

<i>Documentation</i>

Document of the Guangzhou People's Congress Standing Committee

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Proclamation on the Publishing and Implementing the “Administrative Regulations of the Guangzhou Religious Affairs Bureau”

The People's Government of Guangzhou, the Intermediate People's Court of Guangzhou, the People's Procuratorate of Guangzhou, the People's Admiralty Court of Guangzhou:

The draft on the “Administrative Regulations of the Guangzhou Religious Affairs Bureau” passed by the thirty sixth meeting of the eleventh Standing Committee of the Guangzhou People's Congress on September 9, 1997, was approved at the thirty second meeting of the eighth Standing Committee of Guangdong Province's People's Congress on December 1, 1997. As to publishing these regulations, the Standing Committee of the Provincial's People's Congress has decided to present the text of the regulations for implementation.

December 28, 1997

Chapter 1 General Principles

Article 1 The lawfully constituted Religious Affairs Bureau makes the following regulations according to the “Constitution of the People’s Republic of China” and pertinent laws and regulations that meet the local situation of Guangzhou City to protect the freedom of religious belief of all its citizens and their normal religious activities.

Article 2 Religious affairs mentioned in these regulations refer to all those public routine matters that take place between religion and the state, society and its citizenry.

Article 3 These regulations are applicable to the management of religious affairs within the administrative region of Guangdong.

All civil agencies, enterprises, businesses, institutions, social organizations and individuals must observe these regulations.

Article 4 All citizens enjoy the right to freedom of religious belief. No organization or individual should coerce anyone to believe or not to believe in religion nor should they discriminate against any citizen whether they are believers or not. All citizens--those that believe and those that do not believe in religion as well as those who believe in different religions--should show mutual respect towards each other.

Article 5 Religious activities must observe the Constitutions and all laws and regulations. They must preserve national unity, ethnic harmony and social order. No organization or individual should use religion to interfere in civil or judicial administration or education.

The law protects the legal rights of religious organizations, places for religious activities, religious leaders, believers and their normal activities.

Article 6 Religious organizations and religious affairs must uphold the principle of independent and autonomous administration free of all foreign influence.

Article 7 The Religious Affairs Bureau of the Guangzhou City People’s Government (in simple terms the City Religious Affairs Bureau) is the chief administrative agency dealing with religious affairs and is responsible for implementing these regulations.

The Religious Affairs Bureaus of the People’s District, County and City governments are the chief administrative agencies dealing

with religious affairs and are responsible for managing religious affairs in their respective districts.

All pertinent agencies in each section of the city government carry out their individual responsibilities and cooperate with the Religious Affairs Bureau to implement these regulations.

Chapter 2 Religious Organizations

Article 8 Those entities termed religious organizations in these regulations are those legally registered, namely: the Buddhist Association, the Daoist Association, the Muslim Association, the Catholic Patriotic Association, the Guangzhou Catholic Diocese, the Protestant 3-Self Patriotic Movement Committee, the China Christian Council and all other religious bodies legally registered with the District, County and City agencies belonging to the greater Guangzhou area.

Article 9 Religious organizations must apply to and be registered according to state regulations that supervise social organizations. Once they have registered and received authorization from this agency they can carry out their religious activities.

Article 10 Religious organizations are subject to government supervision and they must operate according to their respective statutes.

Article 11 Religious organizations must assist the government to implement pertinent laws and regulations on religion. They must educate their members in patriotism and socialism, protect the lawful interests of religious leaders and members, organize normal religious activities, and take charge of their own affairs.

Article 12 Religious organizations can carry out religious cultural studies and exchanges, publish, print and distribute religious materials according to state regulations, operate business enterprises and other undertakings for self-support, undertake social welfare projects, and develop friendly foreign contacts in religious matters.

Article 13 Religious organizations operating their own seminaries must do so according to pertinent state regulations.

