

宁波市慈善事业促进条例(草案)

(5月10日修改意见稿)

第一章 总则

第一条 为了弘扬慈善文化,规范慈善活动,保障慈善活动当事人的合法权益,促进慈善事业健康发展,根据《中华人民共和国公益事业捐赠法》等法律、法规的规定,结合本市实际,制定本条例。

第二条 本市行政区域内的慈善活动适用本条例。

红十字会、基金会的慈善活动,法律、法规已有规定的,从其规定。

第三条 本条例所称慈善活动,是指公民、法人和其他组织以捐赠财产或者提供服务等方式,自愿、无偿开展的扶老、助残、救孤、济困、赈灾等活动。

第四条 发展慈善事业,应当遵循政府推动、民间运作、社会参与、各方协作的方针。

鼓励和支持公民、法人和其他组织参与慈善活动。全社会应当关心和重视慈善事业的发展。

第五条 慈善活动应当遵守法律、法规,不得违背社会公德,不得损害公共利益和他人合法权益。

第六条 公民、法人和其他组

Regulations on Promotion of the Public Welfare Cause in Ningbo (draft)

(Suggestion on Revision dated May 10)

HAPTER I GENERAL PROVISIONS

Article 1 In order to promote charitable culture, regulate charitable activities, protect the legitimate rights and interests of the parties involved in the charitable activities and promote the sound development of the public welfare cause, the Regulations are formulated pursuant to laws such as the Law of the People's Republic of China on Donation for Public Welfare Undertakings and other administrative laws and regulations and in the light of the concrete circumstances in the city.

Article 2 The Regulations shall be applicable to any charitable activities within the administrative region of city.

But for the charitable activities of the Red Cross and any foundations, if any rules have already been provided in any law and regulation, such rules shall prevail.

Article 3 Charitable activities mentioned herein refer to the voluntary and free-charge activities of citizens, legal entities and other organizations with the aim of helping the elderly, the disabled, the orphaned and the poor and relieving the people in disaster, etc., in the form of property donation and service provision.

Article 4 The policy of government promotion, folk operation, social participation and cooperation between multi-parties should be adopted in developing the public welfare cause.

Charitable activities by citizens, legal entities and other organizations shall be encouraged and supported. All the society should care and attach importance to the development of charity cause.

Article 5 Charity activities shall abide by the laws and regulations and shall not violate social morals, and shall not harm the public interests and the lawful rights and interests of others.

Article 6 Citizens, legal entities and other

织可以对慈善活动进行监督，可以向有关行政主管部门和慈善组织反映情况、提出意见和建议。

第七条 地方各级人民政府应当支持慈善事业发展，将其作为社会保障体系建设和精神文明建设的重要内容，纳入国民经济和社会发展规划。

第八条 县级以上地方人民政府民政部门负责本行政区域内慈善事业的发展 and 监督管理工作。

县级以上地方人民政府民政部门应当会同有关部门，依法对慈善组织的慈善活动、内部管理等进行监督。

第二章 慈善组织

第九条 慈善组织是指依法登记成立、以慈善为唯一宗旨的非营利性社会组织。

公民、法人和其他组织可以依法申请成立慈善组织。

第十条 政府各有关部门要积极创造条件，培育发展一批信誉好、服务能力强、业绩突出的慈善组织，发挥行业示范和引领作用。

第十一条 慈善组织根据本组织的条件和能力，在下列范围内开展慈善活动：

- (一) 参与突发性公共事件的救援和救助；
- (二) 帮助困难群体改善生活条件和健康状况；
- (三) 支持欠发达地区发展教育、

organizations may supervise the charitable charities and provide relevant information, bring up suggestions and ideas for relevant competent administrative departments and Charity organizations.

Article 7 Local people's government at various levels should support the development of public welfare cause, take it as the major theme of constructing social security system and socialist culture and ethics and incorporate it into the plan of the national economy and social development.

Article 8 The departments of civil affairs of local People's Governments at or above the county level shall be responsible for the development of and the supervision and administration over the public welfare undertakings.

