设、促进就业和再就业、促进科技发展和增强自主创新能力、促进文化体制改革,以及振兴装备制造业和其他产业健康发展的税收政策。

按照社会主义集中力量办大事原则,在经济发展和财力增加基础上逐步增加中央政府投资规模。完善政府投资管理体制,整合政府投资,改进投资方式,加强项目监管。

加强和改进产业政策工作,增强对国内产业发展、对外贸易和利用外资的统筹,加强信贷、土地、环保、安全、科技等政策和产业政策的配合,采用经济手段促进产业发展。加强对高技术产业和装备制造业薄弱环节的扶持,重点支持研究开发,培育核心竞争力。按照适度偏紧原则调控高耗能产业规模,控制生产能力盲目扩张。按照引导产业集群发展、减少资源跨区域大规模调动的原则优化产业布局,促进主要使用海路进口资源的产业在沿海地区布局,主要使用国内资源和陆路进口资源的产业在中西部重点开发区域布局。实施品牌战略,支持拥有自主知识产权和知名品牌、竞争力强的大企业发展成为跨国公司,实施中小企业成

长工程。依法淘汰落后工艺技术，关闭破坏资源、污染环境和不具备安全生产条件的企业。

### 专栏 18 中央政府投资支持的重点领域

**新农村建设**▶ 普及和巩固农村义务教育，农村劳动力转移就业，公共卫生和基本医疗服务体系，饮水安全，农村公路，沼气等可再生能源，农村电网，农村公共文化，优质粮食产业工程，沃土工程，植保工程，灌区建设，动物防疫体系及种养殖业良种工程等。

**公共服务**▶ 义务教育、中等职业教育和劳动力技能培训，重大疾病防治体系，基层公共卫生、社会福利、公共文化和体育设施，公检法司基础设施，就业服务，社区服务，食品药品安全监管设施，安全生产监管、煤矿安全监管设施及支撑体系，防洪、气象、地震等防灾减灾，采煤沉陷区治理，贫困地区以工代赈和易地扶贫，生态移民，民族地区和边疆地区发展等。

**资源环境**▶ 能源和重要矿产资源地质勘查，生态环境保护与修复，环境污染治理，节能节水节地，循环经济示范等。

**自主创新**▶ 知识创新工程，重大科学工程及科技基础设施，高技术产业化，重大技术装备自主研发及国产化，资源节约技术研发和推广等的示范。

**基础设施**▶ 国家铁路、国家高速公路、重要港口和航道，枢纽机场和重要支线机场，空管设施，南水北调，大江大河治理等重大水利工程，信息化和信息安全基础设施，战略物资储备，可再生能源，城镇供水管网，燃气和集中供热设施，城镇污水和垃圾处理设施等。

#### 第四十八章 健全规划管理体制

加强统筹协调。继续做好总需求与总供给的平衡，特别要加强制度协调、规划协调和政策协调。统筹协调政策目标和政策手段，搞好财政政策、货币政策、产业政策、区域政策、社会政策和政绩考核间的配合，防止国家政策部门化。统筹协调长期发展与短期发展，近期措施要有利于解决长期性发展难题，改革体制、制定政策、安排投资、确定发展速度，都要充分考虑可持续性，防止急于求成。

改革规划管理体制，健全科学化、民主化的编制程序，形成以国民经济和社会发展规划为统领，各类规划定位清晰、功能互补、统一衔接的规划体系。做实城市规划、土地利用规划、环境保护规划和粮食、能源、交通等专项规划。编制全国主体功能区划规划，明确主体功能区的范围、功能定位、发展方向和区域政策。强化区域规划工作，编制部分主体功能区的区域规划。改革完善地方规划，深化市县规划体制改革。

本规划确定的约束性指标，具有法律效力，要纳入各地区、各部门经济社会发展综合评价和绩效考核。约束性指标要分解落实到有关部门，其中耕地保有量、单位国内生产总值能源消耗降低、主要污染物排放总量减少等指标要分解落实到各省、自治区、直辖市。

国务院有关部门要加强对本规划实施情况的跟踪分析，接受全国人民代表大会及其常务委员会对规划实施情况的监督检查。

在本规划实施的中期阶段，要对规划实施情况进行中期评估。中期评估报告提交全国人民代表大会常务委员会审议。经中期评估需要修订本规划时，报全国人民代表大会常务委员会批准。

保持香港、澳门长期繁荣稳定。坚持“一国两制”、“港人治港”、“澳人治澳”、高度自治的方针，严格按照特别行政区基本法办事，加强和推动内地同港澳在经贸、科教、文化、卫生、体育等领域的交流和合作，继续实施内地与香港、澳门更紧密的经贸关系安排，加强内地和港澳在基础设施建设、产业发展、资源利用、环境保护等方面的合作。支持香港发展金融、物流、旅游、资讯等服务业，保持香港国际金融、贸易、航运等中心的地位。支持澳门发展旅游等服务业，促进澳门经济适度多元发展。

台湾是中华人民共和国不可分割的神圣领土。推进两岸关系发展和祖国统一大业，扩大海峡两岸经济、文化、科技、教育交流与人员往来，维护台湾同胞的正当权益，推动全面、直接、双向“三通”，促进建立稳定的两岸经贸合作机制，促进两岸关系发展，维护台海和平稳定。

“十一五”规划是全面建设小康社会进程中的重要规划。全国各族人民要在中国共产党的领导下，紧密团结在以胡锦涛同志为总书记的党中央周围，高举邓小平理论和“三个代表”重要思想伟大旗帜，全面贯彻落实科学发展观，振奋精神，扎实工作，锐意进取，开拓创新，为实现“十一五”规划和全面建设小康社会的宏伟目标而努力奋斗。（完）

**Order of the State Development Planning Commission of the People's Republic of China**

(No.11)

The Catalog of Price Regulated by the State Development Planning Commission and Other Department under the State Council has been approved by the State Council and is hereby promulgated, and shall go into effect on Aug. 1, 2001.

Commissioner-in-Chief of the SDPC: Zeng Peiyan

July 4, 2001

**The Catalog of Price Regulated by the State Development Planning Commission and Other Department under the State Council**

Number	Category of Goods or Services	Goods or Services of Regulated Price
1	Important central reserve goods and materials;	Purchasing price and marketing price of reserve food, edible vegetable oil (material), and cotton; bid base price of reserve sugar; ex-factory price and ex-warehouse price of reserve rock oil; warehousing price and ex-warehouse price of reserve fertilizer; purchasing price and marketing price of reserve silk
2	Tobacco leaves, salt and civil explosion equipments under state monopoly	Purchasing price of tobacco leaves; ex-factory price and wholesale price of salt; base ex-factory price and its floating range of civil explosion equipments
3	Some fertilizer	Base ex-factory price and its floating range, and port settling price

4	Some important pharmaceutical		Ex-factory price (port price) of anesthetics, first-class psychotropic, prevention and immunity pharmaceutical, prophylactic and contraceptive, retail price of other pharmaceutical
5	Teaching material		Un it price of the printed pages and its floating range
6	Natural gas		Ex-factory price
7	Water supplies of central or trans-provincial water conservancy		Ex-reservoir (beginning of the ditch) price
8	Electric power		Price of electrical power of the transmission-line system that hasn't adopted competitive price
			Distribution price of electrical power
9	Military materials		Ex-factory price
10	Important communication and transportation		Charges of pipeline transport and sundries; port charges; transport price of civil aviation and discount range (including airport charges); price of railway passenger transport and freight transport; and charging standards for sundries
11	Basic postal services		Rates
12	Basic telecommunication services		Rates
13	Important special services	Financial settlement and transaction services	Base price and its floating range
		Engineering prospect and design services	Base price and its floating range
		Some intermediary services	Charging standards

Price Regulation Departments	Remarks
The State Development Planning Commission jointly with relevant departments	The scope of price regulation shall include the price of central reserve food, central reserve edible vegetable oil (material), central reserve cotton, sugar, silk, central reserve rock oil, finished oil, central reserve fertilizer, etc reserved by enterprises that undertake central reserve tasks
The State Development Planning Commission jointly with relevant departments	The quasi purchasing price of tobacco leaf shall be fixed by the State Development Planning Commission jointly with the State Tobacco Monopoly Bureau; other levels of price of specific kind of tobacco shall be fixed by the State Tobacco Monopoly Bureau jointly with the State Development Planning Commission, the scope of salt price regulation shall include fixed salt production enterprises and salt wholesale enterprises; the scope of price regulation of civil explosion equipments shall include all production enterprises of the civil explosion industry
The State Development Planning Commission	The scope of price regulation shall include the ex-factory base price and its floating range of the urea, ammonium nitrate produced by large scale nitrogenous fertilizer enterprises of which the production capacity of synthetic ammonia is more than 300,000 tons per year; the port settling price of fertilizer imported by enterprises that have operation qualification according to central import quota
The State Development Planning Commission	The scope of price regulation shall include the pharmaceutical listed in the state basic medical insurance pharmaceutical catalog and other little special pharmaceutical of which the production and operation are monopolized, State Development Planning Commission Price (2000) No. 2141 State Development Planning Commission Catalog of Fixed Price Pharmaceutical
The State Development Planning Commission	The scope of price regulation shall include the price of teaching material of secondary and primary schools, and of junior colleges and technical secondary schools, the quasi price and its floating range of printed pages set by the State Development Planning Commission; the unit price of printed pages of and the retail price of textbooks of secondary and primary schools set by the departments in charge of price at the provincial levels

The State Development Planning Commission	The scope of price regulation shall include the price of the natural gas of overland pools
The State Development Planning Commission	The scope of price regulation shall include the reservoirs, ditches and riverways directly under the central authority and those across the provinces
The State Development Planning Commission	The scope of price regulation shall include the electrical power quantity of independent electricity generating enterprises that haven't adopted the competitive price and that are dispatched uniformly by the transmission-line system of electric power at the provincial level and above, the price of electrical power of the transmission-line system shall be formed through market competition and the government shall no longer examine and approve it after the reform of electrical power system
The State Development Planning Commission	The scope of price regulation shall include the electrical power sold from the transmission-line system at the provincial level and above, the government shall mainly supervise the price of high-tension transmit electricity and the price of low-tension distributed electricity The State Development Planning Commission
The State Development Planning Commission	The scope of price regulation shall include the equipments and matching products used by the armed forces, army provisions (price of military supplies and allowance settlement price), the price catalog of finished oil used by the armies shall be promulgated separately
The State Development Planning Commission jointly with relevant departments	The scope of price regulation shall include state railways, railways of joint venture (joint cooperation) in which the state occupies the holding position; the charges of major ports along the coast and the Yangtse River and all ports opened to the outside world, airports for civil use, and airports for army-civilian use; transport price of domestic air lines and the part of international air lines within China; sundries of domestic pipe transport and the loading charges, oil storage charges, transfer handling charges related to pipe transport
The State Development Planning Commission	The rates of basic postal services include the price of the service of letters, postcards, printed matters, packages, issuance of newspapers and periodicals, postal exchange, express delivery and confidential letters



<p>The Ministry of Information Industry</p>	<p>The rates of basic telecommunication services include the price of the services of fixed net long distance phone calls and local phone calls, mobile phone calls, etc, the Ministry of Information Service shall ask for the opinions of the State Development Planning Commission in advance when formulating the policies on the rates of communication and information service, the reform schemes and the charging standards for communication services</p>
<p>The State Development Planning Commission</p>	<p>The scope of price regulation shall include the settlement handling charges of various commercial banks and non-bank financial agencies, the transaction handling charges and seat charges of national security transaction agencies, the seat charges of China Foreign Exchange Transaction Center, etc, and shall not include the interest rates and exchange rates</p>
<p>The State Development Planning Commission jointly with relevant departments</p>	<p>The scope of price regulation shall include the prospect, design, and relevant technical services of the investment and construction programs undertaken by the engineering prospect and design units</p>
<p>The State Development Planning Commission</p>	<p>The intermediary services shall adopt government regulation price, government reference price and market adjusting price separately according to the different circumstances, the compulsory services such as testing, authentication, notarization, monopoly arbitration shall adopt government regulated price; the services of inadequate competition such as evaluation, agent, certification, bidding, etc shall adopt government reference price, and the Measures for Administration of Intermediary Service Charges [State Development Planning Commission Price No.2255 (1999)] shall be carried out in specific implementation</p>

Explanations:

1. The base price and its floating range, the charging standards and its floating range listed in the column "Goods or Services of Regulated Price" of this Catalog refer to the government reference price, and the others refer to the government regulated price.

Charges of state administrative departments, the price of base oil, finished oil and the urban land base price shall be regulated according to relevant provisions.

2. The prices of goods or services that are provided by laws and regulations and that are regulated by the State Development Planning Commission based on the authorization of the State Council according to changes in the market shall come

into this Catalog automatically. For the goods and services that are licensed for the purchasing party or the selling party, the State Development Planning Commission shall regulate the price when pricing dispute arise. The goods (or services) that are set for the purpose of safety or environment protection according to the provisions of relevant laws and regulations of the State shall be regulated by the State Development Planning Commission.

3. According to the provisions of Article 19 of Price Law, the departments in charge of price of the people's governments of all provinces, autonomous regions, municipalities directly under the Central Government shall formulate the local price regulation catalogs within the scope provided in Article 18 of Price Law. The local regulated price catalogs shall include two parts: 1) The categories listed in this Catalog shall be listed in the local regulated price catalogs at the same time, and the price regulation departments of the State Council shall be indicated. Among the goods listed in the central price regulation catalog, the price department of the State Council shall only formulate the price of the representative goods, and the price of those non-representative goods shall be formulated by localities according to the price regulation catalog. 2) The price of local goods and services that are in accordance with the requirements for government reference price and government regulation price provided in Article 18 of the Price Law may be listed in the local price regulation catalogs.

# 中华人民共和国国家发展计划委员会令

第 11 号

《国家计委和国务院有关部门定价目录》已经国务院批准，现予公布，自 2001 年 8 月 1 日起实行。

曾培炎

国家发展计划委员会主任：

二〇〇一年七月四日

国家计委和国务院有关部门定价目录

编号	品名	定价内容	定价部门	备注
1	重要的中央储备物资	储备粮食、食用植物油(料)、棉花的收购价格和销售价格，储备食糖竞卖底价，储备石油的出厂价格和出库价格，储备化肥入库和出库价格，储备厂丝收购价格和销售价格	国家计委会同有关部门	定价范围为承担中央储备任务的企业收储的中央储备粮食，中央储备食用植物油(料)，中央储备棉花、食糖、厂丝，国家储备用原油、成品油，中央救灾储备化肥等
2	国家专营烟叶、食盐和民爆器材	烟叶收购价格，食盐出厂价格、批发价格，民爆器材出厂基准价格及浮动幅度	国家计委会同有关部门	烟叶中准级收购价格由国家计委会同国家烟草专卖局制定，其他具体品种等级收购价格由国家烟草专卖局会同国家计委制定，食盐定价范围包括食盐定点生产企业和批发企业；民爆器材定价范围包括民爆行业所有生产企业
3	部分化肥	出厂基准价格及浮动幅度，港口结算价格	国家计委	定价范围为合成氨年生产能力 30 万吨以上的大型氮肥企业生产的尿素、硝酸铵出厂基准价格及浮动幅度；有经营资格的企业按照中央进口配额进口的化肥港口结算价格

4	部分重要药品	麻醉药品、一类精神药品、国家统一收购的预防免疫药品和避孕红具的出厂价格（口岸价格），其他药品的零售价格	国家计委	定价范围为列入国家基本医疗保险药品目录的药品及其它生产经营具有垄断性的少量特殊药品
5	教材	印张单价及浮动幅度	国家计委	定价范围为中小学和大专教材。国家计委制定印张中准价及浮动幅度，各省级价格主管部门制定中小学课本印张单价和零售价格
6	天然气	出厂价格	国家计委	定价范围为陆上油气田天然气
7	中央直属及跨省水利工程供水	出库（渠首）价格	国家计委	定价范围包括中央直属及跨省水库、干渠及河道
8	电力	未实行竞价的上网电价	国家计委	定价范围为未实行竞价上网、由省及省以上电网统一调度的独立发电企业的电量。电力体制改革后，上网电价在市场竞争中形成，政府不再审批
		销售电价	国家计委	定价范围为省及省以上电网销售电量。电力体制改革后，政府主要监管高压输电价格和低压配电价格
9	军品	出厂价格	国家计委	定价范围为武装力量用装备及配套产品，军粮（军供价格和补贴结算价格），供军队用成品油，具体目录另行公布
10	重要交通运输	管道运输及杂项收费，港口收费，民航运输价格及折扣幅度（含机场收费），铁路客货运输价格及杂项作业收费标准	国家计委及有关部门	定价范围为国家铁路、国家控股合资（合作）铁路；沿海长江干线主要港口及所有对外开放港口；民用机场、军民合用机场收费，国内航线及国际航线国内段航空运输价格；国内管道运输杂项收费包括与管道运输相关的装车费、储油费、中转代办费
11	邮政基本业务	资费	国家计委	邮政基本业务资费范围包括信函、明信片、印刷品、包裹、报刊发行、邮政汇兑、特快专递、机要邮件的服务价格

12	电信基本业务	资费	信息产业部	电信基本业务资费范围包括固定网络长途及本地电话、移动电话业务等服务价格。信息产业部在制定通信和信息服务资费政策、改革方案以及通信业务收费标准时，应事先征求国家计委意见
13	重要专业服务	金融结算和交易服务	国家计委	定价范围包括各商业银行和非银行金融机构结算手续费，全国性证券交易机构的交易手续费、席位费，中国外汇交易中心席位费等，不包括利率、汇率
		工程勘察设计服务	国家计委会同有关部门	定价范围为工程勘察设计单位承担的投资建设项目的勘察、设计及相关技术服务
		部分中介服务	国家计委	中介服务区别不同情况分别实行政府定价、政府指导价和市民调节价。检验、鉴定、公证、仲裁等垄断、强制性的服务实行政府定价；评估、代理、认证、招投标等竞争不充分的服务实行政府指导价。具体按《中介服务收费管理办法》（计价格[1999]2255号）执行
		基准价格及浮动幅度		
		基准价格及浮动幅度		
		收费标准		

## 说明：

一、本目录“定价内容”栏所列的基准价格及浮动幅度、收费标准及浮动幅度是指政府指导价，其它均指政府定价。

国家行政机关收费、原油、成品油价格和城市基准地价公布价格仍按现行有关规定管理。

二、法律法规有明确规定和国务院根据市场情况变化授权国家计委管理的商品或服务价格自动进入本目录。存在买方或卖方垄断的商品和服务，在发生价格矛盾时，由国家计委进行协调和必要的管理。国务院有关部门根据国家有关法律、法规的规定，为了安全、环保等特殊原因，强制在全国范围内使用的商品（或服务）价格，由国家计委进行必要的管理。

三、根据《价格法》第十九条的规定，各省、自治区、直辖市人民政府价格主管部门应当在《价格法》第十八条规定的范围内，制定地方定价目录。地方定价目录包括两部分：（1）列入本目录的品种应同时列入地方定价目录，并注明国务院定价部门；列入中央定价目录的商品中，国务院价格部门只制定代表品价格的，非代表品价格按照定价目录由地方制定。（2）符合《价格法》第十八条规定关于政府指导价格和政府定价条件的地方性商品和服务价格可列入地方定价目录。

**Order of the State Development Planning Commission of the People's Republic of China**

(No.11)

The Catalog of Price Regulated by the State Development Planning Commission and Other Department under the State Council has been approved by the State Council and is hereby promulgated, and shall go into effect on Aug.1, 2001.