Chapter 3 Religious leaders

Article 14 In these regulations religious leaders refer to the following: Buddhist monks and nuns, Daoist priests and nuns, Muslim imams, Catholic bishops, priests, seminarians and nuns, Protestant ministers, teachers and evangelists and other officials set up by religious organizations.

Article 15 Religious leaders approved by each religious organization's terms and procedures and who are registered with the local Religious Affairs Bureau have their own identity.

Article 16 Only duly recognized and registered religious leaders set up by their own religious bodies can conduct religious activities in places for religious activities, manage religious affairs and participate in democratic management.

Religious leaders who have not registered, have been dismissed or have had their religious identity abrogated, cannot exercise any religious activity.

Article 17 Religious leaders should observe all state laws and regulations as well as all the rules and regulations of their local religious organization and places for religious activities.

Article 18 Religious leaders who are invited outside Guangdong or those from outside who are invited to come to Guangdong to carry out or preside over religious activities must obtain authorization from a religious body at a level higher than the city and report to and register at the Bureau for Religious Affairs at a level higher than the city.

Chapter 4 Places for Religious Activities

Appropriate procedures for terminating, merging, moving or changing the contents of registration must be undertaken at the corresponding department where the original registration was made.

Article 21 Places for religious activities must establish a management body and set up a sound regulatory system.

Article 22 Places for religious activities can accept gifts, offerings and other religious donations from religious individuals or groups.

Article 23 Places for religious activities can engage in business enterprises, services and undertake public welfare ventures for self support. They can also make and sell religious articles, arts and crafts and publish books according to state regulations.

Article 24 Permanent and temporary residents at places for religious activities must observe state regulations governing household registrations.

Article 25 Permission must be obtained from the management of places for religious activities as well as authorization from the local department of the Religious Affairs Bureau to produce movies and television programs, open businesses, service networks, organize displays and exhibitions in places for religious activities.

Article 26 No group or individual is allowed to conduct religious propaganda or debates differing from the religion or faith practiced in that place for religious activities.

Article 27 Divination, fortune telling, palm reading, casting lots, exorcism or healings are not permitted inside places for religious activities.

Article 28 No organization or individual should construct temples, monasteries, churches, shrines, or open air religious statues without proper authorization.

Religious organizations and places for religious activities must fulfill the necessary legal procedures to tear down, rebuild or reconstruct temples, monasteries, churches or repair open air religious statues.

Chapter 5 Religious Activities

Article 29 In these regulations religious activities refer to those that religious believers carry out according to their teachings, rules, customs and traditions.

Article 30 Religious activities must be exercised only in places designated for religious activities or in those approved by the local Religious Affairs Bureau.

Citizens who believe in religion can practice their religion in their own homes.

Article 31 Citizens who believe in religion can only have religious personnel or those who meet the prescribed conditions preside over group religious activities.

Article 32 The religious group or the organization in charge of the place for religious activities must first report to the local Religious Affairs Bureau to conduct extraordinary religious activities.

Article 33 Non-religious units must not conduct religious activities or set up religious installations or accept religious offerings either openly or covertly. They may not produce or sell religious articles without permission.

Article 34 Religious activities must not disturb public order, interfere with production, or the daily order. They must not harm public health or infringe upon the lawful rights of citizens.

Chapter 6 Religious Property

Article 35 In these regulations religious property refers to the buildings, property, structures, cemeteries, various installations, equipment, historical relics, handiwork, religious revenue, enterprises and businesses, and other lawful assets and profits legally owned by or under the management of religious organizations or places for religious activities

Article 36 Religious property is legally protected. No organization or individual can seize, appropriate or transfer these properties without compensation.

Article 37 Religious organizations and places for religious activities should establish a sound system and organization to manage their properties. They must accept the direction of officials from the Religious Affairs Bureau and other pertinent departments.

Article 38 Religious buildings, property and cemeteries under the management of religious organizations or places for religious activities must be registered at the Real Estate Registration Bureau. After being checked and approved they must also have them registered at the local Religious Affairs Bureau.

