

# *Regulations for Collecting Social Compensation Fees*

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*Translated by Purple Kwong*

Article 1. In order to regulate the collection of social compensation fees; to safeguard the State's basic family planning; to protect the legal rights of citizens; to achieve a balance between population and economy, society, resources and the environment; these regulations are formulated in accordance with the "Law on Population and Family Planning of the People's Republic of China." (Hereafter referred to as "Population and Family Planning Law.")

Article 2. Citizens have the right to bear children in accordance with the law, but they must also bear their family planning responsibility in accordance with the law. Their conduct in bearing children shall be in accord with the regulations stated in the Population and Family Planning Law.

The family planning administrative departments of the local people's government shall use comprehensive means to accomplish the regular family planning work regarding publicity, education, contraception and birth control, to ensure that the child-bearing conduct of citizens in their administrative regions accord with the regulations stipulated in the Population and Family Planning Law.

Article 3. Citizens who bear children outside the provisions stated in Article 18 of Population and Family Planning Law shall pay social compensation fees in accordance with the regulations stated herewith.

Social compensation fees are based on the per capita annual disposable income of urban residents and the per capita net income of village residents respectively. The actual income level of the persons concerned, and details regarding their violation of the laws and regulations regarding Planned Parenthood are also taken into account in calculating the actual amount of social compensation to be imposed. Provinces, autonomous regions, and municipalities directly under the central government shall decide on the actual criterion used for determining the social compensation fee.

No units or individuals shall violate the laws, statutes, or regulations, and privately introduce charges related to family planning, and thereby raise the social compensation fee without permission.

Article 4. The family planning administrative departments of the county people's governments shall put in writing the decisions made regarding social compensation fees. The family planning administrative departments of the county people's government may entrust village (township) people's governments or street offices to record the decisions made on the payment of the social compensation fee.

Article 5. Collecting the social compensation fee from the migrant population that bear children outside the provisions stipulated in Article 18 of the Population and Family Planning Law shall proceed in accordance with the following regulations:

- (1) If the child-bearing occurs in the current place of residence of the person concerned, the family planning administrative department of the county people's government of the place of current residence shall decide on the fee in accordance with the rule in the current place of residence.
- (2) If the child-bearing occurs where the person is registered as a permanent resident, the family planning administrative department of the county people's government of that place shall decide on the fee in accordance with the rules of the place of registered permanent residence.
- (3) If the family planning administrative departments of both the place of current residence and the place of registered permanent residence were not aware of the child-bearing at the time, the family planning administrative department of the county level people's government that first discovered the violation shall decide on the compensation fee in accordance with the rules of the place.

The persons concerned that have paid the social compensation fee in one place shall not be charged again in another place for the same offense.

Article 6. The resolution on the social compensation fee shall take effect on the day it is delivered to the person concerned. The person

concerned shall pay the total amount of the social compensation fee in one lot within thirty days from the day of receiving the resolution.

If the concerned person indeed has real difficulty in paying the total amount of the social compensation fee in one lot, he/she shall apply in writing to the family planning administrative department of the county local government for installment payments within thirty days upon receipt of the resolution. and produce the necessary proof. The family planning administrative department of the county level shall, within thirty days upon receipt of the application, decide if installment payments are approved, and inform the persons concerned in writing.

Upon payment of the social compensation fee, a receipt printed jointly by the finance departments of the people's governments of the provinces, autonomous regions, and municipalities directly under the central government shall be given to the persons concerned.

Article 7. Provinces, autonomous regions, and municipalities directly under the central government shall formulate the actual methods for the payment of social compensation fees in accordance with the concrete local situation.

Article 8. Persons concerned that cannot pay the social compensation fee before the due date shall be charged an additional 0.2 percent per month on the unpaid amount, starting from the due date. If there is default in the payment, the family planning administrative department that imposes the fee shall, in accordance with the law, apply to the people's court for compulsory execution of the resolution.

Article 9. If the persons concerned refuse to comply with the resolution on the payment of the fee, they can apply for administrative reconsideration or proceed with an administrative lawsuit. The resolution on the fee collection is still in force while administrative reconsideration and administrative lawsuits are in progress, except where there are alternative regulations in the Administrative Reconsideration Law and Administrative Lawsuits Law.

Article 10. The social compensation fee and overdue charges shall all be turned over to the State treasury, and shall be included in the

management of the local financial budget in accordance with stipulations of the finance department of the State Council. Units or individuals shall not withhold, misappropriate, accept bribes, or privately share this money among themselves. The funds of the people's governments at all levels for family planning work shall be guaranteed.

Article 11. Departments concerned with family planning, finance, planning (on prices of goods), auditing, and supervision, etc. shall strengthen the supervision and inspection on the administration in the collection of social compensation fees.

Article 12. The units, village residents' committees, or urban residents' committees of persons concerned shall cooperate in the collection of social compensation fees in accordance with the law.

Article 13. Those who violate the regulations stipulated in the laws and statutes, and privately introduce new charges related to family planning or raise the criteria for collecting social compensation fees without permission shall be dealt with according to the "Temporary Administrative Procedure on Violation of Management Regulations for Administrative Charges and Incomes from Fines and Confiscation."

Article 14. Those who withhold, misappropriate, accept bribes, or privately share among themselves the social compensation fee shall be investigated for criminal responsibility in accordance with regulations stipulated in criminal laws for offenses of corruption, misappropriation of public funds, and the private sharing of State capital. For offenses that do not amount to criminality, the officers in charge who are directly responsible and other people who are directly responsible shall face administrative disciplinary action including demotion, removal from office, or dismissal.

Article 15. This law shall take effect on September 1, 2002.

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