Commissioner-in-Chief of the SDPC: Zeng Peiyan

July 4, 2001

**The Catalog of Price Regulated by the State Development Planning Commission and Other Department under the State Council**

Number	Category of Goods or Services	Goods or Services of Regulated Price
1	Important central reserve goods and materials;	Purchasing price and marketing price of reserve food, edible vegetable oil (material), and cotton; bid base price of reserve sugar; ex-factory price and ex-warehouse price of reserve rock oil; warehousing price and ex-warehouse price of reserve fertilizer; purchasing price and marketing price of reserve silk
2	Tobacco leaves, salt and civil explosion equipments under state monopoly	Purchasing price of tobacco leaves; ex-factory price and wholesale price of salt; base ex-factory price and its floating range of civil explosion equipments
3	Some fertilizer	Base ex-factory price and its floating range, and port settling price

4	Some important pharmaceutical		Ex-factory price (port price) of anesthetics, first-class psychotropic, prevention and immunity pharmaceutical, prophylactic and contraceptive, retail price of other pharmaceutical
5	Teaching material		Unit price of the printed pages and its floating range
6	Natural gas		Ex-factory price
7	Water supplies of central or trans-provincial water conservancy		Ex-reservoir (beginning of the ditch) price
8	Electric power		Price of electrical power of the transmission-line system that hasn't adopted competitive price
			Distribution price of electrical power
9	Military materials		Ex-factory price
10	Important communication and transportation		Charges of pipeline transport and sundries; port charges; transport price of civil aviation and discount range (including airport charges); price of railway passenger transport and freight transport; and charging standards for sundries
11	Basic postal services		Rates
12	Basic telecommunication services		Rates
13	Important special services	Financial settlement and transaction services	Base price and its floating range
		Engineering prospect and design services	Base price and its floating range
		Some intermediary services	Charging standards

Price Regulation Departments	Remarks
The State Development Planning Commission jointly with relevant departments	The scope of price regulation shall include the price of central reserve food, central reserve edible vegetable oil (material), central reserve cotton, sugar, silk, central reserve rock oil, finished oil, central reserve fertilizer, etc reserved by enterprises that undertake central reserve tasks
The State Development Planning Commission jointly with relevant departments	The quasi purchasing price of tobacco leaf shall be fixed by the State Development Planning Commission jointly with the State Tobacco Monopoly Bureau; other levels of price of specific kind of tobacco shall be fixed by the State Tobacco Monopoly Bureau jointly with the State Development Planning Commission, the scope of salt price regulation shall include fixed salt production enterprises and salt wholesale enterprises; the scope of price regulation of civil explosion equipments shall include all production enterprises of the civil explosion industry
The State Development Planning Commission	The scope of price regulation shall include the ex-factory base price and its floating range of the urea, ammonium nitrate produced by large scale nitrogenous fertilizer enterprises of which the production capacity of synthetic ammonia is more than 300,000 tons per year; the port settling price of fertilizer imported by enterprises that have operation qualification according to central import quota
The State Development Planning Commission	The scope of price regulation shall include the pharmaceutical listed in the state basic medical insurance pharmaceutical catalog and other little special pharmaceutical of which the production and operation are monopolized, State Development Planning Commission Price (2000) No. 2141 State Development Planning Commission Catalog of Fixed Price Pharmaceutical
The State Development Planning Commission	The scope of price regulation shall include the price of teaching material of secondary and primary schools, and of junior colleges and technical secondary schools, the quasi price and its floating range of printed pages set by the State Development Planning Commission; the unit price of printed pages of and the retail price of textbooks of secondary and primary schools set by the departments in charge of price at the provincial levels



The State Development Planning Commission	The scope of price regulation shall include the price of the natural gas of overland pools
The State Development Planning Commission	The scope of price regulation shall include the reservoirs, ditches and riverways directly under the central authority and those across the provinces
The State Development Planning Commission	The scope of price regulation shall include the electrical power quantity of independent electricity generating enterprises that haven't adopted the competitive price and that are dispatched uniformly by the transmission-line system of electric power at the provincial level and above, the price of electrical power of the transmission-line system shall be formed through market competition and the government shall no longer examine and approve it after the reform of electrical power system
The State Development Planning Commission	The scope of price regulation shall include the electrical power sold from the transmission-line system at the provincial level and above, the government shall mainly supervise the price of high-tension transmit electricity and the price of low-tension distributed electricity The State Development Planning Commission
The State Development Planning Commission	The scope of price regulation shall include the equipments and matching products used by the armed forces, army provisions (price of military supplies and allowance settlement price), the price catalog of finished oil used by the armies shall be promulgated separately
The State Development Planning Commission jointly with relevant departments	The scope of price regulation shall include state railways, railways of joint venture (joint cooperation) in which the state occupies the holding position; the charges of major ports along the coast and the Yangtse River and all ports opened to the outside world, airports for civil use, and airports for army-civilian use; transport price of domestic air lines and the part of international air lines within China; sundries of domestic pipe transport and the loading charges, oil storage charges, transfer handling charges related to pipe transport
The State Development Planning Commission	The rates of basic postal services include the price of the service of letters, postcards, printed matters, packages, issuance of newspapers and periodicals, postal exchange, express delivery and confidential letters

The Ministry of Information Industry	The rates of basic telecommunication services include the price of the services of fixed net long distance phone calls and local phone calls, mobile phone calls, etc, the Ministry of Information Service shall ask for the opinions of the State Development Planning Commission in advance when formulating the policies on the rates of communication and information service, the reform schemes and the charging standards for communication services
The State Development Planning Commission	The scope of price regulation shall include the settlement handling charges of various commercial banks and non-bank financial agencies, the transaction handling charges and seat charges of national security transaction agencies, the seat charges of China Foreign Exchange Transaction Center, etc, and shall not include the interest rates and exchange rates
The State Development Planning Commission jointly with relevant departments	The scope of price regulation shall include the prospect, design, and relevant technical services of the investment and construction programs undertaken by the engineering prospect and design units
The State Development Planning Commission	The intermediary services shall adopt government regulation price, government reference price and market adjusting price separately according to the different circumstances, the compulsory services such as testing, authentication, notarization, monopoly arbitration shall adopt government regulated price; the services of inadequate competition such as evaluation, agent, certification, bidding, etc shall adopt government reference price, and the Measures for Administration of Intermediary Service Charges [State Development Planning Commission Price No.2255 (1999)] shall be carried out in specific implementation

## Explanations:

1. The base price and its floating range, the charging standards and its floating range listed in the column "Goods or Services of Regulated Price" of this Catalog refer to the government reference price, and the others refer to the government regulated price.

Charges of state administrative departments, the price of base oil, finished oil and the urban land base price shall be regulated according to relevant provisions.

2. The prices of goods or services that are provided by laws and regulations and that are regulated by the State Development Planning Commission based on the authorization of the State Council according to changes in the market shall come

into this Catalog automatically. For the goods and services that are licensed for the purchasing party or the selling party, the State Development Planning Commission shall regulate the price when pricing dispute arise. The goods (or services) that are set for the purpose of safety or environment protection according to the provisions of relevant laws and regulations of the State shall be regulated by the State Development Planning Commission.

3. According to the provisions of Article 19 of Price Law, the departments in charge of price of the people's governments of all provinces, autonomous regions, municipalities directly under the Central Government shall formulate the local price regulation catalogs within the scope provided in Article 18 of Price Law. The local regulated price catalogs shall include two parts: 1) The categories listed in this Catalog shall be listed in the local regulated price catalogs at the same time, and the price regulation departments of the State Council shall be indicated. Among the goods listed in the central price regulation catalog, the price department of the State Council shall only formulate the price of the representative goods, and the price of those non-representative goods shall be formulated by localities according to the price regulation catalog. 2) The price of local goods and services that are in accordance with the requirements for government reference price and government regulation price provided in Article 18 of the Price Law may be listed in the local price regulation catalogs.

# 中华人民共和国国家发展计划委员会令

第 11 号

《国家计委和国务院有关部门定价目录》已经国务院批准，现予公布。自 2001 年 8 月 1 日起实行。

曾培炎

国家发展计划委员会主任：

二〇〇一年七月四日

## 国家计委和国务院有关部门定价目录

编号	品名	定价内容	定价部门	备注
1	重要的中央储备物资	储备粮食、食用植物油（料）、棉花的收购价格和销售价格，储备食糖竞价底价，储备石油的出厂价格和出库价格，储备化肥入库和出库价格，储备厂丝收购价格和销售价格	国家计委会同有关部门	定价范围为承担中央储备任务的企业收储的中央储备粮食，中央储备食用植物油（料），中央储备棉花、食糖、厂丝，国家储备用原油、成品油，中央救灾储备化肥等
2	国家专营烟叶、食盐和民爆器材	烟叶收购价格，食盐出厂价格、批发价格，民爆器材出厂基准价格及浮动幅度	国家计委会同有关部门	烟叶中准级收购价格由国家计委会同国家烟草专卖局制定，其他具体品种等级收购价格由国家烟草专卖局会同国家计委制定。食盐定价范围包括食盐定点生产企业和批发企业；民爆器材定价范围包括民爆转业所有生产企业
3	部分化肥	出厂基准价格及浮动幅度，港口结算价格	国家计委	定价范围为合成氨年生产能力 30 万吨以上的大型氮肥企业生产的尿素、硝酸铵出厂基准价格及浮动幅度；有经营资格的企业按照中央进口配额进口的化肥港口结算价格

4	部分重要药品	麻醉药品、一类精神药品、国家统一收购的预防免疫药品和避孕药具的出厂价格（口岸价格），其他药品的零售价格	国家计委	定价范围为列入国家基本医疗保险药品目录的药品及其它生产经营具有垄断性的少量特殊药品
5	教材	印张单价及浮动幅度	国家计委	定价范围为中小学和大学中专教材。国家计委制定印张中准价及浮动幅度，各省级价格主管部门制定中小学课本印张单价和零售价格
6	天然气	出厂价格	国家计委	定价范围为陆上油气田天然气
7	中央直属及跨省水利工程供水	出库（渠首）价格	国家计委	定价范围包括中央直属及跨省水库、干渠及河道
8	电力	未实行竞价的上网电价	国家计委	定价范围为未实行竞价上网、由省及省以上电网统一调度的独立发电企业的电量。电力体制改革后，上网电价在市场竞争中形成，政府不再审批
		销售电价	国家计委	定价范围为省及省以上电网销售电量。电力体制改革后，政府主要监管高压输电价格和低压配电价格
9	军品	出厂价格	国家计委	定价范围为武器装备用量装备及配套产品、军粮（军供价格和补贴结算价格），供军队用成品油，具体目录另行公布
10	重要交通运输	管道运输及杂项收费，港口收费，民航运输价格及折扣幅度（含机场收费），铁路客货运输价格及杂项作业收费标准	国家计委及有关部门	定价范围为国家铁路、国家控股合资（合作）铁路；沿海长江干线主要港口及所有对外开放港口；民用机场、军民合用机场收费，国内航线及国际航线国内段航空运输价格；国内管道运输杂项收费包括与管道运输相关的装车费、储油费、中转代办费
11	邮政基本业务	资费	国家计委	邮政基本业务资费范围包括信函、明信片、印刷品、包裹、报刊发行、邮政汇兑、特快专递、机要邮件的服务价格

12	电信基本业务		资费	信息产业部	电信基本业务资费范围包括固定网络长途及本地电话、移动电话业务等服务价格。信息产业部在制定通信和信息服务业政策、改革方案以及通信业务收费标准时，应事先征求国家计委意见
13	重要专业服务	金融结算和交易服务	基准价格及浮动幅度	国家计委	定价范围包括各商业银行和非银行金融机构结算手续费，全国性证券交易机构的交易手续费、席位费，中国外汇交易中心席位费等，不包括利率、汇率
		工程勘察设计服务	基准价格及浮动幅度	国家计委会同有关部门	定价范围为工程勘察设计单位承担的投资建设项目的勘察、设计及相关技术服务
		部分中介服务	收费标准	国家计委	中介服务区别不同情况分别实行政府定价、政府指导价和市民调节价。检验、鉴定、公证、仲裁等垄断、强制性的服务实行政府定价；评估、代理、认证、招投标等竞争不充分的服务实行政府指导价。具体按《中介服务收费管理办法》（计价格[1999]2255号）执行

说明：

一、本目录“定价内容”栏所列的基准价格及浮动幅度、收费标准及浮动幅度是指政府指导价，其它均指政府定价。

国家行政机关收费、原油、成品油价格和城市基准地价公布价格仍按现行有关规定管理。

二、法律法规有明确规定和国务院根据市场情况变化授权国家计委管理的商品或服务价格自动进入本目录。存在买方或卖方垄断的商品和服务，在发生价格矛盾时，由国家计委进行协调和必要的管理。国务院有关部门根据国家有关法律、法规的规定，为了安全、环保等特殊原因，强制在全国范围内使用的商品（或服务）价格，由国家计委进行必要的管理。

三、根据《价格法》第十九条的规定，各省、自治区、直辖市人民政府价格主管部门应当在《价格法》第十八条规定的范围内，制定地方定价目录。地方定价目录包括两部分：（1）列入本目录的品种应同时列入地方定价目录，并注明国务院定价部门。列入中央定价目录的商品中，国务院价格部门只制定代表品价格的，非代表品价格按照定价目录由地方制定。（2）符合《价格法》第十八条规定关于政府指导价和政府定价条件的地方性商品和服务价格可列入地方定价目录。

**Law of the People's Republic of China on Foreign-funded Enterprises**

Promulgation date: 10-31-2000

Effective date: 10-31-2000

Department: STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS

Subject: ENTERPRISES WITH FOREIGN INVESTMENT

Order of the President of the People's Republic of China  
(No.41)

The Decision of the Standing Committee of the National People's Congress on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises, which was adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, is hereby promulgated and shall come into force on the day of promulgation.

Jiang Zemin, President of the People's Republic of China  
October 31, 2000

**Law of the People's Republic of China on Foreign-funded Enterprises**

(Adopted at the 4th Meeting of the Sixth National People's Congress on April 12, 1986, amended in accordance with the Decision on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises adopted at 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, and promulgated by Order No. 41 of the President of the People's Republic of China on October 31, 2000)

Article 1. With a view to expanding economic cooperation and technical exchange with foreign countries and promoting the development of China's national economy, the People's Republic of China permits foreign enterprises, other foreign economic organizations and individuals (hereinafter collectively referred to as "foreign investors") to set up foreign-funded enterprises in China and protects the legitimate rights and interests of such enterprises.

Article 2. As mentioned in this Law, "foreign-funded enterprises" refers to those enterprises established in China by foreign investors, exclusively with their own capital, in accordance with relevant Chinese laws. The term does not include branches set up in China by foreign enterprises and other foreign economic organizations.

Article 3. Foreign-funded enterprises shall be established in such a manner as to help the development of China's national economy. The state encourages the establishment of foreign-funded enterprises that export their products or have advanced technologies.

Provisions shall be made by the State Council regarding the lines of business which the state forbids foreign-funded enterprises to engage in or on which it places certain restrictions.

Article 4. The investments of a foreign investor in China, the profits it earns and its other lawful

rights and interests are protected by Chinese law.

Foreign-funded enterprises must abide by Chinese laws and regulations and must not engage in any activities detrimental to China's public interest.

Article 5. The state shall not nationalize or requisition any foreign-funded enterprise. Under special circumstances, when public interest requires, foreign-funded enterprises may be requisitioned by legal procedures and appropriate compensation shall be made.

Article 6. The application to establish a foreign-funded enterprise shall be submitted for examination and approval to the department under the State Council in charge of foreign trade and economic cooperation, or to any other agency authorized by the State Council. The authorities in charge of examination and approval shall, within 90 days from the date it receives such application, decide whether or not to grant approval.

Article 7. After an application for the establishment of a foreign-funded enterprise has been approved, the foreign investor shall, within 30 days from the date of receiving a certificate of approval, apply to the industry and commerce administration authority for registration and obtain a business license. The date of issuance of the business license shall be the date of the establishment of the enterprise.

Article 8. An enterprise with foreign capital which meets the conditions for being considered a legal person under Chinese law shall acquire the status of a Chinese legal person, in accordance with the law.

Article 9. A foreign-funded enterprise shall make investments in China within the period approved by the authorities in charge of examination and approval. If it fails to do so, the industry and commerce administration authority may cancel its business license.

The industry and commerce administration authority shall inspect and supervise the investment situation of a foreign-funded enterprise.

Article 10. In the event of a split, merger or other major change, a foreign-funded enterprise shall report to and seek approval from the authorities in charge of examination and approval, and register the change with the industry and commerce administration authority.

Article 11. Foreign-funded enterprises shall conduct their operations and management in accordance with the approved articles of association, and shall be free from any interference.

Article 12. When employing Chinese workers and staff, a foreign-funded enterprise shall conclude contracts with them according to law, in which matters concerning employment, dismissal, remuneration, welfare benefits, labor protection and labor insurance shall be clearly prescribed.

Article 13. Workers and staff of a foreign-funded enterprise may organize trade unions in



accordance with the law so as to conduct trade union activities and protect their lawful rights and interests.

The enterprises shall provide the necessary conditions for the activities of the trade unions in their respective enterprises.

Article 14. A foreign-funded enterprise must set up account books in China, conduct independent accounting, submit the financial reports and statements as required and accept supervision by the financial and tax authorities.

If a foreign-funded enterprise refuses to keep account books in China, the financial and tax authorities may impose a fine on it, and the industry and commerce administration authority may order it to suspend operations or may revoke its business license.

Article 15. Within the approved scope of the operations, foreign-funded enterprises may, according to the principles of fairness and reason, purchase raw and semi-processed materials, fuels and other materials they need either in China or from the world market.

Article 16. Foreign-funded enterprises shall apply to insurance companies in China for such kinds of insurance coverage as are needed.

Article 17. Foreign-funded enterprises shall pay taxes in accordance with relevant state provisions for tax payment, and may enjoy preferential treatment for reduction of or exemption from taxes.

A foreign-funded enterprise that reinvests in China its profits after paying the income tax, may, in accordance with relevant state provisions, apply for refund of a part of the income tax already paid on the reinvested amount.

Article 18. Foreign-funded enterprises shall handle their foreign exchange transactions in accordance with the state provisions for foreign exchange control.

Foreign-funded enterprises shall open an account with the Bank of China or with a bank designated by the state agency exercising foreign exchange control.

Article 19. Foreign investors may remit abroad profits that are lawfully earned from a foreign-funded enterprise, as well as other lawful earnings and any funds remaining after the enterprise is liquidated.

Wages, salaries and other legitimate income earned by foreign employees in a foreign-funded enterprise may be remitted abroad after the payment of individual income tax in accordance with the law.

Article 20. With respect to the term of operations of a foreign-funded enterprise, the foreign investor shall report to and secure approval from the authorities in charge of examination and

approval. For an extension of the term of operations, an application shall be submitted to the said authorities 180 days before the expiration of the period. The authorities in charge of examination and approval shall, within 30 days from the date such application is received, decide whether or not to grant the extension.

Article 21. When terminating its operations, a foreign-funded enterprise shall promptly issue a public notice and proceed with liquidation in accordance with legal procedure.

Pending the completion of liquidation, a foreign investor may not dispose of the assets of the enterprise except for the purpose of liquidation.

Article 22. At the termination of operations, the foreign-funded enterprise shall nullify its registration with the industry and commerce administration authority and hand in its business license for cancellation.

Article 23. The department under the State Council which is in charge of foreign economic relations and trade shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 24. This Law shall go into effect on the day of its promulgation.

## 中华人民共和国外资企业法

( 1986年4月12日第六届全国人民代表大会第四次会议通过 根据2000年10月31日第九届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国外资企业法〉的决定》修正 2000年10月31日中华人民共和国主席令第41号发布 )

第一条 为了扩大对外经济合作和技术交流,促进中国国民经济的发展,中华人民共和国允许外国的企业和其他经济组织或者个人(以下简称外国投资者)在中国境内举办外资企业,保护外资企业的合法权益。

第二条 本法所称的外资企业是指依照中国有关法律在中国境内设立的全部资本由外国投资者投资的企业,不包括外国的企业和其他经济组织在中国境内的分支机构。

第三条 设立外资企业,必须有利于中国国民经济的发展。国家鼓励举办产品出口或者技术先进的外资企业。

国家禁止或者限制设立外资企业的行业由国务院规定。

第四条 外国投资者在中国境内的投资、获得的利润和其他合法权益，受中国法律保护。

外资企业必须遵守中国的法律、法规，不得损害中国的社会公共利益。

第五条 国家对外资企业不实行国有化和征收；在特殊情况下，根据社会公共利益的需要，对外资企业可以依照法律程序实行征收，并给予相应的补偿。

第六条 设立外资企业的申请，由国务院对外经济贸易主管部门或者国务院授权的机关审查批准。审查批准机关应当在接到申请之日起九十天内决定批准或者不批准。

第七条 设立外资企业的申请经批准后，外国投资者应当在接到批准证书之日起三十天内向工商行政管理机关申请登记，领取营业执照。外资企业的营业执照签发日期，为该企业成立日期。

第八条 外资企业符合中国法律关于法人条件的规定的，依法取得中国法人资格。

第九条 外资企业应当在审查批准机关核准的期限内在中国境内投资；逾期不投资的，工商行政管理机关有权吊销营业执照。

工商行政管理机关对外资企业的投资情况进行检查和监督。

第十条 外资企业分立、合并或者其他重要事项变更，应当报审查批准机关批准，并向工商行政管理机关办理变更登记手续。

第十一条 外资企业依照经批准的章程进行经营管理活动，不受干涉。

第十二条 外资企业雇用中国职工应当依法签定合同，并在合同中订明雇用、解雇、报酬、福利、劳动保护、劳动保险等事项。

第十三条 外资企业的职工依法建立工会组织，开展工会活动，维护职工的合法权益。

外资企业应当为本企业工会提供必要的活动条件。

第十四条 外资企业必须在中国境内设置会计帐簿，进行独立核算，按照规定报送会计报表，并接受财政税务机关的监督。

外资企业拒绝在中国境内设置会计帐簿的，财政税务机关可以处以罚款，工商行政管理机关可以责令停止营业或者吊销营业执照。

第十五条 外资企业在批准的经营范围所需的原材料、燃料等物资，按照公平、合理的原则，可以在国内市场或者在国际市场购买。

第十六条 外资企业的各项保险应当向中国境内的保险公司投保。

第十七条 外资企业依照国家有关税收的规定纳税并可以享受减税、免税的优惠待遇。

外资企业将缴纳所得税后的利润在中国境内再投资的，可以依照国家规定申

请退还再投资部分已缴纳的部分所得税税款。

第十八条 外资企业的外汇事宜，依照国家外汇管理规定办理。

外资企业应当在中国银行或者国家外汇管理机构指定的银行开户。

第十九条 外国投资者从外资企业获得的合法利润、其他合法收入和清算后的资金，可以汇往国外。

外资企业的外籍职工的工资收入和其他正当收入，依法缴纳个人所得税后，可以汇往国外。

第二十条 外资企业的经营期限由外国投资者申报，由审查批准机关批准。期满需要延长的，应当在期满一百八十天以前向审查批准机关提出申请。审查批准机关应当在接到申请之日起三十天内决定批准或者不批准。

第二十一条 外资企业终止，应当及时公告，按照法定程序进行清算。

在清算完结前，除为了执行清算外，外国投资者对企业财产不得处理。

第二十二条 外资企业终止，应当向工商行政管理机关办理注销登记手续，缴销营业执照。

第二十三条 国务院对外经济贸易主管部门根据本法制定实施细则，报国务院批准后施行。

第二十四条 本法自公布之日起施行。

**Law of the People's Republic of China on Foreign-funded Enterprises**

Promulgation date: 10-31-2000

Effective date: 10-31-2000

Department: STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS

Subject: ENTERPRISES WITH FOREIGN INVESTMENT

Order of the President of the People's Republic of China  
(No.41)

The Decision of the Standing Committee of the National People's Congress on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises, which was adopted at the 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, is hereby promulgated and shall come into force on the day of promulgation.