Article 39 If there is need to requisition, dismantle or move a place for religious activities owing to local development, the opinion of the local Religious Affairs Bureau must first be sought as well as consultation undertaken with those in charge of the property to arrive at suitable legal arrangements according to the "Urban Planning Law of the People's Republic of China" and other pertinent regulations.

In other cases where there is need to requisition, dismantle or move religious property or cemeteries, the religious organization concerned as well as the local Religious Affairs Bureau must be consulted. Suitable compensation must be offered and every means taken to show appropriate consideration in carrying the matter through to successful completion.

Article 40 The Urban Planning Commission must define and set aside both those areas protected and under the control of places for religious activities that have been listed as historical relics or as places of major importance. If there is real need to requisition, dismantle and move these places all legal requirements regarding the protection of national relics must also be met.

Chapter 9 Religious Publications

Article 41 In these regulations religious publications refer to religious classics, books and periodicals, video products, electronic publications and other types of religious propaganda.

Article 42 Publishing, printing, reprinting or distributing religious publications must have the approval of the Religious Affairs Bureau above the urban level and be handled according to pertinent state regulations.

Article 43 Religious articles must be printed at government approved printing presses.

Article 44 Religious matter approved for publishing, printing, or reprinting must be issued according to previously determined number and limits.

Article 45 Religious organizations, places of religious activities and seminaries that obtain religious publications as gifts from foreign religious bodies or individuals must follow state regulations.

Article 46 No organization or individual should transport, sell, reprint or distribute religious publications secretly printed or illegally imported.

Chapter 8 Religious relationships with foreign bodies

Article 47 Religious organizations and religious personnel that carry on relationships and cultural exchanges with foreign religious organizations and personnel must maintain the principles of friendship and equality in respecting each other's autonomy and independence, show a spirit of mutual respect and non-interference.

Article 48 Religious organizations and religious personnel that accept invitations for visits abroad or who invite foreign religious organizations or personnel to visit China must follow pertinent state regulations.

Article 49 Religious organizations and places for religious activities that receive contributions from foreign religious organizations and individuals must follow pertinent state regulations that govern the acceptance of such contributions.

No religious organization or individual should accept foreign religious subsidies or missionary funding.

Article 50 Local non-religious organizations and individuals that enter into commercial, scientific, technological, cultural, tourist, physical fitness, and sports exchanges or who carry out social welfare projects, must not accept any religious stipulations that may be attached.

The opinion of the local Religious Affairs Bureau must first be sought before local non-religious organizations or individuals welcome foreign religious organizations or religious personnel to China or accept invitations from foreign religious organizations or religious personnel to go abroad.

Article 51 Foreigners can take part in religious activities at places approved and registered for religious activities and perform religious activities for foreigners in those places that have received approval from the local Religious Affairs Bureau. Foreigners can invite local religious personnel to conduct baptisms, marriages, funerals, Daoist and Buddhist ceremonies for themselves.

Article 52 Foreigners are not permitted to establish local religious organizations or religious agencies or set up places for religious activities or religious schools. They are not allowed to make converts among Chinese citizens, appoint religious personnel, secretly recruit religious to go overseas for studies, distribute religious propaganda or perform any other missionary activity.

Article 53 Foreigners who are invited to lead prayers, preach or conduct other religious, scientific or cultural exchanges in local places for religious activities must obey state regulations governing the religious activities of foreigners in China.

Article 54 Foreigners who enter China can bring with them religious printed matter and other religious articles for their own personal use.

Chapter 9 Legal responsibilities

Article 55 Those who violate regulations by committing one of the deeds listed below will receive an order to cease and desist from these

activities by officials of the Religious Affairs Bureau; in serious matters, the registration of the place for religious activities can be revoked and fines ranging from 500 to 5000 RMB can be imposed on the responsible organization as well as on religious personnel directly responsible. The actions are:

(1) local religious personnel going to other parts of the country or those from other regions coming to Guangdong and celebrating or performing religious activities without authorization;

(2) conducting superstitious practices such as divination, fortune telling, drawing lots, palm reading, etc. in places for religious worship;

(3) religious personnel performing religious activities in places not permitted, registered or approved.