The departments of civil affairs of local People's Governments at or above the county level should supervise the charitable activities, inner management, etc., of Charity organizations together with the departments concerned.

CHAPTER II CHARITY ORGANIZATIONS

Article 9 Charity organizations mentioned herein refer to non-profit social organizations which are registered and established according to law with the sole purpose of charity.

Citizens, legal entities and other organizations may apply for the establishment of Charity organizations according to law enforcement.

Article 10 The government departments concerned should actively provide conditions to cultivate and develop a group of Charity organizations that boasts good reputation, service ability and outstanding achievement and give full play to their leadership and demonstration effect.

Article 11 Charity organizations shall conduct charitable charities within the following scope with a view to the conditions and abilities of the organization:

- (1) Participate in the rescue and relief work in case of sudden public events;
- (2) Help the disadvantaged groups improve their living and physical conditions;
- (3) Support the development of education, culture,

文化、卫生等社会事业；

(四) 促进环境保护等公益服务活动；

(五) 符合慈善宗旨的其他活动。

第十二条 慈善组织应当有健全的理事会、监事会和办事机构，实行民主决策、民主管理、民主监督。

慈善组织依法自主管理、自我发展，其内部事务不受任何组织和个人的非法干涉。

第十三条 慈善组织应加强自身能力建设，配备专业社工，提高慈善理念传播、慈善项目策划、慈善活动组织、慈善机构管理等能力。

第十四条 慈善组织受赠的财产及其增值为社会公共财产，受国家法律保护，不得私分、侵占、挪用和损毁。

慈善组织应当建立受赠财产的管理制度，保障慈善财产的安全，并实现资产的保值增值。

第十五条 慈善组织开展慈善活动，可以根据实际需要，列支必要的工作经费和工作人员的工资。

慈善组织应当厉行节约，降低工作成本，除必要的工作经费和工作人员的工资外，慈善组织受赠的财产及其增值应当全部用于慈善事业。

第十六条 慈善组织应当依法建立健全财务管理制度，按照国家规定设置会计账簿，设立独立账户，实行专户管理，独立核算，并接受审计监督。

public health and other social programs in underdeveloped regions;

(4) To encourage environmental protection and other public service activities

(5) Other activities as conform to the purpose of charity.

Article 12 Charity organizations shall set up board of directors, board of supervisors and operational office according to law and practice democratic management and supervision.

Charity organizations shall self-govern and self-develop in accordance with the law and their internal affairs shall subject to no illegal interference by any organizations or individuals.

Article 13 Charity organizations should strengthen their own capacity building, be equipped with professional social workers and improve their abilities to disseminate philanthropic idea, plan charity projects, organize charity activities, and manage charity organization.

Article 14 The donated properties of Charity organizations and their appreciation are public properties, which shall be protected by the law of the state and cannot be privately divided, seized, appropriated or damaged.

Charity organizations should establish a system for the management of donated properties so as to guarantee the security of charity property.

Article 15 Necessary work funds and staff wages of Charity organizations may, depending on actual needs, be disbursed from the cost and expenses.

Charity organizations should practice strict economy and reduce work cost. The donated properties and their appreciation of Charity organizations should be entirely spent on charities, except necessary work funds and staff wages.

Article 16 Charity organizations should establish and improve the financial management system in accordance with the law and set account books with separate accounts, practice special account management and independent accounting and accept

第十七条 慈善组织应当定期向社会公布下列信息，接受社会监督：

（一）法定代表人、理事会、监事会和办事机构的基本情况；

（二）慈善资产状况，慈善捐赠和受赠财产的接收、使用和管理情况；

（三）实施慈善项目和开展其他重大活动的情况；

（四）年度工作报告、财务报告和审计报告；

（五）工作经费和工作人员工资的列支情况

（六）法律、法规和章程规定的其他内容。

捐赠人要求查询前款规定信息的，慈善组织应当及时提供。

第十八条 慈善组织终止，应当按照章程规定的程序表决通过，经业务主管单位同意后，向登记管理机关申请注销登记。慈善组织终止前，应当成立清算组织，在政府有关部门的指导下，清理债权债务。终止后的剩余财产，按国家有关规定，用于发展相关慈善事业或者转入其他慈善组织，并向社会公告。

第三章 慈善募捐

第十九条 慈善募捐是指慈善组织基于慈善宗旨，面向社会开展的募集捐赠活动。

第二十条 法律、法规规定可以

supervision through auditing according to national regulations.