Jiang Zemin, President of the People's Republic of China  
October 31, 2000

**Law of the People's Republic of China on Foreign-funded Enterprises**

(Adopted at the 4th Meeting of the Sixth National People's Congress on April 12, 1986, amended in accordance with the Decision on Modifying the Law of the People's Republic of China on Foreign-funded Enterprises adopted at 18th Meeting of the Standing Committee of the Ninth National People's Congress on October 31, 2000, and promulgated by Order No. 41 of the President of the People's Republic of China on October 31, 2000)

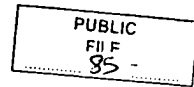
Article 1. With a view to expanding economic cooperation and technical exchange with foreign countries and promoting the development of China's national economy, the People's Republic of China permits foreign enterprises, other foreign economic organizations and individuals (hereinafter collectively referred to as "foreign investors") to set up foreign-funded enterprises in China and protects the legitimate rights and interests of such enterprises.

Article 2. As mentioned in this Law, "foreign-funded enterprises" refers to those enterprises established in China by foreign investors, exclusively with their own capital, in accordance with relevant Chinese laws. The term does not include branches set up in China by foreign enterprises and other foreign economic organizations.

Article 3. Foreign-funded enterprises shall be established in such a manner as to help the development of China's national economy. The state encourages the establishment of foreign-funded enterprises that export their products or have advanced technologies.

Provisions shall be made by the State Council regarding the lines of business which the state forbids foreign-funded enterprises to engage in or on which it places certain restrictions.

Article 4. The investments of a foreign investor in China, the profits it earns and its other lawful



rights and interests are protected by Chinese law.

Foreign-funded enterprises must abide by Chinese laws and regulations and must not engage in any activities detrimental to China's public interest.

Article 5. The state shall not nationalize or requisition any foreign-funded enterprise. Under special circumstances, when public interest requires, foreign-funded enterprises may be requisitioned by legal procedures and appropriate compensation shall be made.

Article 6. The application to establish a foreign-funded enterprise shall be submitted for examination and approval to the department under the State Council in charge of foreign trade and economic cooperation, or to any other agency authorized by the State Council. The authorities in charge of examination and approval shall, within 90 days from the date it receives such application, decide whether or not to grant approval.

Article 7. After an application for the establishment of a foreign-funded enterprises has been approved, the foreign investor shall, within 30 days from the date of receiving a certificate of approval, apply to the industry and commerce administration authority for registration and obtain a business license. The date of issuance of the business license shall be the date of the establishment of the enterprise.

Article 8. An enterprise with foreign capital which meets the conditions for being considered a legal person under Chinese law shall acquire the status of a Chinese legal person, in accordance with the law.

Article 9. A foreign-funded enterprise shall make investments in China within the period approved by the authorities in charge of examination and approval. If it fails to do so, the industry and commerce administration authority may cancel its business license.

The industry and commerce administration authority shall inspect and supervise the investment situation of a foreign-funded enterprise.

Article 10. In the event of a split, merger or other major change, a foreign-funded enterprise shall report to and seek approval from the authorities in charge of examination and approval, and register the change with the industry and commerce administration authority.

Article 11. Foreign-funded enterprises shall conduct their operations and management in accordance with the approved articles of association, and shall be free from any interference.

Article 12. When employing Chinese workers and staff, a foreign-funded enterprise shall conclude contracts with them according to law, in which matters concerning employment, dismissal, remuneration, welfare benefits, labor protection and labor insurance shall be clearly prescribed.

Article 13. Workers and staff of a foreign-funded enterprise may organize trade unions in



accordance with the law so as to conduct trade union activities and protect their lawful rights and interests.

The enterprises shall provide the necessary conditions for the activities of the trade unions in their respective enterprises.

Article 14. A foreign-funded enterprise must set up account books in China, conduct independent accounting, submit the financial reports and statements as required and accept supervision by the financial and tax authorities.

If a foreign-funded enterprise refuses to keep account books in China, the financial and tax authorities may impose a fine on it, and the industry and commerce administration authority may order it to suspend operations or may revoke its business license.

Article 15. Within the approved scope of the operations, foreign-funded enterprises may, according to the principles of fairness and reason, purchase raw and semi-processed materials, fuels and other materials they need either in China or from the world market.

Article 16. Foreign-funded enterprises shall apply to insurance companies in China for such kinds of insurance coverage as are needed.

Article 17. Foreign-funded enterprises shall pay taxes in accordance with relevant state provisions for tax payment, and may enjoy preferential treatment for reduction of or exemption from taxes.

A foreign-funded enterprise that reinvests in China its profits after paying the income tax, may, in accordance with relevant state provisions, apply for refund of a part of the income tax already paid on the reinvested amount.

Article 18. Foreign-funded enterprises shall handle their foreign exchange transactions in accordance with the state provisions for foreign exchange control.

Foreign-funded enterprises shall open an account with the Bank of China or with a bank designated by the state agency exercising foreign exchange control.

Article 19. Foreign investors may remit abroad profits that are lawfully earned from a foreign-funded enterprise, as well as other lawful earnings and any funds remaining after the enterprise is liquidated.

Wages, salaries and other legitimate income earned by foreign employees in a foreign-funded enterprise may be remitted abroad after the payment of individual income tax in accordance with the law.

Article 20. With respect to the term of operations of a foreign-funded enterprise, the foreign investor shall report to and secure approval from the authorities in charge of examination and

approval. For an extension of the term of operations, an application shall be submitted to the said authorities 180 days before the expiration of the period. The authorities in charge of examination and approval shall, within 30 days from the date such application is received, decide whether or not to grant the extension.

Article 21. When terminating its operations, a foreign-funded enterprise shall promptly issue a public notice and proceed with liquidation in accordance with legal procedure.

Pending the completion of liquidation, a foreign investor may not dispose of the assets of the enterprise except for the purpose of liquidation.

Article 22. At the termination of operations, the foreign-funded enterprise shall nullify its registration with the industry and commerce administration authority and hand in its business license for cancellation.

Article 23. The department under the State Council which is in charge of foreign economic relations and trade shall, in accordance with this Law, formulate rules for its implementation, which shall go into effect after being submitted to and approved by the State Council.

Article 24. This Law shall go into effect on the day of its promulgation.

## 中华人民共和国中外合资经营企业法

(1979年7月1日第五届全国人民代表大会第二次会议通过 根据1990年4月4日第七届全国人民代表大会第三次会议《关于修改〈中华人民共和国中外合资经营企业法〉的决定》修正 根据2001年3月15日第九届全国人民代表大会第四次会议《关于修改〈中华人民共和国中外合资经营企业法〉的决定》第二次修正)

**第一条** 中华人民共和国为了扩大国际经济合作和技术交流,允许外国公司、企业和其它经济组织或个人(以下简称外国合营者),按照平等互利的原则,经中国政府批准,在中华人民共和国境内,同中国的公司、企业或其它经济组织(以下简称中国合营者)共同举办合营企业。

**第二条** 中国政府依法保护外国合营者按照经中国政府批准的协议、合同、章程在合营企业的投资、应分得的利润和其它合法权益。

合营企业的一切活动应遵守中华人民共和国法律、法规的规定。

国家对合营企业不实行国有化和征收;在特殊情况下,根据社会公共利益的需要,对合营企业可以依照法律程序实行征收,并给予相应的补偿。

**第三条** 合营各方签订的合营协议、合同、章程,应报国家对外经济贸易主管部门(以下简称审查批准机关)审查批准。审查批准机关应在三个月内决定批准或不批准。合营企业经批准,向国家工商行政管理主管部门登记,领取营业执照,开始营业。

**第四条** 合营企业的形式为有限责任公司。

在合营企业的注册资本中,外国合营者的投资比例一般不低于百分之二十五。

合营各方按注册资本比例分享利润和分担风险及亏损。

合营者的注册资本如果转让必须经合营各方同意。

第五条 合营企业各方可以现金、实物、工业产权等进行投资。

外国合营者作为投资的技术和设备,必须确实是适合我国需要的先进技术和设备。如果有意以落后的技术和设备进行欺骗,造成损失的,应赔偿损失。

中国合营者的投资可包括为合营企业经营期间提供的场地使用权。如果场地使用权未作为中国合营者投资的一部分,合营企业应向中国政府缴纳使用费。

上述各项投资应在合营企业的合同和章程中加以规定,其价格(场地除外)由合营各方评议商定。

第六条 合营企业设置董事会,其人数组成由合营各方协商,在合同、章程中确定,并由合营各方委派和撤换。董事长和副董事长由合营各方协商确定或由董事会选举产生。中外合营者的一方担任董事长的,由他方担任副董事长。董事会根据平等互利的原则,决定合营企业的重大问题。

董事会的职权是按合营企业章程规定,讨论决定合营企业的一切重大问题:企业发展规划、生产经营活动方案、收支预算、利润分配、劳动工资计划、停业,以及总经理、副总经理、总工程师、总会计师、审计师的任命或聘请及其职权和待遇等。

正副总经理(或正副厂长)由合营各方分别担任。

合营企业职工的录用、辞退、报酬、福利、劳动保护、劳动保险等事项,应当依法通过订立合同加以规定。

第七条 合营企业的职工依法建立工会组织,开展工会活动,维护职工的合法权益。

合营企业应当为本企业工会提供必要的活动条件。

第八条 合营企业获得的毛利润,按中华人民共和国税法规定缴纳合营企业所得税后,扣除合营企业章程规定的储备基金、职工奖励及福利基金、企业发展基金,净利润根据合营各方注册资本的比例进行分配。

合营企业依照国家有关税收的法律和行政法规的规定,可以享受减税、免税的优惠待遇。

外国合营者将分得的净利润用于在中国境内再投资时,可申请退还已缴纳的部分所得税。

**第九条** 合营企业应凭营业执照在国家外汇管理机关允许经营外汇业务的银行或其它金融机构开立外汇帐户。

合营企业的有关外汇事宜,应遵照中华人民共和国外汇管理条例办理。

合营企业在其经营活动中,可直接向外国银行筹措资金。

合营企业的各项保险应向中国境内的保险公司投保。

**第十条** 合营企业在批准的经营范围内所需的原材料、燃料等物资,按照公平、合理的原则,可以在国内市场或者在国际市场上购买。

鼓励合营企业向中国境外销售产品。出口产品可由合营企业直接或与其有关的委托机构向国外市场出售,也可通过中国的外贸机构出售。合营企业产品也可在中国市场销售。

合营企业需要时可在中国境外设立分支机构。

**第十一条** 外国合营者在履行法律和协议、合同规定的义务后分得的净利润,在合营企业期满或者中止时所分得的资金以及其它资金,可按合营企业合同规定的货币,按外汇管理条例汇往国外。

鼓励外国合营者将可汇出的外汇存入中国银行。

**第十二条** 合营企业的外籍职工的工资收入和其它正当收入,按中华人民共和国税法缴纳个人所得税后,可按外汇管理条例汇往国外。

**第十三条** 合营企业的合营期限,按不同行业、不同情况,作不同的约定。

有的行业的合营企业,应当约定合营期限;有的行业的合营企业,可以约定合营期限,也可以不约定合营期限。约定合营期限的合营企业,合营各方同意延长合营期限的,应在距

合营期满六个月前向审查批准机关提出申请。审查批准机关应自接到申请之日起一个月内决定批准或不批准。

第十四条 合营企业如发生严重亏损、一方不履行合同和章程规定的义务、不可抗力等，经合营各方协商同意，报请审查批准机关批准，并向国家工商行政管理局主管部门登记，可终止合同。如果因违反合同而造成损失的，应由违反合同的一方承担经济责任。

第十五条 合营各方发生纠纷，董事会不能协商解决时，由中国仲裁机构进行调解或仲裁，也可由合营各方协议在其它仲裁机构仲裁。

第十六条 合营各方没有在合同中订有仲裁条款的或者事后没有达成书面仲裁协议的，可以向人民法院起诉。

第十七条 本法自公布之日起生效。

**Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures**

Promulgation date: 10-31-2000 Department: Standing Committee of the National People's Congress

Effective date: 10-31-2000 Subject: Foreign-funded Enterprises

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**Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures**

(Adopted at the First Session of the Seventh National People's Congress, and revised according to the Decision on Modifying the Law of the People's Republic of China on Chinese-Foreign Contractual Joint Ventures adopted at the 18th Session of the Standing Committee of the Ninth National People's Congress on October 31, 2000, and promulgated by Order No.40 of the President of the People's Republic of China on October 31, 2000)

Article 1. This Law is formulated to expand economic cooperation and technological exchange with foreign countries and to promote the joint establishment, on the principle of equality and mutual benefit, by foreign enterprises and other economic organizations or individuals (hereinafter referred to as the foreign party) and Chinese enterprises or other economic organizations (hereinafter referred to as the Chinese party) of Chinese-foreign contractual joint ventures (hereinafter referred to as contractual joint ventures) within the territory of the People's Republic of China.

Article 2. In establishing a contractual joint venture, the Chinese and foreign parties shall, in accordance with the provisions of this Law, prescribe in their contractual joint venture contract such matters as the investment or conditions for cooperation, the distribution of earnings or products, the sharing of risks and losses, the manners of operation and management and the ownership of the property at the time of the termination of the contractual joint venture.

A contractual joint venture which meets the conditions for being considered a legal person under Chinese law, shall acquire the status of a Chinese legal person in accordance with law.

Article 3. The state shall, according to law, protect the lawful rights and interests of the contractual joint ventures and of the Chinese and foreign parties.

A contractual joint venture must abide by Chinese laws and regulations and must not injure the public interests of China.

The relevant state authorities shall exercise supervision over the contractual joint ventures according to law.

Article 4. The state shall encourage the establishment of productive contractual joint ventures that are export-oriented or technologically advanced.



Article 5. For the purpose of applying for the establishment of a contractual joint venture, such documents as the agreement, the contract and the articles of association signed by the Chinese and foreign parties shall be submitted for examination and approval to the department in charge of foreign economic relations and trade under the State Council or to the department or local government authorized by the State Council (hereinafter referred to as the examination and approval authority). The examination and approval authority shall, within 45 days of receiving the application, decide whether or not to grant approval.

Article 6. When the application for the establishment of a contractual joint venture is approved, the parties shall, within 30 days of receiving the certificate of approval, apply to the administrative authorities for industry and commerce for registration and obtain a business license. The date of issuance of the business license of a contractual joint venture shall be the date of its establishment.

A contractual joint venture shall, within 30 days of its establishment, carry out tax registration with the tax authorities.

Article 7. If the Chinese and foreign parties, during the period of operation of their contractual joint venture, agree through consultation to make major modifications to the contractual joint venture contract, they shall report to the examination and approval authority for approval, if the modifications include items involving statutory industry and commerce registration or tax registration, they shall register the modifications with the administrative authorities for industry and commerce and with the tax authorities.

Article 8. The investment or conditions for cooperation contributed by the Chinese and foreign parties may be provided in cash or in kind, or may include the right to the use of land, industrial property rights, non-patent technology or other property rights.

Article 9. The Chinese and foreign parties shall, in accordance with the provisions of the laws and regulations and the agreements in the contractual joint venture contract, duly fulfil their obligations of contributing full investment and providing the conditions for cooperation. In case of failure to do so within the prescribed time, the administrative authorities for industry and commerce shall set another time limit for the fulfilment of such obligations; if such obligations are still not fulfilled by the new time limit, the matter shall be handled by the examination and approval authority and the administrative authorities for industry and commerce according to relevant state provisions.

The investments or conditions for cooperation provided by the Chinese and foreign parties shall be verified by an accountant registered in China or the relevant authorities, who shall provide a certificate after verification.

Article 10. If a Chinese or foreign party wishes to make an assignment of all or part of its rights and obligations prescribed in the contractual joint venture contract, it must obtain the consent of the other party or parties and report to the examination and approval authority for approval.



Article 11. A contractual joint venture shall conduct its operational and managerial activities in accordance with the approved contract and articles of association for the contractual joint venture. The right of a contractual joint venture to make its own operational and managerial decisions shall not be interfered with.

Article 12. A contractual joint venture shall establish a board of directors or a joint managerial institution which shall, according to the contract or the articles of association for the contractual joint venture, decide on the major issues concerning the venture. If the Chinese or foreign party assumes the chairmanship of the board of directors or the directorship of the joint managerial institution, the other party shall assume the vice-chairmanship of the board or the deputy directorship of the joint managerial institution. The board of directors or the joint managerial institution may decide on the appointment or employment of a general manager, who shall take charge of the daily operation and management of the contractual joint venture. The general manager shall be accountable to the board of directors or the joint managerial institution.

If a contractual joint venture, after its establishment, chooses to entrust a third party with its operation and management, it must obtain the unanimous consent of the board of directors or the joint managerial institution, report to the examination and approval authority for approval, and register the change with the administrative authorities for industry and commerce.

Article 13. The employment, dismissal, remuneration, welfare, labour protection and labour insurance, etc. of the staff members and workers of a contractual joint venture shall be specified in contracts concluded in accordance with law.

Article 14. The staff and workers of a contractual joint venture shall, in accordance with law, establish their trade union organization to carry out trade union activities and protect their lawful rights and interests.

A contractual joint venture shall provide the necessary conditions for the venture's trade union to carry out its activities.

Article 15. A contractual joint venture must establish its account books within the territory of China, file its accounting statements according to relevant provisions and accept supervision by the financial and tax authorities.

If a contractual joint venture, in violation of the provisions prescribed in the preceding paragraph, does not establish its account books within the territory of China, the financial and tax authorities may impose a fine on it, and the administrative authorities for industry and commerce may order it to suspend its business operations or may revoke its business license.

Article 16. A contractual joint venture shall, by presenting its business license, open a foreign exchange account with a bank or any other financial institution which is permitted by the exchange control authorities of the state to conduct transactions in foreign exchange.

A contractual joint venture shall handle its foreign exchange transactions in accordance with the provisions of the state on foreign exchange control.

Article 17. A contractual joint venture may obtain loans from financial institutions within the territory of China and may also obtain loans outside the territory of China.

Loans to be used by the Chinese and foreign parties as investment or conditions for cooperation, and their guarantees, shall be provided by each party on its own.

Article 18. The various kinds of insurance coverage of a contractual joint venture shall be furnished by insurance institutions within the territory of China.

Article 19. A contractual joint venture may, within its approved scope of operation, import materials it needs and export products it produces. A contractual joint venture may purchase the raw and processed materials, fuels, etc. needed, within its approved scope of operation, on the domestic market or the world market, according to the principles of fairness and reasonableness.

Article 20. A contractual joint venture shall, in accordance with state provisions on tax, pay taxes and may enjoy the preferential treatment of tax reduction or exemption.

Article 21. The Chinese and foreign parties shall share earnings or products, undertake risks and losses in accordance with the agreements prescribed in the contractual joint venture contract.

If, upon the expiration of the period of a venture's operation, all the fixed assets of the contractual joint venture, as agreed upon by the Chinese and foreign parties in the contractual joint venture contract, are to belong to the Chinese party, the Chinese and foreign parties may prescribe in the contractual joint venture contract the ways for the foreign party to recover its investment ahead of time during the period of the venture's operation. If the foreign party, as agreed upon in the contractual joint venture contract, is to recover its investment prior to the payment of income tax, it must apply to the financial and tax authorities, which shall examine and approve the application in accordance with state provisions concerning taxes.

If, according to the provisions of the preceding paragraph, the foreign party is to recover its investment ahead of time during the period of the venture's operation, the Chinese and foreign parties shall, as stipulated by the relevant laws and agreed in the contractual joint venture contract, be liable for the debts of the venture.

Article 22. After the foreign party has fulfilled its obligations under the law and the contractual joint venture contract, the profits it receives as its share, its other legitimate income and the funds it receives as its share upon the termination of the venture, may be remitted abroad according to law.

The wages, salaries or other legitimate income earned by the foreign staff and workers of contractual joint ventures, after the payment of the individual income tax according to law, may be



remitted abroad.

Article 23. Upon the expiration or termination in advance of the term of a contractual joint venture, its assets, claims and debts shall be liquidated according to legal procedures. The Chinese and foreign parties shall, in accordance with the agreement specified in the contractual joint venture contract, determine the ownership of the venture's property.

A contractual joint venture shall, upon the expiration or termination in advance of its term, cancel its registration with the administrative authorities for industry and commerce and the tax authorities.

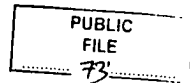
Article 24. The period of operation of a contractual joint venture shall be determined through consultation by the Chinese and foreign parties and shall be clearly specified in the contractual joint venture contract. If the Chinese and foreign parties agree to extend the period of operation, they shall apply to the examination and approval authority 180 days prior to the expiration of the venture's term. The examination and approval authority shall decide whether or not to grant approval within 30 days of receiving the application.