(4) opening seminaries without authorization.

Article 56 Those who violate regulations by committing one of the actions listed below will be dissuaded, constrained, warned and ordered to cease and desist by officials of the Religious Affairs Bureau; for serious matters, the registration can be revoked and fines ranging from 1000 to 10,000 RMB can be leveled on the responsible organizations or the individual directly responsible. These actions are:

(1) obstructing or hampering normal religious activities;

(2) compelling Chinese citizens to believe or to desist from believing in religion or discriminating against believers or non-believers thus creating unhealthy situations;

(3) using religion to interfere in government administration, judicial process and education;

(4) having religious activities disturb public order and ordinary daily events, harming public health or infringing upon the lawful rights of others.

(5) non-religious organizations or individuals accepting additional stipulations in their foreign related activities;

(6) unapproved and un-registered religious personnel, those who have retired or those who have their religious identity revoked carrying out the duties of religious leaders.

Article 57 Those who violate regulations by committing one of the deeds listed below will receive an order to cease and desist from the officials of the Religious Affairs Bureau or other pertinent official or have a petition submitted to the People's Government on the local level to confiscate the violator's income and goods as well as

dismantle and impose fines ranging from 10,000 to 50,0000 RMB on the organization or individual directly responsible. The actions are:

(1) setting up unauthorized religious organizations and places for religious activities;

(2) accepting unauthorized donations from foreign organizations or individuals;

(3) establishing unauthorized temples, monasteries, churches or setting up open air statues;

(4) having non-religious organizations or individuals conducting religious activities;

(5) having non-religious organizations set up religious locations or openly or covertly put boxes to collect religious contributions in places not set side for religious activities;

(6) having non-religious organizations or individuals produce or sell religious articles without authorization;

(7) accepting subsidies from foreign religious bodies or expenses for publications.

Article 58 Those who violate these regulations by seizing or damaging religious property, should be ordered by officials of the Religious Affairs Bureau and other pertinent departments to cease their illegal activities and replace or restore things to their original state. Those who have caused financial loss must be ordered to make restitution.

Article 59 State officials who work in religious affairs and who violate any of these regulations must be ordered by their units or higher authorities to change their behavior and are subject to administrative penalties. Those who have committed a crime should be tried to determine any penalty before the law.

Article 60 Violators acting against the “Penal Regulations Governing the Public Security of the People’s Republic Of China,” and other pertinent laws and regulations must be penalized by the Public Security Bureau and other pertinent Bureaus. Those who have committed a crime breaking penal laws should be tried to determine any penalty before the law.

Article 61 Litigants who do not accept the penalties imposed can have their case reviewed according to “Administrative Regulations to Reconsider Decisions” or “The Laws Governing Administrative

Procedures of the People's Republic of China," or the case can be sent to the People's courts for further action.

Article 62 Foreigners who violate these regulations must be warned and ordered by the officials of the State Religious Affairs Bureau to cease and desist. Those who pose a threat to the immigration laws or public security must be penalized by the Public Security authorities according to law. Those who commit crimes must be tried to determine any penalty before the law.

Chapter 10 Supplement

Article 63 Local religious organizations and personnel that maintain relationships and engage in activities with religious organizations and personnel from the Hong Kong Special Administrative Region, Macau and Taiwan must consult and carry out the above pertinent regulations.

Overseas Chinese who live abroad as well as organizations and individuals from Taiwan, the Hong Kong Special Administrative Region, and Macau who conduct religious activities in Guangdong must consult and carry out the above pertinent regulations.

Article 64 Concrete questions that arise over the application of these regulations must be settled by the local Religious Affairs Bureau.

Article 65 These regulations take effect from March 1, 1998.