Article 17 Charity organizations should regularly make the following information public and accept social supervision:

(1) General information of the legal representative, board of directors, board of supervisors and operational office;

(2) Conditions of charity properties and the receipt, use and administration of charitable contributions and donated property;

(3) The condition and effectiveness of charitable programs and other significant activities;

(4) The annual work report, financial statement and audit report;

(5) The disbursement of work funds and staff wages;

(6) Other guide stipulated in laws, regulations and article of association.

In case the donor claims to inquire the information as prescribed above, Charity organizations should provide such information timely.

Article 18 Charity organizations shall vote through its termination in accordance with the regulated procedure stipulated in the article of association and apply for write-off registration with the registration administrative authority after the consent of relevant governing units. Before the termination of the charity organization, a liquidation organization shall be established to settle claims and debts under the guidance of the departments concerned. The residual properties after termination, according to relevant regulations of the state, shall be earmarked for the development of relevant charities or transferred to other Charity organizations and announced to the public.

CHAPTER III DONATION SOLICITATION

Article 19 Charitable donation solicitation refers to the public-oriented charitable donation solicitation activities conducted by charitable Organizations in line with charitable principle.

Article 20 Organizations that can conduct donation

进行募捐的组织以及依法登记成立的慈善组织（以下称具有主体募捐资格的组织），可以开展与其宗旨、业务范围一致的慈善募捐活动。

前款规定以外的其他组织要开展募捐活动的，应当会同具有募捐主体资格的组织一起进行，所得善款必须纳入具有募捐主体资格的组织的统一管理。县级以上地方人民政府民政部门应当会同有关部门，依法加强对这类募捐活动的监督。

第二十一条 具有募捐主体资格的组织可以开展社会募捐、协议募捐、定向募捐、网络募捐、公益信托、冠名基金等形式的慈善募捐。

在发生重大或者特别重大突发事件时，县级以上地方各级人民政府可以要求相关组织面向社会开展定向慈善募捐。

第二十二条 开展慈善募捐，应当遵循自愿、无偿的原则，不得强行摊派或者变相摊派，不得以捐赠名义从事营利活动。

第二十三条 具有募捐主体资格的组织在开展慈善募捐前，应当将组织登记证书等能够证明具有募捐主体资格的材料，以及募捐的目的、时间和地点、方式、救助对象、使用范围以及其他有关事项在媒体上或者通过其他有效方式向社会公告。

第二十四条 具有募捐主体资格的组织接受捐赠后，应当向

solicitation pursuant to laws and regulations and charitable organizations set up pursuant to laws (hereinafter referred to organizations qualified as principal of donation solicitation) may launch charitable donation solicitation in line with their missions and business ranges.

The organizations other than those provided in the aforementioned clause, if they intend to organize donation solicitations, should launch such activity jointly with Organizations qualified as principal of donation solicitation. The donated money received should be under the uniform management of such Organizations qualified as principal of donation solicitation. The civil affairs department of the people's government above county level should reinforce the supervision on such donation solicitation together with relevant departments.

Article 21 Organizations qualified as principal of donation solicitation may conduct charitable donation solicitation in the form of social donation solicitation, agreement-based donation solicitation, oriented donation solicitation, network donation solicitation, charitable trust, presented fund, etc.

In the event of serious or extraordinarily serious accidents, local People's Governments at or above the county level may require that relevant organizations conduct oriented donation solicitation towards society.

Article 22 All charitable donations must be voluntary and free of charge, mandatory apportions or disguised apportions are not allowed. Profit earning activities shall not be conducted in the name of donation.