Article 25. Any dispute between the Chinese and foreign parties arising from the execution of the contract or the articles of association for a contractual joint venture shall be settled through consultation or mediation. In case of a dispute which the Chinese or the foreign party is unwilling to settle through consultation or mediation, or of a dispute which they have failed to settle through consultation or mediation, the Chinese and foreign parties may submit it to a Chinese arbitration agency or any other arbitration agency for arbitration in accordance with the arbitration clause in the contractual joint venture contract or a written agreement on arbitration concluded afterwards.

The Chinese or foreign party may bring a suit in a Chinese court, if no arbitration clause is provided in the contractual joint venture contract and if no written agreement is concluded afterwards.

Article 26. The detailed rules for the implementation of this Law shall be formulated by the department in charge of foreign economic relations and trade under the State Council and reported to the State Council for approval before implementation.

Article 27. This Law shall come into force as of the date of its promulgation.



中华人民共和国中外合作经营企业法(2000修正)

发布日期: 2000-10-31 发布部门: 全国人大常委会

生效日期: 2000-10-31 类 别: 外商投资企业

中华人民共和国主席令

(第四十号)

《全国人民代表大会常务委员会关于修改〈中华人民共和国中外合作经营企业法〉的决定》已由中华人民共和国第九届全国人民代表大会常务委员会第十八次会议于2000年10月31日通过,现予公布,自公布之日起施行。

中华人民共和国主席 江泽民

2000年10月31日

中华人民共和国中外合作经营企业法

(1988年4月13日第七届全国人民代表大会第一次会议通过 根据2000年10月31日第九届全国人民代表大会常务委员会第十八次会议《关于修改〈中华人民共和国中外合作经营企业法〉的决定》修正 2000年10月31日中华人民共和国主席令第40号公布)

第一条 为了扩大对外经济合作和技术交流,促进外国的企业和其他经济组织或者个人(以下简称外国合作者)按照平等互利的原则,同中华人民共和国的企业或者其他经济组织(以下简称中国合作者)在中国境内共同举办中外合作经营企业(以下简称合作企业),特制定本法。

(相关资料:修订沿革 条文释义 相关论文2篇 实务指南)

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**第二条** 中外合作者举办合作企业，应当依照本法的规定，在合作企业合同中约定投资或者合作条件、收益或者产品的分配、风险和亏损的分担、经营管理的方式和合作企业终止时财产的归属等事项。

合作企业符合中国法律关于法人条件的规定的，依法取得中国法人资格。

(相关资料: 裁判文书4篇 修订沿革 条文释义 相关论文3篇 实务指南)

**第三条** 国家依法保护合作企业和中外合作者的合法权益。

合作企业必须遵守中国的法律、法规，不得损害中国的社会公共利益。

国家有关机关依法对合作企业实行监督。

(相关资料: 裁判文书2篇 修订沿革 条文释义 实务指南)

**第四条** 国家鼓励举办产品出口的或者技术先进的生产型合作企业。

(相关资料: 修订沿革 条文释义 相关论文2篇 实务指南)

**第五条** 申请设立合作企业，应当将中外合作者签订的协议、合同、章程等文件报国务院对外经济贸易主管部门或者国务院授权的部门和地方政府(以下简称审查批准机关)审查批准。审查批准机关应当自接到申请之日起四十五日内决定批准或者不批准。

(相关资料: 地方法规2篇 裁判文书6篇 修订沿革 条文释义 实务指南)

**第六条** 设立合作企业的申请经批准后，应当自接到批准证书之日起三十天内向工商行政管理机关申请登记，领取营业执照。合作企业的营业执照签发日期，为该企业的成立日期。

合作企业应当自成立之日起三十天内向税务机关办理税务登记。

(相关资料: 地方法规2篇 修订沿革 条文释义 实务指南)

**第七条** 中外合作者在合作期限内协商同意对合作企业合同作重大变更的，应当报审查批准机关批准；变更内容涉及法定工商登记项目、税务登记项目的，应当向工商行政管理机关、税务机关办理变更登记手续。

(相关资料: 地方法规 1 篇 裁判文书 5 篇 修订沿革 条文释义 实务指南)

第八条 中外合作者的投资或者提供的合作条件可以是现金、实物、土地使用权、工业产权、非专利技术和其他财产权利。

(相关资料: 地方法规 1 篇 裁判文书 2 篇 修订沿革 条文释义 相关论文 4 篇 实务指南)

第九条 中外合作者应当依照法律、法规的规定和合作企业合同的约定,如期履行缴足投资、提供合作条件的义务。逾期不履行的,由工商行政管理机关限期履行;限期届满仍未履行的,由审查批准机关和工商行政管理机关依照国家有关规定处理。

中外合作者的投资或者提供的合作条件,由中国注册会计师或者有关机构验证并出具证明。

(相关资料: 部门规章 1 篇 地方法规 1 篇 裁判文书 3 篇 修订沿革 条文释义 相关论文 1 篇 实务指南)

第十条 中外合作者的一方转让其在合作企业合同中的全部或者部分权利、义务的,必须经他方同意,并报审查批准机关批准。

(相关资料: 案例 1 篇 裁判文书 6 篇 修订沿革 条文释义 实务指南)

第十一条 合作企业依照经批准的合作企业合同、章程进行经营管理活动。合作企业的经营管理自主权不受干涉。

(相关资料: 裁判文书 3 篇 修订沿革 条文释义 实务指南)

第十二条 合作企业应当设立董事会或者联合管理机构,依照合作企业合同或者章程的规定,决定合作企业的重大问题。中外合作者的一方担任董事会的董事长、联合管理机构的主任的,由他方担任副董事长、副主任。董事会或者联合管理机构可以决定任命或者聘请总经理负责合作企业的日常经营管理工作。总经理对董事会或者联合管理机构负责。

合作企业成立后改为委托中外合作者以外的他人经营管理的,必须经董事会或者联合管

理机构一致同意，报审查批准机关批准，并向工商行政管理机关办理变更登记手续。

(相关资料: 地方法规 1 篇 修订沿革 条文释义 相关论文 1 篇 实务指南)

第十三条 合作企业职工的录用、辞退、报酬、福利、劳动保护、劳动保险等事项，应当依法通过订立合同加以规定。

(相关资料: 修订沿革 条文释义 实务指南)

第十四条 合作企业的职工依法建立工会组织，开展工会活动，维护职工的合法权益。

合作企业应当为本企业工会提供必要的活动条件。

(相关资料: 裁判文书 2 篇 修订沿革 条文释义 实务指南)

第十五条 合作企业必须在中国境内设置会计帐簿，依照规定报送会计报表，并接受财政税务机关的监督。

合作企业违反前款规定，不在中国境内设置会计帐簿的，财政税务机关可以处以罚款，工商行政管理机关可以责令停止营业或者吊销其营业执照。

(相关资料: 地方法规 1 篇 修订沿革 条文释义 实务指南)

第十六条 合作企业应当凭营业执照在国家外汇管理机关允许经营外汇业务的银行或者其他金融机构开立外汇帐户。

合作企业的外汇事宜，依照国家有关外汇管理的规定办理。

(相关资料: 修订沿革 条文释义 实务指南)

第十七条 合作企业可以向中国境内的金融机构借款，也可以在中国境外借款。

中外合作者用作投资或者合作条件的借款及其担保，由各方自行解决。

(相关资料: 修订沿革 条文释义 实务指南)

第十八条 合作企业的各项保险应当向中国境内的保险机构投保。

(相关资料: 修订沿革 条文释义 实务指南)

第十九条 合作企业可以在经批准的经营范围內,进口本企业需要的物资,出口本企业生产的产品。合作企业在经批准的经营范围內所需的原材料、燃料等物资,按照公平、合理的原则,可以在国内市场或者在国际市场购买。

(相关资料:修订沿革 条文释义 相关论文 1篇 实务指南)

第二十条 合作企业依照国家有关税收的规定缴纳税款并可以享受减税、免税的优惠待遇。

(相关资料:修订沿革 条文释义 实务指南)

第二十一条 中外合作者依照合作企业合同的约定,分配收益或者产品,承担风险和亏损。

中外合作者在合作企业合同中约定合作期满后合作企业的全部固定资产归中国合作者所有的,可以在合作企业合同中约定外国合作者在合作期限内先行回收投资的办法。合作企业合同约定外国合作者在缴纳所得税前回收投资的,必须向财政税务机关提出申请,由财政税务机关依照国家有关税收的规定审查批准。

依照前款规定外国合作者在合作期限内先行回收投资的,中外合作者应当依照有关法律的规定和合作企业合同的约定对合作企业的债务承担责任。

(相关资料:地方法规 1篇 裁判文书 2篇 修订沿革 条文释义 实务指南)

第二十二条 外国合作者在履行法律规定和合作企业合同约定的义务后分得的利润、其他合法收入和合作企业终止时分得的资金,可以依法汇往国外。

合作企业的外籍职工的工资收入和其他合法收入,依法缴纳个人所得税后,可以汇往国外。

(相关资料:裁判文书 4篇 修订沿革 条文释义 实务指南)

第二十三条 合作企业期满或者提前终止时,应当依照法定程序对资产和债权、债务进



行清算。中外合作者应当依照合作企业合同的约定确定合作企业财产的归属。

合作企业期满或者提前终止，应当向工商行政管理机关和税务机关办理注销登记手续。

(相关资料：地方法规 1 篇 裁判文书 3 篇 修订沿革 条文释义 实务指南)

**第二十四条** 合作企业的合作期限由中外合作者协商并在合作企业合同中订明。中外合作者同意延长合作期限的，应当在距合作期满一百八十天前向审查批准机关提出申请。审查批准机关应当自接到申请之日起三十天内决定批准或者不批准。

(相关资料：部门规章 1 篇 裁判文书 2 篇 修订沿革 条文释义 实务指南)

**第二十五条** 中外合作者履行合作企业合同、章程发生争议时，应当通过协商或者调解解决。中外合作者不愿通过协商、调解解决的，或者协商、调解不成的，可以依照合作企业合同中的仲裁条款或者事后达成的书面仲裁协议，提交中国仲裁机构或者其他仲裁机构仲裁。

中外合作者没有在合作企业合同中订立仲裁条款，事后又没有达成书面仲裁协议的，可以向中国法院起诉。

(相关资料：修订沿革 条文释义 相关论文 1 篇 实务指南)

**第二十六条** 国务院对外经济贸易主管部门根据本法制定实施细则，报国务院批准后施行。

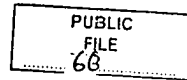
(相关资料：裁判文书 2 篇 修订沿革 条文释义)

**第二十七条** 本法自公布之日起施行。

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ATTACHMENT 14



**Detailed Rules On the Implementation of the Law of People's Republic of China On  
Sino-Foreign Joint Cooperative Ventures**

Promulgation date: 09-04-1995 Department: Ministry of Foreign Trade and Economic  
Cooperation (incl. Former Ministry of Foreign Economy and Tra  
Effective date: 09-04-1995 Subject: Foreign-funded Enterprises

**DETAILED RULES ON THE IMPLEMENTATION OF THE LAW OF PEOPLE'S REPUBLIC  
OF CHINA ON SINO-FOREIGN JOINT COOPERATIVE VENTURES**

(The Rules were approved by the State Council on Aug. 7, 1995 and have been commanded by  
Wu Yi, minister of MOFTEC being put into effect as of their promulgation on Sept. 4, 1995)

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JOINT VENTURES WITHOUT LEGAL PERSON STATUS CHAPTER TEN  
SUPPLEMENTARY PROVISIONS

**CHAPTER ONE GENERAL PROVISIONS**

Article 1 This set of rules have been formulated in accordance with The Law of the People's  
Republic of China on Sino-Foreign Joint Cooperative Ventures.

Article 2 The establishment of Sino-Foreign joint cooperative ventures (referred to hereinafter as  
joint ventures) in the territories of China shall be in line with the country's development and  
industrial policies as well as regulations guiding foreign investment in China.

Article 3 The joint ventures can, according to the law, independently undertake their operations  
and management and business activities within the limits as set under the approved agreements,  
contracts and articles of associations of the ventures without interference from any organizations  
or individuals.

Article 4 The joint ventures referred to here include those with and without Chinese legal person  
status.

Special provisions in Chapter 9 of these Rules shall be followed by joint ventures without Chinese  
legal person status.

Article 5 Departments in charge of the Chinese operators shall be in charge of the joint ventures. If a joint venture has two or more Chinese operators, the examination and approval departments shall, with consultations with other related departments, designate one specific department in charge for the administration of the joint venture, unless otherwise stipulated under the law or other administrative rules and regulations.

The departments in charge of the joint venture shall provide consultation and assistance in related affairs of the joint ventures.

#### CHAPTER TWO ESTABLISHMENT OF THE JOINT VENTURES

Article 6 The establishment of a joint venture shall have the approval of the Ministry of Foreign Trade and Economic Cooperation (MOFTEC) or other departments and local governments authorized by the State Council.

The establishment of joint ventures in the following occasions shall be examined and approved by the departments or local governments authorized by the State Council:

1. The total investment to the venture is within the range of those that should be examined and approved by the departments or local governments authorized by the State Council;
2. The capital has been raised by the applicants themselves and whose construction and production facilities do not need to be balanced by the State.
3. The export of its products does not need a quota or export license from departments in charge of the State, or when a quota or export license is needed, the export has been approved in advance by related departments in charge of the State prior to the submission of the project proposal.
4. Other circumstances that should be examined and approved by the departments or local governments authorized by the State Council as set under the law and administrative rules and regulations.

Article 7 The following documents shall be presented by the Chinese partners in applying for the establishment of a joint venture.

1. Project proposal of the joint venture together with the approval documents of department in charge;
2. The feasibility study report as prepared by all sides involved in the joint venture, together with approval documents of departments in charge;
3. The joint venture's agreements, contracts and articles of association as signed by the cooperators' legal representatives or authorized representatives;

4. The partners business licenses, registration documents, capital credibility reports and other valid documents of the legal representatives. If a partner is a foreign natural person, the partner shall also present valid documents on its identification, biographical data and capital credibility;

5. A roster of the Chairman and Deputy Chairmen of the Board of Directors, members of the Board of Directors or a name list of the Chairman and Deputy Chairmen of the Joint Management Committee and members of the Joint Management Committee;

6. Other documents as deemed necessary by the examination and approval departments.

The previously listed documents, except documents submitted by the foreign partners as stated in item 4, shall have Chinese versions. Documents stated in items 2, 3 and 5 may also have copies in another foreign language as agreed upon by partners of the proposed joint venture.

The examination and approval departments shall decide whether or not approve the establishment within 45 days since the date when all necessary documents are received. In case the examination and approval departments decide that a certain document submitted is incomplete or with inappropriate contents, the departments have the right to request a revision or amendment within a certain period of time.

Article 8 The approval documents shall be issued by the MOFTEC if the joint ventures are approved by the MOFTEC or departments authorized by the State Council.

The approval documents of joint ventures approved by the local governments shall be issued by the approving local governments and be registered with the MOFTEC for the record within 30 days following the date of approval.

The joint ventures established after approval shall register with the administrative departments in charge of industry and commerce and apply for business licenses.

Article 9 Applications on the establishment of joint ventures will not be approved in one of the following occasions:

1. The proposed joint venture would make harm to China's sovereignty or social welfare;
2. The proposed joint venture would make harm to China's national security;
3. The proposed joint venture would cause pollution to the environment;
4. Other occasions that are against the laws or administrative rules and regulations and the State's industrial policy.

Article 10 The joint venture cooperation agreements referred to in this set of detailed rules are the

written document jointly formulated by the partners of the joint ventures on the ventures' principles and other major matters.

The joint venture contracts referred to in this set of detailed rules are the written documents jointly formulated by the partners of the joint ventures on the rights and obligations between the partners.

The joint venture articles of association referred to in this set of detailed rules are the written documents jointly formulated by the partners of the joint venture on the organization, operation and management and other matters of the venture in accordance with the contracts.

If there are discrepancies between the joint venture's cooperation agreement and its articles of association on the one hand and the contract on the other hand, the stipulations in the contract shall be followed.

The partners of the joint venture may choose not to formulate a cooperation agreement.

Article 11 The joint ventures' agreements, contracts and articles of association shall enter into force as of the date of the issuance of the establishment approval documents by the examination and approval departments. Any major revises in the agreements, contracts and articles of association during the cooperation period shall be approved by the examination and approval departments.

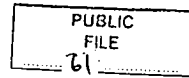
Article 12 The joint ventures' contracts shall include the following data:

1. Title, place of the registration, residence and names, titles and nationalities of the legal representatives of the partners. (If the partner is a foreign natural person, his/her name, nationality and residence shall also be included);
2. The joint venture's name, site and scope of operation;
3. Total investment, registered capital, investment by each partner or forms and terms of cooperation;
4. The transfer of investment by each partner and other cooperative terms;
5. The distribution of the profits or products as well as the sharing of the risks and losses;
6. The cooperation of the joint venture's Board of Directors or Joint Management Committee, the distribution of the members of the board or the committee and the responsibilities, recruitment and dismissal of the general manager and other senior managerial staff;
7. Major equipment, production technologies adopted and their sources;
8. Arrangements on the sales of the joint venture's products inside China and overseas;

9. Arrangements on the income and expenditure of foreign exchange;
10. Operation term dismissal and liquidation of the joint venture;
11. Other obligations and responsibilities of the partners in case of violation of the contracts;
12. Principles guiding the management of the joint venture's finance, accounting and auditing;
13. The settlement of disputes between/among the partners;
14. The procedures of revising the joint ventures' contracts.

Article 13 The joint venture's articles of association shall include the following items:

1. The name and site of the joint venture;
2. The scope of operation and cooperation term of the joint venture;
3. The names, register sites, residence of the partners as well as the names, titles and nationalities of their legal representatives (if the foreign partner is a foreign natural person, his/her name, nationality and residence shall also be included);
4. The total investment, registered capital and investment of each partner of the joint venture and the form and term of cooperation;
5. The distribution of the profits or products as well as the sharing of the risks and losses;
6. The composition, responsibilities and the rules of procedures of the joint venture's Board of Directors or Joint Management Committee; the term of members of the Board of Directors or Joint Management Committee and the power and responsibilities of the chairman and the deputy chairman of the Board of Directors or the chairman and deputy chairmen of the Joint Management Committee;
7. The setup, responsibilities, rules of procedures of the joint venture's management and the power, responsibilities, recruitment and dismissal of the general manager and other senior managerial staff;
8. Provisions on recruitment, training, formulation of employment contracts, salary, social insurance, welfare, job safety and health etc. of the employees;
9. Financial, accounting and auditing systems of the joint venture;
10. The dismissal and liquidation of the joint venture;



11. The procedures on revising the joint venture's articles of association.

#### CHAPTER THREE ORGANIZATION AND REGISTERED CAPITAL

Article 14 Joint ventures with Chinese legal person status shall be limited liability companies. The partners shall share responsibilities within the limit of its investment or cooperative means rendered, unless otherwise stipulated under the contracts.

The joint venture shall have liability for its debts with all of its capital.

Article 15 The total investment of the joint venture refers to the total capital input needed under the production and operation scope as set in the joint venture's contracts and articles of association.

Article 16 The joint venture's registered capital refers to the total amount of capital registered by the partners with the administrative departments in charge of industry and commerce in order to establish the joint venture. The registered capital shall be expressed in the sum of RMB. It may also be calculated with another freely-convertible currency as agreed upon by the partners.

The joint venture's registered capital shall not decrease during term of cooperation. Decreases that are truly warranted by the change of the total investment and the operation scope and other changes shall be approved by the examination and approval departments.

#### CHAPTER FOUR INVESTMENT AND COOPERATIVE MEANS

Article 17 The partners shall, in line with the related laws, administrative regulations and provisions of the joint venture's contracts, invest in or provide cooperative means to the joint ventures.

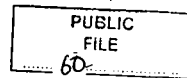
Article 18 The partners' investment or cooperative means could be currencies, or material objects or industrial rights, special technologies, land use rights and other property rights.

The Chinese partners' investments or cooperative means, if they are State fix assets, shall undergo assets assessment in accordance with related laws and administrative regulations or provisions.

For joint ventures with Chinese legal person status, the foreign partners' investment shall normally be no less than 25% of the total registered capital of the joint venture. For Joint ventures without Chinese legal person status, the specific requirements for the partners' investments or rendition of cooperative means shall be stipulated by MOFTEC.

Article 19 The partners shall use their properties or property rights as investments or cooperative means and they shall not have the investments or cooperative means mortgaged or guaranteed through other means.





Article 20 The partners shall, in line with the needs of the joint venture's production and operation and in accordance with related laws and administrative regulations and provisions, set the term of operation in the joint venture's contracts.

If the partners fail to provide the required investment or cooperative means as stipulated under the contract, the administrative departments in charge of industry and commerce shall order them to do so within a certain period of time; If they still fail to do so after that time period expires, the examination and approval departments shall rescind the joint venture's approval documents and the administrative departments in charge of industry and commerce shall revoke the joint venture's business license and shall announce the nullification.

Article 21 The side that fails to provide investment or cooperative means in accordance with the joint venture's contracts shall bear the violation responsibilities to the other sides that have already provided the required investment or cooperative means.

Article 22 After the provision of the investments and the cooperative means by the partners, the joint venture shall issue investment certification confirming their provision after registered Chinese accountants examined the provisions and provided an examination report. The investment certification shall include the following data:

1. The name of the joint venture;
2. The establishment date of the joint venture;
3. The names of the partners;
4. The description of the investments or cooperative means rendered by the partners of the joint venture;
5. The date of the investments or cooperative means rendered by the partners of the joint venture;
6. The serial number and issuing date of the investment certification.

Copies of the investment certification shall be submitted to the examination and approval departments as well as the administrative departments in charge of industry and commerce.

Article 23 The transfer of all or parts of the property rights as set under the contracts among the partners of the joint venture or between one partner of the joint venture and others outside the joint venture shall have the written consent of the other partner(s), as well as the approval of examination and approval departments.

The examination and approval departments shall decide on whether or not to approve the transfer within 30 days after the receipt of the transfer documents.

#### CHAPTER FIVE ORGANIZATIONAL SETUP

Article 24 The joint venture shall have a Board of Directors or a Joint Management Committee as its executive authority, which decides on the venture's major matters in accordance with the articles of association.

Article 25 The number of members of the Board of Directors or Joint Management Committee shall be no less than three and the distribution of the members shall be agreed upon in accordance with the investments and/or cooperative means rendered.

Article 26 Members of the Board of Directors or the Joint Management Committee shall be named or dismissed from the partners themselves. The nomination and approval of the chairman and deputy chairmen of the board or committee shall follow the procedures as set in the articles of association. If one of the Chinese partners holds the position of chairman, the position of deputy chairman shall be held by one of the foreign partners and vice versa.

Article 27 The term of the members of the Board of Directors or Joint Management Committee shall be stipulated under the joint venture's articles of association, but shall not exceed three years. When the chairman or member's term ends and he/she is again designated, he/she can hold the position for another term.

Article 28 Meetings of the Board of Directors or the Joint Management Committee shall be convened at least once each year and be chaired by chairman. In case the chairman cannot chair the meetings, one of the deputy chairmen or members designated by the chairman shall call and chair the meetings. If one third of the members of the board or committee so propose, the board or the committee can call a meeting.

Meetings of the Board of Directors or the Joint Management Committee shall be notified 10 days before a meeting. The Board of Directors or the Joint Management Committee may vote through communications.

Article 29 The following items can only be approved with the unanimous agreement of the members:

1. The revision of the joint venture's article of association;
2. The increase or decrease of the joint venture's registered capital;
3. The dismissal of the joint venture;
4. The mortgage of the joint venture's assets;
5. The merger, division and change of organization structure of the joint venture;

6. Other items that can only be approved with the unanimous agreement of all members of the Board of Directors or the Joint Management Committee.

Article 30 Other matters other than stipulated in this set of detailed rules concerning the discussion and voting procedures shall be covered in the joint venture's articles of association.

Article 31 Chairman of the Board of Directors or the Joint Management Committee is the legal representative of the joint venture. If the chairman cannot so function, he/she shall designate one of the deputy chairmen or one of the members of the board or committee to represent the joint venture in external affairs.

Article 32 The joint venture shall have one general manager in charge of daily operation and management of the joint venture as well as the Board of Director or the Joint Management Committee.

The joint venture's general manager shall be recruited or dismissed by the Board of Directors or the joint Management Committee.

Article 33 The general manager and other senior managerial staff can be either Chinese nationals or foreign nationals.

Members of the Board of Directors or the Joint Management Committee can concurrently hold the position of the general manager or other senior managerial posts, with the recruitment of the Board of Directors or the Joint Management Committee.

Article 34 The general manager or other senior managerial staff, if incompetent or involving in graft or having serious dereliction of duty, can be dismissed through a resolution of the Board of Directors or the Joint Management Committee. General manager or other senior managerial staff of a joint venture shall be responsible for all major losses of the joint venture, incurred by their own conducts.

Article 35 If a joint venture decides to entrust someone other than the partners to manage the operation of the venture, it shall have the unanimous agreement of the Board of Directors or the Joint Management Committee. The joint venture shall sign a contract with the trustee for the entrustment.

The joint venture shall submit the resolution of the Board of Directors or the Joint Management Committee on the entrustment as well as the entrustment contract together with documents of the trustee's credit standing to the examination and approval departments for approval. The examination and approval departments shall decide whether or not to approve within 30 days since the receipt of the related documents.

#### CHAPTER SIX PURCHASE OF GOODS AND MATERIALS AND SALES OF PRODUCTS

Article 36 A joint venture can formulate its own production plans in accordance with its operation scope and production scale as approved by departments in charge.

Government departments must not force the joint ventures to implement production and operation plans formulated by the government departments.

Article 37 A joint venture can independently decide to purchase in China or overseas machinery equipment, raw materials, fuels, components and parts, vehicles and office supplies (referred to hereinafter as goods and materials) it needs.

Article 38 The State encourages the joint ventures to sell their products on the international market. The joint ventures can sell their products on overseas markets by themselves or commission overseas sales agents or China's foreign trade companies to do so.

The joint ventures set the prices of their products for themselves according to the law.

Article 39 The import of machinery, equipments, components and parts as well as other goods and materials by the foreign partner as investment in the joint venture shall be exempt from import tariffs and circulating tax during the importation. The import of machinery, equipment, parts and components and other goods and materials needed in the operation and production with parts of the joint venture's total investment funds shall enjoy the same preferential treatment. If such goods and materials imported duty free are transferred or resold inside China, taxes are required to be levied or repaid.

Article 40 The joint ventures must not export their products in prices obviously lower than reasonable international prices, neither can they import goods and materials in prices obviously higher than international prices.

Article 41 The joint venture shall sell its products in accordance with related provisions as stipulated in the approved cooperation contract.

Article 42 In importing and exporting commodities that require State quota and import/export licenses, the joint ventures shall duly apply for the quota and licenses.

#### CHAPTER SEVEN DISTRIBUTION OF INCOMES AND RECOVERY OF INVESTMENT

Article 43 The Chinese and foreign partners of the joint ventures can get a part of the profits, products and other means in distribution of incomes of the venture as agreed by the partners.

If the income are distributed in the form of products or other means, tax shall be levied in accordance with provisions under the tax law.

Article 44 When the operation term as set in the joint venture's contract expires, if the joint

venture's fixed assets have been set to be handed to the Chinese partners free of charge, the foreign partners can, during the operation term, apply to recover their investment in the following manners:

1. Aside from the distribution in accordance with the investment and/or cooperative means rendered, the foreign partner can increase its share in the distribution in the contract;
2. With the examination and approval of the finance and taxation authorities in accordance with related taxation regulations, the foreign partners recover their investment before the joint venture pays its income tax;
3. Other investment recovery measures approved by the examination and approval departments and finance and taxation departments.

When the foreign partners recover investment during the operation term as described in the previous paragraphs, the Chinese and foreign partners shall should the joint ventures' debts in accordance with provisions of related laws as well as the ventures' contracts.

Article 45 In applying for recovering investment in advance through means as described in Items 2 and 3 of Article 44, the foreign partner shall clearly specify the sum, time limit and form for investment recovery in advance for examination and approval by departments in charge after being examined and approved by finance and taxation authorities.

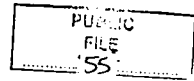
The foreign partner cannot recover its investment in advance before the losses of the joint venture are settled.

Article 46 The joint ventures shall, in line with related provisions of Chinese laws, commission registered Chinese accountants to audit and check their financial accounts. The partners may jointly or separately commission registered Chinese accountants to audit and check the accounts and the expenses arisen therefrom shall be paid by the party that makes the commission.

#### CHAPTER EIGHT OPERATION TBAM AND DISSOLUTION OF THE JOINT VENTURE

Article 47 Operation term of a joint venture shall be decided through consultation by the Chinese and foreign partners and specified in the contract.

In case the operation term of the joint venture expires, it can be extended through agreement of the partners. The extension proposal shall be submitted to the examination and approval departments 180 days before the original expiration date, clearly stating how the original contract is implemented, reasons for the extension of the term as well as agreements on issues such as the rights and obligations of the partners during the term extended. The examination and approval departments shall decide whether or not to approve within 30 days since the receipt of the application.



If the extension is approved, the joint venture can go through the formalities of changing the original registration with the approval documents. The starting of the extension is the first day after the expiration of the original term.

If the joint venture's contract stipulates that foreign partners recover their investment in advance and the recovery is made, the operation term of the joint venture cannot be extended after expiration. However, if the foreign partner increase investment and all other partners of the joint venture agree, the venture can apply for an extension of the term in the way stated in the second paragraph of this article.

Article 48 A joint venture is dissolved under one of the following circumstances:

1. The operation term expires;
2. The joint venture's operation cannot continue due to big losses or as a result of forces majeure;
3. The joint venture's operation cannot continue as a result of the failure by one or more partners to execute the obligations stipulated in the contract and/or the articles of association;
4. Other conditions that can lead to dissolution emerge;
5. The joint venture is ordered to close because it violates laws or administrative regulations and rules.

In the circumstances stated in Items 2 and 4, the joint venture's Board of Directors or Joint Management Committee shall make the decision of dissolution and report to the examination and approval departments for approval. Under the circumstance as stated in Item 3 of this article, the partner(s) failing to execute the obligations stipulated in the joint venture's contract and articles of association shall shoulder the responsibilities over the loss suffered by other sides as a result of the failure; the partner(s) abiding by the contract is (are) entitled to apply with the examination and approval departments for dissolving the joint venture.

Article 49 The liquidation of the joint venture shall be handled in accordance with related State laws and administrative regulations and rules as well as the venture's contract and articles of association.

#### CHAPTER NINE SPECIAL PROVISIONS ON JOINT VENTURES WITHOUT LEGAL PERSON STATUS

Article 50 For joint ventures without legal person status, their partners shall shoulder civil responsibilities in accordance with related provisions of China's civil law.

Article 51 Joint ventures without legal person status shall register their partners' investment and cooperative means rendered with administrative departments in charge of industry and commerce.

Article 52 For joint ventures without legal person status, partners of the ventures shall separately own the investment and/or cooperative means they rendered. But the investment and/or cooperative means can also be jointly owned, or partly jointly owned under agreement of all the partners. Assets added as a result of the joint venture's operation shall be owned by all the partners.

The investments and cooperative means rendered by the partners of a joint venture without legal person status shall be put under the unified management of the venture. None of the partners can dispose of the investment or cooperative means without the agreement of the other partners.

Article 53 Joint ventures' without legal person status shall establish joint management setups comprising representatives designated by respective partners to jointly manage the venture.

The joint management setup shall decide on all major issues of the venture.

Article 54 Joint ventures without legal person status shall keep unified accounting books at the site of the ventures; the partners shall also have their respective account books.

#### CHAPTER TEN SUPPLEMENTARY PROVISIONS

Article 55 The formulation, effectiveness, interpretation, implementation and settlement of disputes of the joint ventures' contracts shall be governed by the Chinese law.

Article 56 Other matters not included in this set of detailed rule, such as the joint ventures financial affairs, accounting, audit, foreign currencies, taxation, labour management and trade unions, shall be governed by related laws and administrative regulations and rules.

Article 57 Companies, enterprises and other economic entities as well as individuals from Hong Kong, Taiwan and Macao regions and Chinese citizens residing overseas shall follow this set of detailed rules in establishing joint ventures in China.

Article 58 This set of detailed rules goes into effect as of the date of its promulgation.

中华人民共和国中外合作经营企业法实施细则

中华人民共和国对外贸易经济合作部令

(一九九五年第6号)

《中华人民共和国中外合作经营企业法实施细则》已于1995年8月7日经国务院批准，现予发布，自发布之日起施行。

一九九五年九月四日

中华人民共和国中外合作经营企业法实施细则

(1995年8月7日国务院批准)

1995年9月4日对外贸易经济合作部发布)

第一章 总则

第一条 根据《中华人民共和国中外合作经营企业法》，制定本实施细则。

第二条 在中国境内举办中外合作经营企业(以下简称合作企业)，应当符合国家的发展政策和产业政策，遵守国家关于指导外商投资方向的规定。

第三条 合作企业在批准的合作企业协议、合同、章程范围内，依法自主地开展业务、进行经营管理活动，不受任何组织或者个人的干涉。



**第四条** 合作企业包括依法取得中国法人资格的合作企业和不具有法人资格的合作企业。

不具有法人资格的合作企业，本实施细则第九章有特别规定的，从其规定。

**第五条** 合作企业的主管部门为中国合作者的主管部门。合作企业有二个以上中国合作者的，由审查批准机关会同有关部门协商确定一个主管部门。但是，法律、行政法规另有规定的除外。

合作企业的主管部门对合作企业的有关事宜依法进行协调、提供协助。

## **第二章 合作企业的设立**

**第六条** 设立合作企业由对外贸易经济合作部或者国务院授权的部门和地方人民政府审查批准。

设立合作企业属于下列情形的，由国务院授权的部门或者地方人民政府审查批准：

- (一) 投资总额在国务院规定由国务院授权的部门或者地方人民政府审批的投资限额以内的；
- (二) 自筹资金，并且不需要国家平衡建设、生产条件的；
- (三) 产品出口不需要领取国家有关主管部门发放的出口配额、许可证，或者虽需要领取，但在报送项目建议书前已征得国家有关主管部门同意的；

(四)有法律、行政法规规定由国务院授权的部门或者地方人民政府审查批准的其他情形的。

第七条 设立合作企业，应当由中国合作者向审查批准机关报送下列文件：

(一)设立合作企业的项目建议书，并附送主管部门审查同意的文件；

(二)合作各方共同编制的可行性研究报告，并附送主管部门审查同意的文件；

(三)由合作各方的法定代表人或其授权的代表签署的合作企业协议、合同、章程；

(四)合作各方的营业执照或者注册登记证明、资信证明及法定代表人的有效证明文件，外国合作者是自然人的，应当提供有关其身份、履历和资信情况的有效证明文件；

(五)合作各方协商确定的合作企业董事长、副董事长、董事或者联合管理委员会主任、副主任、委员的人选名单；

(六)审查批准机关要求报送的其他文件。

前款所列文件，除第四项中所列外国合作者提供的文件外，必须报送中文本，第二项、第三项和第五项所列文件可以同时报送合作各方商定的一种外文本。

审查批准机关应当自收到规定的全部文件之日起45天内决定批准或者不批准，审查批准机关认为报送的文件不全或者有不当之处的，有权要求合作各方在指定期间内补全或者修正。

第八条 对外贸易经济合作部和国务院授权的部门批准设立的合作企业，由对外贸易

经济合作部颁发批准证书。

国务院授权的地方人民政府批准设立的合作企业，由有关地方人民政府颁发批准证书，并自批准之日起30天内将有关批准文件报送对外贸易经济合作部备案。

批准设立的合作企业应当依法向工商行政管理机关申请登记，领取营业执照。

第九条 申请设立合作企业，有下列情形之一时，不予批准：

- (一) 损害国家主权或者社会公共利益的；
- (二) 危害国家安全的；
- (三) 对环境造成污染损害的；
- (四) 有违反法律、行政法规或者国家产业政策的其他情形的。

第十条 本实施细则所称合作企业协议，是指合作各方对设立合作企业的原则和主要事项达成一致意见后形成的书面文件。

本实施细则所称合作企业合同，是指合作各方为设立合作企业就相互之间的权利、义务关系达成一致意见后形成的书面文件。

本实施细则所称合作企业章程，是指按照合作企业合同的约定，经合作各方一致同意，约定合作企业的组织原则、经营管理方法等事项的书面文件。

合作企业协议、章程的内容与合作企业合同不一致的，以合作企业合同为准。

合作各方可以不订立合作企业协议。

第十一条 合作企业协议、合同、章程自审查批准机关颁发批准证书之日起生效。在合作期限内，合作企业协议、合同、章程有重大变更的，须经审查批准机关批准。

第十二条 合作企业合同应当载明下列事项：

(一) 合作各方的名称、注册地、住所及法定代表人的姓名、职务、国籍(外国合作者是自然人的，其姓名、国籍和住所)；

(二) 合作企业的名称、住所、经营范围；

(三) 合作企业的投资总额，注册资本，合作各方投资或者提供合作条件的方式、期限；

(四) 合作各方投资或者提供的合作条件的转让；

(五) 合作各方收益或者产品的分配，风险或者亏损的分担；

(六) 合作企业董事会或者联合管理委员会的组成以及董事或者联合管理委员会委员名额的分配，总经理及其他高级管理人员的资质和聘任、解聘办法；

(七) 采用的主要生产设备、生产技术及其来源；

(八) 产品在中国境内销售和境外销售的安排；

(九) 合作企业外汇收支的安排；

(十) 合作企业的期限、解散和清算；

(十一) 合作各方其他义务以及违反合同的责任；

(十二) 财务、会计、审计的处理原则；

(十三) 合作各方之间争议的处理；

(十四) 合作企业合同的修改程序。

第十三条 合作企业章程应当载明下列事项：

(一) 合作企业名称及住所；

(二) 合作企业的经营范围和合作期限；

(三) 合作各方的名称、注册地、住所及法定代表人的姓名、职务和国籍(外国合作者是自然人的，其姓名、国籍和住所)；

(四) 合作企业的投资总额，注册资本，合作各方投资或提供合作条件的方式、期限。

(五) 合作各方收益或者产品的分配，风险或者亏损的分担；

(六) 合作企业董事会或者联合管理委员会的组成、职权和议事规则，董事会董事或者联合管理委员会的任期，董事长、副董事长或者联合管理委员会主任、副主任的职务；

(七) 经营管理机构的设置、职权、办事规则，总经理及其他高级管理人员的职责和聘任、解聘办法；

(八) 有关职工招聘、培训、劳动合同、工资、社会保险、福利、职业安全卫生等劳动

管理事项的规定；

(九) 合作企业财务、会计和审计制度；

(十) 合作企业解散和清算办法；

(十一) 合作企业章程的修改程序。

### 第三章 组织形式与注册资本

第十四条 合作企业依法取得中国法人资格的，为有限责任公司。除合作企业合同另有约定外，合作各方以其投资或者提供的合作条件为限对合作企业承担责任。

合作企业以其全部资产对合作企业的债务承担责任。

第十五条 合作企业的投资总额，是指按照合作企业合同、章程规定的生产经营规模，需要投入的资金总和。

第十六条 合作企业的注册资本，是指为设立合作企业，在工商行政管理机关登记的合作各方认缴的出资额之和。注册资本以人民币表示，也可以用合作各方约定的一种可自由兑换的外币表示。

合作企业注册资本在合作期限内不得减少。但是，因投资总额和生产经营规模等变化，确需减少的，须经审查批准机关批准。

### 第四章 投资、合作条件

**第十七条** 合作各方应当依照有关法律、行政法规的规定和合作企业合同的约定,向合作企业投资或者提供合作条件。

**第十八条** 合作各方向合作企业的投资或者提供的合作条件可以是货币,也可以是实物或者工业产权、专有技术、土地使用权等财产权利。

中国合作者的投资或者提供的合作条件,属于国有资产的,应当依照有关法律、行政法规的规定进行资产评估。

在依法取得中国法人资格的合作企业中,外国合作者的投资一般不低于合作企业注册资本的25%。在不具有法人资格的合作企业中,对合作各方向合作企业投资或者提供合作条件的具体要求,由对外贸易经济合作部规定。

**第十九条** 合作各方应当以其自有的财产或者财产权利作为投资或者合作条件,对该投资或者合作条件不得设置抵押权或者其他形式的担保。

**第二十条** 合作各方应当根据合作企业的生产经营需要,依照有关法律、行政法规的规定,在合作企业合同中约定合作各方向合作企业投资或者提供合作条件的期限。

合作各方没有按照合作企业合同约定缴纳投资或者提供合作条件的,工商行政管理机关应当限期履行;限期届满仍未履行的,审查批准机关应当撤销合作企业的批准证书,工商行政管理机关应当吊销合作企业的营业执照,并予以公告。

**第二十一条** 未按照合作企业合同约定缴纳投资或者提供合作条件的一方,应当向已

按照合作企业合同约定缴纳投资或者提供合作条件的他方承担违约责任。

**第二十二条** 合作各方缴纳投资或者提供合作条件后,应当由中国注册会计师验证并出具验资报告,由合作企业发给合作各方出资证明书。出资证明书应当载明下列事项:

- (一) 合作企业名称;
- (二) 合作企业成立日期;
- (三) 合作各方名称或者姓名;
- (四) 合作各方投资或者提供合作条件的内容;
- (五) 合作各方投资或者提供合作条件的日期;
- (六) 出资证明书的编号和核发日期。

出资证明书应当抄送审查批准机关及工商行政管理机关。

**第二十三条** 合作各方之间相互转让或者合作一方向合作他方以外的他人转让属于其在合作企业合同中全部或者部分权利的,须经合作他方书面同意,并报审查批准机关批准。

审查批准机关应当自收到有关转让文件之日起30天内决定批准或者不批准。

## 第五章 组织机构

**第二十四条** 合作企业设董事会或者联合管理委员会。董事会或者联合管理委员会是



合作企业的权力机构，按照合作企业章程的规定，决定合作企业的重大问题。

**第二十五条** 董事会或者联合管理委员会成员不得少于3人，其名额的分配由中外合作者参照其投资或者提供的合作条件协商确定。

**第二十六条** 董事会董事或者联合管理委员会委员由合作各方自行委派或者撤换。董事会董事长、副董事长或者联合管理委员会主任、副主任的产生办法由合作企业章程规定；中外合作者的一方担任董事长、主任的，副董事长、副主任由他方担任。

**第二十七条** 董事或者委员的任期由合作企业章程规定；但是，每届任期不得超过3年。董事或者委员任期届满，委派方继续委派的，可以连任。

**第二十八条** 董事会会议或者联合管理委员会会议每年至少召开1次，由董事长或者主任召集并主持。董事长或者主任因特殊原因不能履行职务时，由董事长或者主任指定副董事长、副主任或者其他董事、委员召集并主持。1/3以上董事或者委员可以提议召开董事会会议或者联合管理委员会会议。