Article 23 Organizations qualified as principal of donation solicitation shall, prior to the donation solicitation activities, should publicize through the media or via other effective ways materials that may testify their qualifications as fund-raising principal (such as their registration certificate, permit for fund raising activities for charities), the purpose, time, site, ways and means, rescue targets, range of application of the donation solicitation and other matters pertinent.

Article 24 Organizations qualified as principal of donation solicitation shall issue legal and effective

捐赠人出具合法、有效的凭证，并将受赠款物登记造册。

募捐结束后十五日内，具有募捐主体资格的组织应当将募捐情况向社会公告。

募捐所得使用计划执行完毕后三十日内，具有募捐主体资格的组织应当将其使用情况向社会公告，并报所在地的民政部门备案，同时接受审计监督。

第二十五条 捐赠人捐赠的财产，应当是其有权处分的合法财产。

捐赠人依据慈善组织宗旨，有权约定其捐赠财产的使用方向、实施项目和受益人。受赠人应当按照约定的用途使用捐赠财产，不得擅自改变捐赠财产的用途。

捐赠人有权查询其捐赠财产的使用情况，提出意见和建议。

第二十六条 捐赠人捐赠的财产应当具有使用价值，符合安全、卫生、环保等标准；捐赠的批量产品应当提供产品质量检验证书或者相关证明材料。

捐赠人捐赠食品、药品的，应当提供法定检验机构出具的检验报告；捐赠知识产权等无形资产的，应当提供有关证明。

捐赠人捐赠专业器材的，应当提供安装、调试和操作培训等后续服务工作。

第二十七条 对捐赠财产的价值需要进行评估的，应当由专业评估机构进行。

第二十八条 慈善组织和其他组织对捐赠人的个人信息应当依法

vouchers to the donors after receipt of the donated properties and register the received donations in books.

Organizations qualified as principal of donation solicitation shall publicly announce the donations within 15 days after the end of the donation solicitation activities.

Organizations qualified as principal of donation solicitation shall, 30 days after the collection income implementation program, make the use of collection income known to the public, report to the local civil administration department for records and accept supervision through auditing.

Article 25 The properties donated should be lawful properties to which the donors have the right of disposal.

The donors shall have the right to arrange the direction for the use of the donated property, the project implemented and the beneficiary. The donees shall use the donated property according to the purposes agreed upon, and shall not take the liberty to alter the use of the donated property.

The donors shall have the right to inquire the use of the donated property and put forward suggestions and opinions.

Article 26 The donated articles shall have use value, measure up to safety, health, environmental protection standard. Donors donating batch products shall provide quality inspection certificate or relevant documents. Donors donating food and medicines shall provide inspection reports issued by legal inspection bodies.

Donors donating intangible assets such as the intellectual properties shall provide quality relevant certifications.

Donors donating professional equipments shall provide after service in installation, debugging and operation training, etc.

Article 27 Donated properties requiring value assessment should be evaluated by the professional assessment agency.

Article 28 Charity organizations and other organizations should keep the donor's personal

保密。未经捐赠人同意，不得向社会公开。

捐赠人对捐赠行为，捐赠财产和其他有关事项要求保密的，受赠的慈善组织和其他组织应当保密。

第二十九条 以义演、义赛、义卖、义拍等方式开展慈善捐赠的，应当会同具有募捐主体资格的组织进行，接受公证、审计监督，并向社会公告。义演、义赛、义卖、义拍的收入，扣除必要的成本后，应当及时全部移交具有募捐主体资格的组织。

第四章 慈善救助

第三十条 慈善救助是指慈善组织对需要帮助的群体进行救济和帮助的行为。

慈善救助应当符合慈善组织的宗旨，根据法律、法规的规定或者与捐赠人约定的合法方式开展。

第三十一条 慈善组织开展救助活动，应当坚持公平、公正、公开，规范救助程序，提高服务水平和工作效率，及时发放救助款物。

第三十二条 慈善组织应当制定年度救助计划。每年救助总支出不得低于上一年结余善款总额的百分之六十。

第三十三条 慈善组织应当建立项目管理制度，根据实际情况确定救助项目，对项目实施进行跟踪监督。

与捐赠人约定的项目实施后，慈善组织应当向捐赠人反馈结果。

第三十四条 慈善组织应当制定突发事件应急响应预案，在突发事件发生时配合地方各级人民政府及其有关部门做好救助工

information confidential and cannot to make it public without the consent of the donor.