董事会会议或者联合管理委员会会议应当有2/3以上董事或者委员出席方能举行，不能出席董事会会议或者联合管理委员会会议的董事或者委员应当书面委托他人代表其出席和表决。董事会会议或者联合管理委员会会议作出决议，须经全体董事或者委员的过半数通过。董事或者委员无正当理由不参加又不委托他人代表其参加董事会会议或者联合管理委员会会议的，视为出席董事会会议或者联合管理委员会会议并在表决中弃权。

召开董事会会议或者联合管理委员会会议，应当在会议召开的10天前通知全体董事或者委员。董事会或者联合管理委员会也可以用通讯的方式作出决议。

第二十九条 下列事项由出席董事会会议或者联合管理委员会会议的董事或者委员一致通过，方可作出决议：

- (一) 合作企业章程的修改；
- (二) 合作企业注册资本的增加或者减少；
- (三) 合作企业的解散；
- (四) 合作企业的资产抵押；
- (五) 合作企业合并、分立和变更组织形式；

(六) 合作各方约定由董事会会议或者联合管理委员会会议一致通过方可作出决议的其他事项。

第三十条 董事会或者联合管理委员会的议事方式和表决程序，除本实施细则规定的外，由合作企业章程规定。

第三十一条 董事长或者主任是合作企业的法定代表人。董事长或者主任因特殊原因不能履行职务时，应当授权副董事长、副主任或者其他董事、委员对外代表合作企业。

第三十二条 合作企业设总经理 1 人，负责合作企业的日常经营管理工作，对董事会或者联合管理委员会负责。

合作企业的总理由董事会或者联合管理委员会聘任、解聘。

第三十三条 总经理及其他高级管理人员可以由中国公民担任,也可以由外国公民担任。

经董事会或者联合管理委员会聘任,董事或者委员可以兼任合作企业的总经理或者其他高级管理职务。

第三十四条 总经理及其他高级管理人员不胜任工作任务的,或者有营私舞弊或者严重失职行为的,经董事会或者联合管理委员会决议,可以解聘;给合作企业造成损失的,应当依法承担责任。

第三十五条 合作企业成立后委托合作各方以外的他人经营管理的,必须经董事会或者联合管理委员会一致同意,并应当与被受托人签订委托经营管理合同。

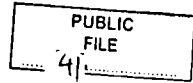
合作企业应当将董事会或者联合管理委员会的决议、签订的委托经营管理合同,连同被受托人的资信证明等文件,一并报送审查批准机关批准。审查批准机关应当自收到有关文件之日起30天内决定批准或者不批准。

## 第六章 购买物资和销售产品

第三十六条 合作企业按照经批准的经营范围和生产经营规模,自行制定生产经营计划。

政府部门不得强令合作企业执行政府部门确定的生产经营计划。

第三十七条 合作企业可以自行决定在中国境内或者境外购买本企业自用的机器设



备、原材料、燃料、零部件、配套件、元器件、运输工具和办公用品等（以下简称“物资”）。

**第三十八条** 国家鼓励合作企业向国际市场销售其产品。合作企业可以自行向国际市场销售其产品，也可以委托国外的销售机构或者中国的外贸公司代销或者经销其产品。

合作企业销售产品的价格，由合作企业依法自行确定。

**第三十九条** 外国合作者作为投资进口的机器设备、零部件和其他物料以及合作企业用投资总额内的资金进口生产、经营所需的机器设备、零部件和其他物料，免征进口关税和进口环节的流转税。上述免税进口物资经批准在中国境内转卖或者转用于国内销售的，应当依法纳税或者补税。

**第四十条** 合作企业不得以明显低于合理的国际市场同类产品的价格出口产品，不得以高于国际市场同类产品的价格进口物资。

**第四十一条** 合作企业销售产品，应当按照经批准的合作企业合同的约定销售。

**第四十二条** 合作企业进口或者出口属于进出口许可证、配额管理的商品，应当按照国家有关规定办理申领手续。

#### 第七章 分配收益与回收投资

**第四十三条** 中外合作者可以采用分配利润、分配产品或者合作各方共同商定的其他方式分配收益。

采用分配产品或者其他方式分配收益的，应当按照税法的有关规定，计算应纳税额。

**第四十四条** 中外合作者在合作企业合同中约定合作期限届满时,合作企业的全部固定资产无偿归中国合作者所有的,外国合作者在合作期限内可以申请按照下列方式先行回收其投资:

(一)在按照投资或者提供合作条件进行分配的基础上,在合作企业合同中约定扩大外国合作者的收益分配比例;

(二)经财政税务机关按照国家有关税收的规定审查批准,外国合作者在合作企业缴纳所得税前回收投资;

(三)经财政税务机关和审查批准机关批准的其他回收投资方式。

外国合作者依照前款规定在合作期限内先行回收投资的,中外合作者应当依照有关法律的规定和合作企业合同的约定,对合作企业的债务承担责任。

**第四十五条** 外国合作者依照本实施细则第四十四条第二项和第三项的规定提出先行回收投资的申请,应当具体说明先行回收投资的总额、期限和方式,经财政税务机关审查同意后,报审查批准机关审批。

合作企业的亏损未弥补前,外国合作者不得先行回收投资。

**第四十六条** 合作企业应当按照国家有关规定聘请中国注册会计师进行查帐验证。合作各方可以共同或者单方自行委托中国注册会计师查帐,所需费用由委托查帐方负担。

## 第八章 期限和解散

第四十七条 合作企业的期限由中外合作者协商确定，并在合作企业合同中载明。

合作企业期限届满，合作各方协商同意要求延长合作期限的，应当在期限届满的180天前向审查批准机关提出申请，说明原合作企业合同执行情况，延长合作期限的原因，同时报送合作各方就延长的期限内各方的权利、义务等事项所达成的协议。审查批准机关应当自接到申请之日起30天内，决定批准或者不批准。

经批准延长合作期限的，合作企业凭批准文件向工商行政管理机关办理变更登记手续，延长的期限从期限届满后的第一天起计算。

合作企业合同约定外国合作者先行回收投资，并且投资已经回收完毕的，合作企业期限届满不再延长；但是，外国合作者增加投资的，经合作各方协商同意，可以依照本章第二款的规定向审查批准机关申请延长合作期限。

第四十八条 合作企业因下列情形之一出现时解散：

- (一) 合作期限届满；
- (二) 合作企业发生严重亏损，或者因不可抗力遭受严重损失，无力继续经营；
- (三) 中外合作者一方或者数方不履行合作企业合同、章程规定的义务，致使合作企业无法继续经营；
- (四) 合作企业合同、章程中规定的其他解散原因已经出现；
- (五) 合作企业违反法律、行政法规，被依法责令关闭。

前款第二项、第四项所列情形发生,应当由合作企业的董事会或者联合管理委员会做出决定,报审查批准机关批准。在前款第三项所列情形下,不履行合作企业合同、章程规定的义务的中外合作者一方或者数方,应当对履行合同的他方因此遭受的损失承担赔偿责任;履行合同的一方或者数方有权向审查批准机关提出申请,解散合作企业。

**第四十九条** 合作企业的清算事宜依照国家有关法律、行政法规及合作企业合同、章程的规定办理。

#### **第九章 关于不具有法人资格的合作企业的特别规定**

**第五十条** 不具有法人资格的合作企业及其合作各方,依照中国民事法律的有关规定,承担民事责任。

**第五十一条** 不具有法人资格的合作企业应当向工商行政管理机关登记合作各方的投资或者提供的合作条件。

**第五十二条** 不具有法人资格的合作企业的合作各方的投资或者提供的合作条件,为合作各方分别所有。经合作各方约定,也可以共有,或者部分分别所有、部分共有。合作企业经营积累的财产,归合作各方共有。

不具有法人资格的合作企业合作各方的投资或者提供的合作条件由合作企业统一管理和使用。未经合作他方同意,任何一方不得擅自处理。

**第五十三条** 不具有法人资格的合作企业设立联合管理机构,联合管理机构由合作各

方委派的代表组成，代表合作各方共同管理合作企业。

联合管理机构决定合作企业的一切重大问题。

第五十四条 不具有法人资格的合作企业应当在其所在地设置统一的会计帐簿；合作各方还应当设置各自的会计帐簿。

#### 第十章 附则

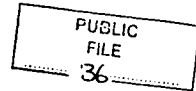
第五十五条 合作企业合同的订立、效力、解释、履行及其争议的解决，适用中国法律。

第五十六条 本实施细则未规定的事项，包括合作企业的财务、会计、审计、外汇、税务、劳动管理、工会等，适用有关法律、行政法规的规定。

第五十七条 香港、澳门、台湾地区的公司、企业和其他经济组织或者个人以及在国外居住的中国公民举办合作企业，参照本实施细则办理。

第五十八条 本实施细则自发布之日起施行。





**Rules for the Implementation of the Law of the People's Republic of China on  
Foreign-funded Enterprises**

Promulgation date: 04-12-2001 Department: State Council  
Effective date: 04-12-2001 Subject: Foreign-funded Enterprises

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Order of the State Council of the People's Republic of China (No.301)

The Decision of the State Council Regarding the Revision of Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded enterprises is now promulgated, and shall come into force as of the date of promulgation.

Premier Zhu Rongji

April 12, 2001

Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded Enterprises

(Revised according to the Decision of the State Council Regarding the Revision of Rules for the Implementation of the Law of the People's Republic of China on Foreign-funded enterprises on April 12, 2001, approved on October 28, 1990 by the State Council, issued on December 12, 1990 by the Ministry of Foreign Economic Relations and Trade)

**Chapter I General Provisions**

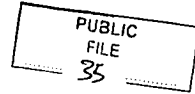
**Article 1** These Rules are formulated according to the Law of the People's Republic of China on Foreign-funded enterprises.

**Article 2** Foreign-funded enterprises shall be subject to and under the protection of Chinese Law.

Foreign-funded enterprises engaging in business in the People's Republic of China must abide by Chinese laws and regulations and must not harm the social and public interests of China.

**Article 3** A foreign-funded enterprise to be established must benefit the development of China's national economy and be capable of gaining remarkable economic results. The state encourages foreign-funded enterprises to use advanced technology and equipment, engage in the development of new products, realize the upgrading of products and the replacement of old products with new ones, economize energy and raw materials, and it is also encouraged to establish foreign-funded enterprises which are export oriented.

**Article 4** Trades in which the establishment of foreign-funded enterprises is forbidden or restricted shall be determined and established according to the provisions regarding state guidance for foreign investment orientation and guiding catalogue of industries for foreign investment.



Article 5 No application for the establishment of a foreign-funded enterprise shall be approved if the proposed enterprise is under any of the following circumstances:

- (1) injuring China's sovereignty or social and public interests;
- (2) endangering China's national security;
- (3) in violation of Chinese laws and regulations;
- (4) not in keeping with the requirements of China's national economic development;
- (5) may result in environmental pollution.

Article 6 A foreign-funded enterprise shall, within the approved scope of business, have its autonomy in operation and management, and be free from any interference.

#### Chapter II Establishment Procedures

Article 7 The application for the establishment of a foreign-funded enterprise shall be subject to the examination and approval by the Ministry of Foreign Trade and Economic Cooperation of the People's Republic of China (hereinafter referred to as the MFTEC), which shall issue a certificate of approval to those approved.

If any applications for the establishment of a foreign-funded enterprise is under any one of the following circumstances, the State Council shall authorize the people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning or special economic zone to conduct the examination and approval and issue a certificate of approval to those approved:

- (1) the total amount of investment is within the limits of power for the examination and approval of investment stipulated by the State Council;
- (2) the enterprise shall not need any raw materials to be allocated by the state, and not influence unfavorably the national comprehensive balance of energy resources, communications and transportation and export quotas for foreign trade.

The people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning or special economic zone that has, within the authorization by the State Council, approved any application for the establishment of a foreign-funded enterprise shall, within 15 days since the approval has been issued, report to the MFTEC for record (hereinafter the Ministry of Foreign Trade and Economic Cooperation and the



people's government of the relevant province, autonomous region, municipality directly under the Central Government, city directly under State planning and special economic zone shall be, in general, referred to as the examining and approving authority).

Article 8 With regard to any foreign-funded enterprise that applies for establishment, if its products shall involve export license, export quota, import license or the import of which is restricted by the state, a prior consent shall be obtained from the competent authority of foreign economic relations and trade in accordance with the relevant administrative power.

Article 9 Before submitting any application for the establishment of a foreign-funded enterprise, the foreign investor shall submit to the local people's government at or above the county level at the place where the foreign-funded enterprise is to be established a report regarding matters such as the purpose of the enterprise, its scope and scale of business, products, technology and equipment, land area to be needed and related requirements, conditions and quantities of water, electricity, coal, coal gas or other energy resources required, and requirements to public facilities.

The relevant local people's government at or above the county level shall, within 30 days from the date of receiving the report submitted by the foreign investor, give him a reply in writing.

Article 10 Any foreign investor who wishes to establish a foreign-funded enterprise shall submit an application to the examining and approving authority through the relevant local people's government at or above the county level at the place where the foreign-funded enterprise is to be established, together with the following documents:

- (1) a written application for the establishment of the foreign-capital enterprise;
- (2) a feasibility study report;
- (3) the articles of association of the foreign-funded enterprise;
- (4) a list of legal representative (candidates for the future board of directors) of the foreign-funded enterprise;
- (5) the legal documentation and credit certificate of the foreign investor;
- (6) the written reply given by the relevant local people's government at or above the county level at the place where the foreign-funded enterprise is to be established;
- (7) an inventory of goods and materials that shall be imported;
- (8) other documents as may be required.

Documents of (1) and (3) of the preceding paragraph must be prepared in Chinese, while those of (2), (4) and (5) of the same paragraph may be written in a foreign language but the corresponding

Chinese translations should be attached.

If two or more foreign investors jointly apply for the establishment of a foreign-funded enterprise, they shall submit a copy of the contract between them two to the examining and approving authority for record.

Article 11 The examining and approving authority shall, within 90 days from the date of receiving all the documents required for the application for the establishment of a foreign-funded enterprise, make a decision on whether to approve or disapprove the application. When finding that the documents mentioned above are not complete or that some of them are inappropriate, the examining and approving authority may demand supplementation and corrections to be made within a prescribed time limit.

Article 12 The foreign investor shall, within 30 days from the date of receiving the approval certificate issued by the examining and approving authority, apply for registration with and obtain business license from the administrative department for industry and commerce. The date of issue of the business license of the foreign-funded enterprise shall be the date of its establishment.

If the foreign investor fails to apply to the administrative department for industry and commerce for registration within 30 days from the date of receiving the approval certificate for the establishment of the foreign-funded enterprise, the approval certificate shall become invalid automatically.

The foreign-funded enterprise shall, within 30 days from the date of establishment, conduct taxation registration with the tax authorities.

Article 13 Any foreign investor may appoint a Chinese service agency for foreign-funded enterprises or any other economic organization to handle the affairs stipulated in Article 8, in the first paragraph of Article 9 and Article 10 of these Rules, provided that a contract of entrustment shall be concluded between them.

Article 14 A written application for the establishment of a foreign-funded enterprise shall contain:

- (1) the name, domicile, place of registration of the foreign investor, and the name, nationality and position of its legal representative;
- (2) the name and domicile of the foreign-funded enterprise that is to be established;
- (3) the scope of business, products and production scale;
- (4) the total amount of investment, registered capital, source of funds, form of investment and duration of the foreign-funded enterprise;
- (5) the form of organization, internal departments and legal representative of the foreign-funded

enterprise;

(6) the primary production equipment to be used and the degrees of depreciation thereof, production technology and the level thereof, as well as the sources of all of them;

(7) sales orientation and territories, as well as sales channels and methods, of the products;

(8) arrangements for the revenues and expenditures of foreign exchange;

(9) relevant establishments of the internal departments and sizes of the personnel thereof, arrangements for matters such as the recruitment, training, salaries and wages, welfare, insurance and labor protection of and for workers and staff members;

(10) the degrees of possible environmental pollution and measures for solving this problem;

(11) the site of the enterprise and the area thereof;

(12) funds, energy, raw materials to be needed in capital construction and in production and operations, and the solutions thereof;

(13) schedule of the project;

(14) duration of the foreign-funded enterprise that is to be established.

Article 15 The articles of association of a foreign-funded enterprise shall contain:

(1) the name and domicile;

(2) the aim and scope of business;

(3) the total amount of investment, registered capital, and the time limit of capital subscription;

(4) the form of organization;

(5) the establishments of the internal departments and their functions and powers and rules of procedures, duties and power limits of the legal representative and of other persons such as the general manager, chief engineer and chief accountant;

(6) the principles and system of financial affairs, accounting and auditing;

(7) labor management;

(8) the operating period, termination and liquidation of the enterprise;

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(9) procedures for amending the articles of association.

Article 16 The articles of association of a foreign-funded enterprise shall become effective upon the approval by the examining and approving authority. The same procedure shall apply whenever any amendment thereto is made.

Article 17 Any division or merger of foreign-funded enterprises or any of their significant changes in capital resulting from any other causes shall be subject to the approval by the examining and approving authority, and for which changes, the relevant enterprises shall engage a Chinese certified public accountant to make verification and render a capital verification report; upon approval by the examining and approving authority, the enterprises shall go through the procedures for the change of registration with the administrative department for industry and commerce.

Chapter III Form of Organization and Registered Capital

Article 18 The form of organization of a foreign-funded enterprise shall be a limited liability company. Other liability forms may be adopted by approval.

In case of a limited liability company, the foreign investor shall be liable for the enterprise to the extent of what he has contributed for the capital.

In case of any other liability form, the foreign investor shall be liable for the enterprise according to Chinese laws and regulations.

Article 19 The total amount of investment of a foreign-funded enterprise refers to the total amount of funds required for opening the foreign-funded enterprise, i.e. the sum total of the funds invested in capital construction in accordance with the production scale and the circulating funds for production.

Article 20 The registered capital of a foreign-funded enterprise refers to the total amount of capital registered with the administrative department for industry and commerce for the purpose of establishing the foreign-funded enterprise, i.e. the total amount of investment that the foreign investor undertakes to contribute.

The amount of registered capital of a foreign-funded enterprise must be in keeping with the enterprise's operation scale, and the ratio between the registered capital and the total amount of investment shall conform to the relevant Chinese provisions.

Article 21 In its operating period, no foreign-funded enterprise may reduce their registered capital. If however, it is really needed to make such reduction due to some changes such as those in the total amount of investment or production scale, it may be reduced upon the approval by the examining and approving authority.

Article 22 Any increase or assignment of the registered capital of a foreign-funded enterprise shall be subject to the approval by the examining and approving authority, and then the enterprise shall go through the procedures for change of registration with the administrative department for industry and commerce.

Article 23 Where any foreign-funded enterprise intends to mortgage or assign its assets or right and interests to a third party, the case shall be submitted to the examining and approving authority for approval, and then to the administrative department for industry and commerce for record.

Article 24 The legal representative of a foreign-funded enterprise is the person-in-charge who, in accordance with the enterprise's articles of association,

executes his/her functions and powers on behalf of the enterprise.

If the legal representative is unable to execute his/her functions and powers, he/she shall entrust in writing an agent with the execution of his/her functions and powers.

#### Chapter IV Form of Investments and Time Limit for Contributing Investments

Article 25 The foreign investors may make their investments with convertible foreign currencies, or with machinery and equipment, with industry property rights and proprietary technology by appraising the values of them.

Upon the approval by the examining and approving authority, the foreign investors may also make their investments with their profits in Renminbi from any other enterprises established in China with their investments.

Article 26 Machinery and equipment to be contributed by the foreign investor as investment must be those needed for the production of the foreign-funded enterprise.

The appraised value of the machinery and equipment may not be higher than the normal price of machinery and equipment of the same kind in international market at that time.

An inventory must be made for all the machinery and equipment to be contributed as investment, it shall include the name, type, quantity and appraised value of the machinery and equipment, and shall be submitted to the examining and approving authority together with the application for the establishment of the foreign-funded enterprise as an attachment to the application.

Article 27 The industry property rights and proprietary technology to be contributed as investment by the foreign investor must be owned by the foreign investor.

Such industrial property rights and proprietary technology must be appraised in accordance with the relevant international rules, and the value amount of them may not exceed 20% of the registered capital of the foreign-funded enterprise.

Detailed information must be prepared for the industrial property rights and proprietary technology appraised to be contributed as investment, including the copy of certificate of the title, validity of the title, and their technical performance, practical value, and the basis and standard on and according to which the value has been appraised, and it shall be submitted to the examining and approving authority together with the application for the establishment of the foreign-funded enterprise as an attachment to the application.

Article 28 Upon arrival at any port of China of the machinery and equipment contributed as investment, the foreign-funded enterprise shall apply for inspection to China's commodity inspection authority, which shall render an inspection report.

Where the machinery and equipment contributed as investment are inconsistent with those listed in the inventory submitted by the foreign investor to the examining and approving authority in type, quality or quantity, the examining and approving authority may demand corrections by the foreign investor within a prescribed time limit.

Article 29 After the industrial property rights and proprietary technology appraised have been put to use, the examining and approving authority shall have the power to inspect them, and demand corrections by the foreign investor, within a prescribed time limit, if they are inconsistent with the industrial property rights and proprietary technology prescribed in the information submitted by the foreign investor.

Article 30 The time limit for the foreign investor to make his investment contributions must be clearly indicated in both the application for the establishment of the foreign-funded enterprise and the enterprise's articles of association. The foreign investor may contribute the investment in installments, provided that the last installment shall be made within three years from the date of issue of the business license. The first installment may not be less than 15% of the total amount to be contributed by the foreign investor, and shall be made within 90 days from the date of issue of the business license of the foreign-funded enterprise.

If the foreign investor fails to make the first installment within the time limit prescribed in the preceding paragraph, the approval certificate for the foreign-funded enterprise shall become invalid automatically, and the foreign-funded enterprise shall go through the procedures for cancellation of registration and hand in the business license for cancellation with the administrative department for industry and commerce or, if the foreign-funded enterprise fails to go through the procedures for cancellation of registration and fails to hand in the business license for cancellation, the administrative department for industry and commerce shall revoke the business license and make an announcement to the public.

Article 31 The installments other than the first one shall be made by the foreign investor within each prescribed time limit.

If an installment has not been made 30 days after the time limit, the second paragraph of the



Article 30 shall apply.

If the foreign investor has any reasonable ground for the extension of time for making an installment, he should get the approval by the examining and approving authority and the extension of time shall be submitted to the administrative department for industry and commerce for record.

Article 32 For each installment made by the foreign investor, the foreign-funded enterprise shall engage a Chinese certified public accountant to make verification and render a capital verification report, which shall be submitted to the examining and approving authority and the administrative department for industry and commerce for record.

#### Chapter V Use of Land and the Land Use Fee

Article 33 The local people's government at or above the county level at the place where the foreign-funded enterprise is to be established shall make arrangements for the land to be used by the foreign-funded enterprise after examination and verification in the light of the local conditions.

Article 34 The foreign-funded enterprise shall, within 30 days from the date of issue of its business license, go through the procedures for use of land with and obtain land certificate from the department of land administration of the people's government at or above the county level at the place where the foreign-funded enterprise is to be established, by presenting the approval certificate and business license.

Article 35 The land certificate shall be a legal certificate by which the foreign-funded enterprise may use a certain piece of land. In its operating period, no foreign-funded enterprise may assign its right to use land without authorization.

Article 36 For obtaining land certificate, the foreign-funded enterprise must pay land use fee to the department of land administration at the place where the enterprise is to be established.

Article 37 For using developed land, the foreign-funded enterprise must pay land development fee.

The land development fee mentioned in the preceding paragraph includes the expenses for requisition of the land, and expenses for demolition and resettlement allowances, as well as expenses for the construction of infrastructure needed by the foreign-funded enterprise. The land development fee may be calculated and collected by the land development enterprise once for all or in yearly installments.

Article 38 Where a piece of land not yet developed is to be used, the foreign-funded enterprise may either develop the land by itself or entrust a relevant Chinese enterprise to develop the land. The people's government at or above the county level at the place where the foreign-funded enterprise is to be established shall make overall arrangements for the construction of

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infrastructure.

Article 39 The standards for calculating and collecting the land use fee and land development fee paid by foreign-funded enterprises shall abide by the relevant provisions of China.

Article 40 The term for land use by the foreign-funded enterprise shall be the same as the approved operating period of this enterprise.

Article 41 In addition to the present Chapter, a foreign-funded enterprise may obtain the right to use land in accordance with other regulations in China.

#### Chapter VI Purchasing and Marketing

Article 42 Any foreign-funded enterprise may make decisions by itself on the purchase, for its own use, of machinery and equipment, raw materials, fuels, parts and components, auxiliary equipment, primary parts, means of transportation, office appliance (hereinafter referred to as goods and materials in general).

When purchasing goods and materials in China, any foreign-funded enterprise shall enjoy the same treatment as that enjoyed by Chinese enterprises under the same conditions.

Article 43 Any foreign-funded enterprise may sell its products in Chinese market. The state encourages all foreign-funded enterprises to export their products.

Article 44 Any foreign-funded enterprise may export their products either by themselves or by entrusting a Chinese foreign trade company or a company outside China with the sale of their products.

A foreign-funded enterprise may sell their products in China either by themselves or by entrusting any commercial organization with the sale of their products.

Article 45 Where any machinery and equipment contributed by a foreign investor as his investment is subject to import license according to the Chinese provisions, the relevant foreign-funded enterprise shall, by presenting the relevant approved inventory of equipment and goods and materials to be imported, apply for import license to the license issuing authority either directly or through an agency.

The foreign-funded enterprise shall prepare their annual import plans for goods and materials that are to be imported for their own use and necessary to their production within the approved scope of business, and apply for the import license to the license issuing authority every six months, if the import of goods and materials is subject to import license according to the Chinese provisions.

The foreign-funded enterprise shall prepare their annual export plans for products that are to be exported, and apply for the export license to the license issuing authority every six months, if the

export of products is subject to export license according to the Chinese provisions.

Article 46 The price of goods and materials and any technical service imported by the foreign-funded enterprise shall not be higher than the normal price for goods and materials and technical services of the same kind in international market at that time. The price for the export products of a foreign-funded enterprise shall be determined by the enterprise itself in the light of the relevant prices in international market at that time, provided that they shall not be lower than reasonable export prices. If any enterprise evades taxes by importing products at a high price or exporting products at a low price, the legal responsibility of the relevant enterprise shall be investigated according to tax law by the tax authority.

Article 47 Any foreign-funded enterprise shall provide statistical data and submit statistical statements to the departments concerned in accordance with the provisions of the Statistics Law of the People's Republic of China and the relevant provisions of China concerning the statistical system for the utilization of foreign capital.

#### Chapter VII Taxation

Article 48 Any foreign-funded enterprise shall pay taxes in accordance with Chinese laws and regulations.

Article 49 Workers and staff members of a foreign-funded enterprise shall pay individual income tax in accordance with Chinese laws and regulations.

Article 50 Taxes on the following goods and materials imported by a foreign-funded enterprise shall be exempted or reduced in accordance with Chinese tax law:

- (1) machinery and equipment, parts and components, materials for construction, and materials needed for installing and fixing the machinery, which are contributed as investment by the foreign investor;
- (2) machinery and equipment, parts and components, means of transportation for production, and production management equipment, which are imported, for their own use in production, by the foreign-funded enterprise with funds within its total amount of investment;
- (3) raw materials, auxiliary materials, primary parts, parts and components and packing materials imported by the foreign-funded enterprise for producing export products.

Where any goods and materials imported as mentioned in the preceding paragraph are, upon approval, resold in the territory of China or used for producing products to be sold in China, the relevant foreign-funded enterprise shall, in accordance with Chinese tax law, pay the taxes that were exempted or reduced.

Article 51 The export commodities produced by the foreign-funded enterprises may enjoy tax

reduction, exemption or refund according to the relevant provisions of Chinese tax law, except those whose export is restricted by China.

#### Chapter VIII Foreign Exchange Control

Article 52 Foreign exchange affairs of a foreign-funded enterprise shall be handled in accordance with Chinese regulations concerning foreign exchange control.

Article 53 A foreign-funded enterprise shall, on the strength of the business license issued by the administrative department for industry and commerce, open an account at a bank in China that may handle foreign exchange business, which shall supervise the foreign exchange receipts and payments by the foreign-funded enterprise.

The foreign exchange revenues of the foreign-funded enterprise shall be deposited to its account and the foreign exchange expenditures of the enterprise shall be made from its foreign exchange account.

Article 54 Where any foreign exchange account is to be opened at a bank outside China as required by its production and operation, the foreign-funded enterprise shall submit the case to the Chinese administrative department for foreign exchange control for approval and, according to the provisions of the latter, make regular reports on its receipts and payments of foreign exchange, and provide bank statements.

Article 55 Wages and salaries as well as any other legitimate income in foreign exchange of foreign workers and staff members, or of the workers and staff members from Hong Kong, Macao or Taiwan, of a foreign-funded enterprise may be remitted outside China freely after the income tax is paid according to Chinese tax law.

#### Chapter IX Financial Management and Accounting

Article 56 A foreign-funded enterprise shall, in accordance with Chinese laws and regulations and provisions of the financial authority, set up its own financial and accounting systems and submit them to the local financial and tax authorities for record.

Article 57 A fiscal year of any foreign-funded enterprise shall begin from January 1 and end on December 31 of Gregorian calendar.

Article 58 A foreign-funded enterprise shall retain certain amount from its profits after the income tax has been paid in accordance with Chinese tax law as reserve funds, bonus and welfare funds for workers and staff members. The amount retained for the reserve funds shall not be less than 10% of the profits (profits after the income tax has been paid), the withdrawal may stop when the accumulated amount withdrawn has been up to 50% of the registered capital of the enterprise. The amount retained for bonus and welfare funds for workers and staff members shall be determined

by the foreign-funded enterprise itself.

No foreign-funded enterprise may distribute its profits unless and until its deficits of previous fiscal years have been made up; undistributed profits of the previous fiscal years may be distributed together with the distributable profits of the current fiscal year.

Article 59 Accounting vouchers, account books and accounting statements made by a foreign-funded enterprise shall be prepared in Chinese; if they are written in any foreign language, notes in Chinese are required.

Article 60 A foreign-funded enterprise shall conduct their business accounting independently.

A foreign-funded enterprise shall prepare annual accounting statements and liquidation accounting statements in accordance with the provisions of Chinese financial and tax authorities. If an accounting statement is prepared in a foreign currency, a corresponding accounting statement in which the foreign currency is converted into Renminbi shall be prepared at the same time.

A foreign-funded enterprise shall engage Chinese certified public accountants to verify its annual accounting statements and liquidation accounting statements, and render verification reports accordingly.

The annual accounting statements and liquidation accounting statements of a foreign-funded enterprise, stipulated in the second and third paragraphs, as well as the relevant verification reports rendered by Chinese certified public accountants, shall be submitted within the prescribed time limit to the financial and tax authorities, and to the examining and approving authority and the administrative department for industry and commerce for record.

Article 61 Any foreign investor may engage Chinese or foreign accountants to audit the account books of the relevant foreign-funded enterprise, and shall bear the expenses.

Article 62 A foreign-funded enterprise shall submit their annual statements of assets and liabilities and annual profit and loss statements to the financial and tax authorities, and to the examining and approving authority and the administrative department for industry and commerce for record.

Article 63 The foreign-funded enterprise shall set up account books at the place where it is located, and shall be subject to the supervision by the financial and tax authorities.

If there is any violation of the preceding paragraph, the financial and tax authorities may impose a fine, and the administrative department for industry and commerce may order a suspension of business or revoke the business license, on or of the violating foreign-funded enterprise.

#### Chapter X Workers and Staff Members

Article 64 The foreign-funded enterprise employing workers and staff members from China shall

conclude labor contracts with the workers and staff members employed in accordance with Chinese laws and regulations. The contract shall contain such matters as employment, dismissal, remuneration, welfare, labor protection and labor insurance.

No foreign-funded enterprise may employ child laborers.

Article 65 A foreign-funded enterprise shall be responsible for the vocational and technical training of its workers and staff members, set up checking and appraisal system, and make the workers and staff members capable of meeting the needs of the production and development of the enterprise.

#### Chapter XI Trade Union

Article 66 Workers and staff members of any foreign-funded enterprise shall be entitled to set up grass-roots trade union organizations and carry out trade union activities in accordance with the Trade Union Law of the People's Republic of China.

Article 67 The trade union in a foreign-funded enterprise, represents the interests of the relevant workers and staff members, and shall have the right to conclude labor contracts, on behalf of the workers and staff members, with the enterprise, and shall supervise the execution of such labor contracts.

Article 68 The basic tasks of the trade union in a foreign-funded enterprise shall be: to safeguard lawful rights and interests of the workers and staff members in accordance with the provisions of Chinese laws and regulations, and to assist the enterprise in making proper arrangements for and use of the welfare and bonus funds for worker and staff members; to organize for the workers and staff members political study, and study of scientific, technical and professional knowledge, and to carry out recreational and sports activities; to educate the workers and staff members to observe labor disciplines and strive to fulfill the economic tasks of the enterprise.

The representative of trade union in a foreign-funded enterprise shall have the right to attend, as an observer, meetings held to discuss and decide matters regarding rewards and punishment to workers and staff members, salary and wage system, welfare, labor protection and labor insurance, etc. The foreign-funded enterprise shall heed the opinions of the trade union, and win the cooperation thereof.

Article 69 The foreign-funded enterprise shall give an active support to the work of the trade union, and in accordance with the provisions of the Trade Union Law of the People's Republic of China, provide the trade union organization with housing and facilities necessary for office use, meeting, and carrying out collective undertakings of welfare, culture and sports for the workers and staff members. The foreign-funded enterprise shall, at a monthly basis, appropriate a sum of 2% of the actual total amount of wages and salaries of the workers and staff members, as funds of the trade union, which shall be used by the trade union in accordance with the relevant measures of All-China Federation of Trade Unions for the management of funds of trade unions.

**Chapter XII Duration (Operating Period), Termination and Liquidation**

**Article 70** The duration of a foreign-funded enterprise shall, in the light of the circumstances of the specific trade and enterprise, be proposed by the relevant foreign investor in the application for the establishment of the foreign-funded enterprise, and shall be subject to the approval by the examining and approval authority.

**Article 71** The duration of a foreign-funded enterprise shall be calculated from the date of issue of its business license.

In case of an intention to extend the duration of a foreign-funded enterprise, an application for such extension shall be submitted 180 days prior to the expiration of the duration to the examining and approving authority, which shall, within 30 days from the date of receiving the application, make a decision of approving or disapproving of the extension.

If the application for the extension of duration is approved, the foreign-funded enterprise shall, within 30 days from the date of receiving the approval, go through the procedures for change of registration with the administrative department for industry and commerce.

**Article 72** A foreign-funded enterprise shall be terminated, if it is under any of the following circumstances:

- (1) upon the expiration of its duration;
- (2) if the foreign investor decides to dissolve it because of poor management and serious losses;
- (3) if the business cannot be carried on because of heavy losses resulting from force majeure such as natural disasters and wars;
- (4) if it becomes bankrupt;
- (5) if it is cancelled according to law due to its violation of Chinese laws and regulations or due to its harming the social and public interests; or
- (6) if any other cause for dissolution, stipulated in the articles of association of the foreign-funded enterprise, has occurred.

In case of circumstances of (2), (3) or (4) of the preceding paragraph, the foreign-funded enterprise shall, on its own initiative, submit an application for termination to the examining and approving authority for approval. The date of approval after verification by the examining and approving authority shall be the date of termination of the enterprise.

**Article 73** In case of termination under (1), (2), (3) or (6) of Article 72 of these Rules, the

foreign-funded enterprise shall, within 15 days from the date of termination, make a public announcement and notify the creditors of the termination and, within 15 day from the date of such announcement, put forward liquidation procedures, principles and candidates for the liquidation committee, submit them to the examining and approving authority for verification and approval and, upon such approval, carry out the liquidation.

Article 74 The liquidation committee shall be composed of the legal representative of the foreign-funded enterprise, representative of creditors and representatives from the competent authorities concerned, and Chinese certified public accountants and lawyers shall also be engaged to participating in the liquidation.

Article 75 The liquidation committee shall execute the following functions and powers:

- (1) to convene meetings of creditors;
- (2) to take over and liquidate the property of the enterprise, and to prepare the statement of assets and liabilities and inventory of the property;
- (3) to propose a basis for the valuation and computation of the property of the enterprise;
- (4) to work out a liquidation plan;
- (5) to recover and discharge debts;
- (6) to recover payments payable but not yet paid by shareholders;
- (7) to distribute the residual property;
- (8) to institute and respond to actions on behalf of the enterprise.

Article 76 The foreign investor may not remit or carry the enterprise's money out of the territory of China, nor dispose of the enterprise's property privately, until the liquidation of the foreign-funded enterprise is gone through.

The net assets and residual property of a foreign-funded enterprise, after the liquidation is gone through, shall be treated as profit and subject to income tax in accordance with Chinese tax law.

Article 77 When the liquidation is completed, the foreign-funded enterprise shall go through the procedures for cancellation of registration with and hand in its business license for cancellation to the administrative department for industry and commerce.

Article 78 Chinese enterprises and other economic organizations shall, under equal conditions, have the right of preemption to assets to be disposed of during the liquidation of any



foreign-funded enterprise.

Article 79 In case of termination of a foreign-funded enterprise under (4) of Article 72 of these Rules, the liquidation shall be conducted by reference to Chinese laws and regulations.

In case of termination of a foreign-funded enterprise under (5) of Article 72 of these Rules, the liquidation shall be conducted in accordance with the relevant Chinese provisions.

#### Chapter XIII Supplementary Provisions

Article 80 All foreign-funded enterprise shall buy their various insurances from insurance companies in China.

Article 81 All contracts between a foreign-funded enterprise and other company, enterprise or economic organization and individual shall be governed by the Contract Law of the People's Republic of China.

Article 82 Enterprises, which are wholly owned by any company, enterprise or other economic organization or individual from Hong Kong, Macao or Taiwan or by any overseas Chinese, established with his total capital in the mainland of China, shall be handled by reference to these Rules.

Article 83 Foreign workers and staff members, workers and staff members from Hong Kong, Macao and Taiwan, of any foreign-funded enterprise may carry into the mainland of China means of transportation and articles for daily use that are within reasonable quantities and for their own use, and shall go through import formalities.

Article 84 These Rules shall come into force as of the date of promulgation.

中华人民共和国外资企业法实施细则(2001 修订)

发布日期： 2001-04-12 发布部门： 国务院

生效日期： 2001-04-12 类 别： 外商投资企业

中华人民共和国外资企业法实施细则

(根据1990年10月28日国务院批准 1990年12月12日对外经济贸易部发布 根据2001年4月12日《国务院关于修改〈中华人民共和国外资企业法实施细则〉的决定》修订)

第一章 总则

第一条 根据《中华人民共和国外资企业法》的规定，制定本实施细则。

(相关资料: 实务指南)

第二条 外资企业受中国法律的管辖和保护。

外资企业在中国境内从事经营活动，必须遵守中国的法律、法规，不得损害中国的社会公共利益。

(相关资料: 裁判文书 2 篇 相关论文 1 篇 实务指南)

第三条 设立外资企业，必须有利于中国国民经济的发展，能够取得显著的经济效益。国家鼓励外资企业采用先进技术和设备，从事新产品开发，实现产品升级换代，节约能源和原材料，并鼓励举办产品出口的外资企业。

(相关资料: 相关论文 1 篇 实务指南)

第四条 禁止或者限制设立外资企业的行业，按照国家指导外商投资方向的规定及外商投资产业指导目录执行。

(相关资料: 相关论文 1 篇 实务指南)

第五条 申请设立外资企业, 有下列情况之一的, 不予批准:

- (一) 有损中国主权或者社会公共利益的;
- (二) 危及中国国家安全的;
- (三) 违反中国法律、法规的;
- (四) 不符合中国国民经济发展要求的;
- (五) 可能造成环境污染的。

(相关资料: 地方法规 1 篇 实务指南)

第六条 外资企业在批准的经营范围内, 自主经营管理, 不受干涉。

(相关资料: 实务指南)

## 第二章 设立程序

第七条 设立外资企业的申请, 由中华人民共和国对外贸易经济合作部(以下简称对外贸易经济合作部)审查批准后, 发给批准证书。

设立外资企业的申请属于下列情形的, 国务院授权省、自治区、直辖市和计划单列市、经济特区人民政府审查批准后, 发给批准证书:

- (一) 投资总额在国务院规定的投资审批权限以内的;
- (二) 不需要国家调拨原材料, 不影响能源、交通运输、外贸出口配额等全国综合平衡的。

省、自治区、直辖市和计划单列市、经济特区人民政府在国务院授权范围内批准设立外资企业, 应当在批准后 15 天内报对外贸易经济合作部备案(对外贸易经济合作部和省、自治区、直辖市和计划单列市、经济特区人民政府, 以下统称审批机关)。

(相关资料: 地方法规 5 篇 裁判文书 2 篇 实务指南)

第八条 申请设立的外资企业,其产品涉及出口许可证、出口配额、进口许可证或者属于国家限制进口的,应当依照有关管理权限事先征得对外经济贸易主管部门的同意。

(相关资料:实务指南)

第九条 外国投资者在提出设立外资企业的申请前,应当就下列事项向拟设立外资企业所在地的县级或者县级以上地方人民政府提交报告。报告内容包括:设立外资企业的宗旨;经营范围、规模;生产产品;使用的技术设备;用地面积及要求;需要用水、电、煤、煤气或者其他能源的条件及数量;对公共设施的要求等。

县级或者县级以上地方人民政府应当在收到外国投资者提交的报告之日起30天内以书面形式答复外国投资者。

(相关资料:实务指南)

第十条 外国投资者设立外资企业,应当通过拟设立外资企业所在地的县级或者县级以上地方人民政府向审批机关提出申请,并报送下列文件:

- (一) 设立外资企业申请书;
- (二) 可行性研究报告;
- (三) 外资企业章程;
- (四) 外资企业法定代表人(或者董事会人选)名单;
- (五) 外国投资者的法律证明文件和资信证明文件;
- (六) 拟设立外资企业所在地的县级或者县级以上地方人民政府的书面答复;
- (七) 需要进口的物资清单;
- (八) 其他需要报送的文件。

前款(一)、(三)项文件必须用中文书写;(二)、(四)、(五)项文件可以用外文书写,但应当附中文译文。

两个或者两个以上外国投资者共同申请设立外资企业,应当将其签订的合同副本报送审批机关备案。

(相关资料: 地方法规 2 篇 裁判文书 2 篇 实务指南)

第十一条 审批机关应当在收到申请设立外资企业的全部文件之日起 90 天内决定批准或者不批准。审批机关如果发现上述文件不齐全或者有不当之处,可以要求限期补报或者修改。

(相关资料: 裁判文书 1 篇 实务指南)

第十二条 设立外资企业的申请经审批机关批准后,外国投资者应当在收到批准证书之日起 30 天内向工商行政管理机关申请登记,领取营业执照。外资企业的营业执照签发日期,为企业成立日期。

外国投资者在收到批准证书之日起满 30 天未向工商行政管理机关申请登记的,外资企业批准证书自动失效。

外资企业应当在企业成立之日起 30 天内向税务机关办理税务登记。

(相关资料: 裁判文书 2 篇 实务指南)

第十三条 外国投资者可以委托中国的外商投资企业服务机构或者其他经济组织代为办理本实施细则第八条、第九条第一款和第十条规定事宜,但须签订委托合同。

(相关资料: 实务指南)

第十四条 设立外资企业的申请书应当包括下列内容:

- (一) 外国投资者的姓名或者名称、住所、注册地和法定代表人的姓名、国籍、职务;
- (二) 拟设立外资企业的名称、住所;
- (三) 经营范围、产品品种和生产规模;
- (四) 拟设立外资企业的投资总额、注册资本、资金来源、出资方式 and 期限;

- (五) 拟设立外资企业的组织形式和机构、法定代表人；
- (六) 采用的主要生产设备及其新旧程度、生产技术、工艺水平及其来源；
- (七) 产品的销售方向、地区和销售渠道、方式；
- (八) 外汇资金的收支安排；
- (九) 有关机构设置和人员编制，职工的招聘、培训、工资、福利、保险、劳动保护等

事项的安排：

- (十) 可能造成环境污染的程度和解决措施；
- (十一) 场址选择和用地面积；
- (十二) 基本建设和生产经营所需资金、能源、原材料及其解决办法；
- (十三) 项目实施的进度计划；
- (十四) 拟设立外资企业的经营期限。

(相关资料：相关论文1篇 实务指南)

第十五条 外资企业的章程应当包括下列内容：

- (一) 名称及住所；
- (二) 宗旨、经营范围；
- (三) 投资总额、注册资本、出资期限；
- (四) 组织形式；
- (五) 内部组织机构及其职权和议事规则，法定代表人以及总经理、总工程师、总会计

师等人员的职责、权限：

- (六) 财务、会计及审计的原则和制度；
- (七) 劳动管理；
- (八) 经营期限、终止及清算；

(九) 章程的修改程序。

(相关资料: 地方法规 1 篇 实务指南)

第十六条 外资企业的章程经审批机关批准后生效, 修改时同。

(相关资料: 地方法规 2 篇 实务指南)

第十七条 外资企业的分立、合并或者由于其他原因导致资本发生重大变动, 须经审批机关批准, 并应当聘请中国的注册会计师验证和出具验资报告; 经审批机关批准后, 向工商行政管理机关办理变更登记手续。

(相关资料: 地方法规 1 篇 裁判文书 2 篇 实务指南)

### 第三章 组织形式与注册资本

第十八条 外资企业的组织形式为有限责任公司。经批准也可以为其他责任形式。

外资企业为有限责任公司的, 外国投资者对企业的责任以其认缴的出资额为限。

外资企业为其他责任形式的, 外国投资者对企业的责任适用中国法律、法规的规定。

(相关资料: 地方法规 1 篇 案例 1 篇 裁判文书 3 篇 相关论文 1 篇 实务指南)

第十九条 外资企业的投资总额, 是指开办外资企业所需资金总额, 即按其生产规模需要投入的基本建设资金和生产流动资金的总和。

(相关资料: 案例 1 篇 裁判文书 4 篇 相关论文 2 篇 实务指南)

第二十条 外资企业的注册资本, 是指为设立外资企业在工商行政管理机关登记的资本总额, 即外国投资者认缴的全部出资额。

外资企业的注册资本要与其经营规模相适应, 注册资本与投资总额的比例应当符合中国有关规定。

(相关资料: 案例 1 篇 裁判文书 3 篇 实务指南)

第二十一条 外资企业在经营期内不得减少其注册资本。但是, 因投资总额和生产经营

规模等发生变化,确需减少的,须经审批机关批准。

(相关资料:地方法规1篇 相关论文1篇 实务指南)

第二十二條 外资企业注册资本的增加、转让,须经审批机关批准,并向工商行政管理机关办理变更登记手续。

(相关资料:裁判文书3篇 实务指南)

第二十三條 外资企业将其财产或者权益对外抵押、转让,须经审批机关批准并向工商行政管理机关备案。

(相关资料:地方法规1篇 实务指南)

第二十四條 外资企业的法定代表人是依照其章程规定,代表外资企业行使职权的负责人。

法定代表人无法履行其职权时,应当以书面形式委托代理人,代其行使职权。(相关资料:裁判文书2篇 实务指南)

#### 第四章 出资方式与期限

第二十五條 外国投资者可以用可自由兑换的外币出资,也可以用机器设备、工业产权、专有技术等作价出资。

经审批机关批准,外国投资者也可以用其从中国境内举办的其他外商投资企业获得的人民币利润出资。

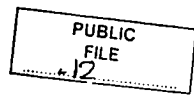
(相关资料:相关论文1篇 实务指南)

第二十六條 外国投资者以机器设备作价出资的,该机器设备应当是外资企业生产所必需的设备。

该机器设备的作价不得高于同类机器设备当时的国际市场正常价格。

对作价出资的机器设备,应当列出详细的作价出资清单,包括名称、种类、数量、作价





等，作为设立外资企业申请书的附件一并报送审批机关。

(相关资料: 相关论文 3 篇 实务指南)

第二十七条 外国投资者以工业产权、专有技术作价出资的，该工业产权、专有技术应当为外国投资者所有。

该工业产权、专有技术的作价应当与国际上通常的作价原则相一致，其作价金额不得超过外资企业注册资本的 20%。

对作价出资的工业产权、专有技术，应当备有详细资料，包括所有权证书的复制件，有效状况及其技术性能、实用价值、作价的计算根据和标准等，作为设立外资企业申请书的附件一并报送审批机关。

(相关资料: 相关论文 1 篇 实务指南)

第二十八条 作价出资的机器设备运抵中国口岸时，外资企业应当报请中国的高检机构进行检验，由该高检机构出具检验报告。

作价出资的机器设备的品种、质量和数量与外国投资者报送审批机关的作价出资清单列出的机器设备的品种、质量和数量不符的，审批机关有权要求外国投资者限期改正。

(相关资料: 实务指南)

第二十九条 作价出资的工业产权、专有技术实施后，审批机关有权进行检查。该工业产权、专有技术与外国投资者原提供的资料不符的，审批机关有权要求外国投资者限期改正。

(相关资料: 实务指南)

第三十条 外国投资者缴付出资的期限应当在设立外资企业申请书和外资企业章程中载明。外国投资者可以分期缴付出资，但最后一期出资应当在营业执照签发之日起 3 年内缴清。其中第一期出资不得少于外国投资者认缴出资额的 15%，并应当在外资企业营业执照签发之日起 90 天内缴清。

外国投资者未能在前款规定的期限内缴付第一期出资的，外资企业批准证书即自动失效。外资企业应当向工商行政管理机关办理注销登记手续，缴销营业执照；不办理注销登记手续和缴销营业执照的，由工商行政管理机关吊销其营业执照，并予以公告。

(相关资料：地方法规 1 篇 裁判文书 2 篇 实务指南)

第三十一条 第一期出资后的其他各期的出资，外国投资者应当如期缴付。

无正当理由逾期 30 天不出资的，依照本实施条例第三十条第二款的规定处理。

外国投资者有正当理由要求延期出资的，应当经审批机关同意，并报工商行政管理机关备案。

(相关资料：地方法规 1 篇 裁判文书 2 篇 实务指南)

第三十二条 外国投资者缴付每期出资后，外资企业应当聘请中国的注册会计师验证，并出具验资报告，报审批机关和工商行政管理机关备案。

(相关资料：地方法规 2 篇 裁判文书 1 篇 实务指南)

#### 第五章 用地及其费用

第三十三条 外资企业的用地，由外资企业所在地的县级或者县级以上地方人民政府根据本地区的情况审核后，予以安排。

(相关资料：相关论文 1 篇 实务指南)

第三十四条 外资企业应当在营业执照签发之日起 30 天内，持批准证书和营业执照到外资企业所在地县级或者县级以上地方人民政府的土地管理部门办理土地使用手续，领取土地证书。

(相关资料：实务指南)

第三十五条 土地证书为外资企业使用土地的法律凭证。外资企业在经营期限内未经批准，其土地使用权不得转让。

(相关资料: 实务指南)

第三十六条 外资企业在领取土地证书时,应当向其所在地土地管理部门缴纳土地使用费。

(相关资料: 实务指南)

第三十七条 外资企业使用经过开发的土地,应当缴付土地开发费。

前款所指土地开发费包括征地拆迁安置费用和为外资企业配套的基础设施建设费用。土地开发费可由土地开发单位一次性计收或者分年计收。

(相关资料: 实务指南)

第三十八条 外资企业使用未经开发的土地,可以自行开发或者委托中国有关单位开发。基础设施的建设,应当由外资企业所在地县级或者县级以上地方人民政府统一安排。

(相关资料: 实务指南)

第三十九条 外资企业的土地使用费和土地开发费的计收标准,依照中国有关规定办理。

(相关资料: 实务指南)

第四十条 外资企业的土地使用年限,与经批准的该外资企业的经营期限相同。

(相关资料: 实务指南)

第四十一条 外资企业除依照本章规定取得土地使用权外,还可以依照中国其他法规的规定取得土地使用权。

(相关资料: 实务指南)

## 第六章 购买与销售

第四十二条 外资企业有权自行决定购买本企业自用的机器设备、原材料、燃料、零部件、配套件、元器件、运输工具和办公用品等(以下统称“物资”)。

外资企业在中国购买物资，在同等条件下，享受与中国企业同等的待遇。

(相关资料: 实务指南)

第四十三条 外资企业可以在中国市场销售其产品。国家鼓励外资企业出口其生产的产品。

(相关资料: 实务指南)

第四十四条 外资企业有权自行出口本企业生产的产品，也可以委托中国的外贸公司代销或者委托中国境外的公司代销。

外资企业可以自行在中国销售本企业生产的产品，也可以委托商业机构代销其产品。

(相关资料: 裁判文书1篇 实务指南)

第四十五条 外国投资者作为出资的机器设备，依照中国规定需要领取进口许可证的，外资企业凭批准的该企业进口设备和物资清单直接或者委托代理机构向发证机关申领进口许可证。

外资企业在批准的经营范围内，进口本企业自用并为生产所需的物资，依照中国规定需要领取进口许可证的，应当编制年度进口计划，每半年向发证机关申领一次。

外资企业出口产品，依照中国规定需要领取出口许可证的，应当编制年度出口计划，每半年向发证机关申领一次。

(相关资料: 相关论文2篇 实务指南)

第四十六条 外资企业进口的物资以及技术劳务的价格不得高于当时的国际市场同类物资以及技术劳务的正常价格。外资企业的出口产品价格，由外资企业参照当时的国际市场价格自行确定，但不得低于合理的出口价格。用高价进口、低价出口等方式逃避税收的，税务机关有权根据税法规定，追究其法律责任。

(相关资料: 实务指南)

**第四十七条** 外资企业应当依照《中华人民共和国统计法》及中国利用外资统计制度的规定，提供统计资料，报送统计报表。

(相关资料: 实务指南)

## 第七章 税务

**第四十八条** 外资企业应当依照中国法律、法规的规定，缴纳税款。

(相关资料: 实务指南)

**第四十九条** 外资企业的职工应当依照中国法律、法规的规定，缴纳个人所得税。

(相关资料: 实务指南)

**第五十条** 外资企业进口下列物资，依照中国税法的有关规定减税、免税：

(一) 外国投资者作为出资的机器设备、零部件、建设用建筑材料以及安装、加固机器所需材料；

(二) 外资企业以投资总额内的资金进口本企业生产所需的自用机器设备、零部件、生产用交通运输工具以及生产管理设备；

(三) 外资企业为生产出口产品而进口的原材料、辅料、元器件、零部件和包装物料。

前款所述的进口物资，经批准在中国境内转卖或者转用于生产在中国境内销售的产品，应当依照中国税法纳税或者补税。

(相关资料: 相关论文 | 属 实务指南)

**第五十一条** 外资企业生产的出口产品，除中国限制出口的以外，依照中国税法的有关规定减税、免税或者退税。

(相关资料: 实务指南)

## 第八章 外汇管理

第五十二条 外资企业的外汇事宜，应当依照中国有关外汇管理的法规办理。

(相关资料: 实务指南)

第五十三条 外资企业凭工商行政管理机关发给的营业执照，在中国境内可以经营外汇业务的银行开立账户，由开户银行监督收付。

外资企业的外汇收入，应当存入其开户银行的外汇账户；外汇支出，应当从其外汇账户中支付。

(相关资料: 实务指南)

第五十四条 外资企业因生产和经营需要在中国境外的银行开立外汇账户，须经中国外汇管理机关批准，并依照中国外汇管理机关的规定定期报告外汇收付情况和提供银行对账单。

(相关资料: 实务指南)

第五十五条 外资企业中的外籍职工和港澳台职工的工资和其他正当的外汇收益，依照中国税法纳税后，可以自由汇出。

(相关资料: 实务指南)

## 第九章 财务会计

第五十六条 外资企业应当依照中国法律、法规和财政机关的规定，建立财务会计制度并视其所在地财政、税务机关备案。

(相关资料: 实务指南)

第五十七条 外资企业的会计年度自公历年的1月1日起至12月31日止。

(相关资料: 实务指南)

第五十八条 外资企业依照中国税法规定缴纳所得税后的利润，应当提取储备基金和职工奖励及福利基金。储备基金的提取比例不得低于税后利润的10%，当累计提取金额达到

注册资本的50%时,可以不再提取。职工奖励及福利基金的提取比例由外资企业自行确定。

外资企业以往会计年度的亏损未弥补前,不得分配利润;以往会计年度未分配的利润,可与本会计年度可供分配的利润一并分配。

(相关资料: 实务指南)

第五十九条 外资企业的自制会计凭证、会计账簿和会计报表,应当用中文书写;用外文书写的,应当加注中文。

(相关资料: 实务指南)

第六十条 外资企业应当独立核算。

外资企业的年度会计报表和清算会计报表,应当依照中国财政、税务机关的规定编制。以外币编报会计报表的,应当同时编报外币折合为人民币的会计报表。

外资企业的年度会计报表和清算会计报表,应当聘请中国的注册会计师进行验证并出具报告。

第二款和第三款规定的外资企业的年度会计报表和清算会计报表,连同中国的注册会计师出具的报告,应当在规定的时间内报送财政、税务机关,并报审批机关和工商行政管理机关备案。

(相关资料: 实务指南)

第六十一条 外国投资者可以聘请中国或者外国的会计人员查阅外资企业账簿,费用由外国投资者承担。

(相关资料: 裁判文书2篇 实务指南)

第六十二条 外资企业应当向财政、税务机关报送年度资产负债表和损益表,并报审批机关和工商行政管理机关备案。

(相关资料: 地方法规1篇 实务指南)

第六十三条 外资企业应当在企业所在地设置会计账簿,并接受财政、税务机关的监督。

违反前款规定的,财政、税务机关可以处以罚款,工商行政管理机关可以责令停止营业或者吊销营业执照。

(相关资料:实务指南)

#### 第十章 职工

第六十四条 外资企业在中国境内雇用职工,企业和职工双方应当依照中国的法律、法规签订劳动合同。合同中应当订明雇用、辞退、报酬、福利、劳动保护、劳动保障等事项。

外资企业不得雇用童工。

(相关资料:裁判文书1篇 实务指南)

第六十五条 外资企业应当负责职工的业务、技术培训,建立考核制度,使职工在生产、管理技能方面能够适应企业的生产与发展需要。

(相关资料:实务指南)

#### 第十一章 工会

第六十六条 外资企业的职工有权依照《中华人民共和国工会法》的规定,建立基层工会组织,开展工会活动。

(相关资料:实务指南)

第六十七条 外资企业工会是职工利益的代表,有权代表职工同本企业签订劳动合同,并监督劳动合同的执行。

(相关资料:实务指南)

第六十八条 外资企业工会的基本任务是:依照中国法律、法规的规定维护职工的合法权益,协助企业合理安排和使用职工福利、奖励基金;组织职工学习政治、科学技术和业务



知识,开展文艺、体育活动;教育职工遵守劳动纪律,努力完成企业的各项经济任务。

外资企业研究决定有关职工奖惩、工资制度、生活福利、劳动保护和保险问题时,工会代表有权列席会议。外资企业应当听取工会的意见,取得工会的合作。

(相关资料:实务指南)

第六十九条 外资企业应当积极支持本企业工会的工作,依照《中华人民共和国工会法》的规定,为工会组织提供必要的房屋和设备,用于办公、会议、举办职工集体福利、文化、体育事业。外资企业每月按照企业职工实发工资总额的2%拨交工会经费,由本企业工会依照中华全国总工会制定的有关工会经费管理办法使用。

(相关资料:实务指南)

## 第十二章 期限、终止与清算

第七十条 外资企业的经营期限,根据不同行业和企业的具体情况,由外国投资者在设立外资企业的申请书中拟订,经审批机关批准。

(相关资料:相关论文1篇 实务指南)

第七十一条 外资企业的经营期限,从其营业执照签发之日起计算。

外资企业经营期满需要延长经营期限的,应当在距经营期满180天前向审批机关报送延长经营期限的申请书。审批机关应当在收到申请书之日起30天内决定批准或者不批准。

外资企业经批准延长经营期限的,应当自收到批准延长期限文件之日起30天内,向工商行政管理机关办理变更登记手续。

(相关资料:地方法规1篇 实务指南)

第七十二条 外资企业有下列情形之一的,应予终止:

- (一) 经营期限届满;
- (二) 经营不善,严重亏损,外国投资者决定解散;

(三) 因自然灾害、战争等不可抗力而遭受严重损失，无法继续经营；

(四) 破产；

(五) 违反中国法律、法规，危害社会公共利益被依法撤销；

(六) 外资企业章程规定的其他解散事由已经出现。

外资企业如存在前款第(二)(三)(四)项所列情形，应当自行提交终止申请书，报审批机关核准。审批机关作出核准的日期为企业的终止日期。

(相关资料：地方法规 2 篇 相关论文 1 篇 实务指南)

第七十三条 外资企业依照本实施细则第七十二条第(一)(二)(三)(六)项的规定终止的，应当在终止之日起 15 天内对外公告并通知债权人，并在终止公告发出之日起 15 天内，提出清算程序、原则和清算委员会人选，报审批机关审核后进入清算。

(相关资料：实务指南)

第七十四条 清算委员会应当由外资企业的法定代表人、债权人代表以及有关主管机关的代表组成，并聘请中国的注册会计师、律师等参加。

清算费用从外资企业现存财产中优先支付。

(相关资料：实务指南)

第七十五条 清算委员会行使下列职权：

- (一) 召集债权人会议；
- (二) 接管并清理企业财产，编制资产负债表和财产目录；
- (三) 提出财产作价和计算依据；
- (四) 制定清算方案；
- (五) 收回债权和清偿债务；
- (六) 追回股东应缴而未缴的款项；

(七) 分配剩余财产；

(八) 代表外资企业起诉和应诉。

(相关资料: 实务指南)

第七十六条 外资企业在清算结束之前,外国投资者不得将该企业的资金汇出或者携出中国境外,不得自行处理企业的财产。

外资企业清算结束,其资产净额和剩余财产超过注册资本的部分视同利润,应当依照中国税法缴纳所得税。

(相关资料: 实务指南)

第七十七条 外资企业清算结束,应当向工商行政管理机关办理注销登记手续,缴销营业执照。

(相关资料: 相关论文 1 篇 实务指南)

第七十八条 外资企业清算处理财产时,在同等条件下,中国的企业或者其他经济组织有优先购买权。

(相关资料: 实务指南)

第七十九条 外资企业依照本实施细则第七十二条第(四)项的规定终止的,参照中国有关法律、法规进行清算。

外资企业依照本实施细则第七十二条第(五)项的规定终止的,依照中国有关规定进行清算。

(相关资料: 相关论文 1 篇 实务指南)

### 第十三章 附则

第八十条 外资企业的各项保险,应当向中国境内的保险公司投保。

(相关资料: 实务指南)

第八十一条 外资企业与其他公司、企业或者经济组织以及个人签订合同，适用《中华人民共和国合同法》。

(相关资料: 实务指南)

第八十二条 香港、澳门、台湾地区的公司、企业和其他经济组织或者个人以及在外国居住的中国公民在大陆设立全部资本为其所有的企业，参照本实施细则办理。

(相关资料: 地方法规 | 篇 实务指南)

第八十三条 外资企业中的外籍职工和港澳台职工可携带合理自用的交通工具和生活物品，并依照中国规定办理进口手续。

(相关资料: 实务指南)

第八十四条 本实施细则自公布之日起施行。