Charity organizations and other organizations should keep the donation behavior, donated property and other matters pertinent confidential as required by the donors.

Article 29 Charitable contributions in the form of benefit performance, charity sale, benefit match, benefit auction, etc shall be conducted jointly with other organizations qualified as principal for donation solicitation, receive supervision by notarization and auditing and shall be announced to the society. The income from such activities, after deducting the necessary costs, shall be timely handed over to organizations qualified as principal for donation solicitation.

CHAPTER IV CHARITY RESCUE

Article 30 Charitable rescue refer to the behavior that the charity organizations provide remedy and help to the groups that need help.

Article 31 Charity organizations shall adhere to the open, fair, impartial and standard rescue procedures, improve the service quality and efficiency, and timely issue the relief funds and articles.

Article 32 Charity organizations shall formulate an annual rescue plan, in which the total rescue expenditure shall not be 60 percent lower than the total income of the last year.

Article 33 Charity organizations shall establish a project management system, determine rescue programs according to the actual situation, and track and supervise project implementation.

Charity organization shall timely feedback to the donor after the projects agreed upon are implemented.

Article 34 Charity organizations shall formulate emergency response plans and cooperate with local people's governments at all levels and the relevant departments in case of emergencies to do relief work

作。

第三十五条 慈善救助应当尊重被救助人的的人格尊严，保护被救助人的隐私。

第三十六条 对慈善事业做出较大贡献的公民，其本人或者家庭生活遇有困难时，可以向当地慈善组织提出救助申请，慈善组织应当优先给予救助。

第三十七条 慈善组织完成慈善救助项目后，应及时组织或委托第三方开展绩效评估。

第三十八条 慈善组织以外的其他组织开展慈善救助和服务活动的，按照本章的有关规定执行。

第五章 扶持与奖励

第三十九条 县级以上地方各级人民政府应当建立由有关国家机关、社会团体和慈善组织参与的慈善工作协调机制，研究解决慈善事业发展进程中需要解决的困难和问题。

第四十条 地方各级人民政府应当加强慈善文化建设，将慈善文化建设纳入社会主义精神文明建设规划，列入文明城市、文明社区、文明单位的考核内容，培育全民的慈善意识和社会责任感。

地方各级人民政府及其有关部门应当扶持和鼓励弘扬慈善文化的文学创作和文艺作品。

高等院校、社会科学研究机构应当加强慈善文化建设的研究。

第四十一条 地方各级人民政府应当建立表彰激励制度，对慈善事业发展有突出贡献、社会影响较大的公民、法人和其他组织予以表彰。

well.

Article35 Charity organizations shall respect the personal dignity of the salvee and protect their privacy.

Article36 Citizens that have made great contributions to the charities may apply for rescue from local charity organizations in case that their families or they themselves are in need and relevant Charity organizations shall render preferential assistance.

Article37 Charity organizations shall timely organize or authorize a third party to conduct performance appraisals after the rescue projects are completed.

Article38 Organizations other than Charity organizations shall carry out charitable relief and service activities in accordance with relevant provisions prescribed in this chapter.

CHAPTER V SUPPORT AND REWARD

Article 39 People's governments at or above county level shall establish a charity work coordination mechanism with participation from relevant authorities, social groups and charitable organizations, and study and address the difficulties and issues which require to be solved in the development of charitable cause.

Article 40 The local governments shall strengthen the development of charitable culture, incorporate the development of charitable culture into the socialist spiritual civilization development plan and the evaluation for civilized city, civilized community and civilized unit, and foster the national charity awareness and sense of social responsibility.

The local people's governments and the relevant departments thereof shall support and encourage the literature creation and literary and artistic works which promote the charitable culture.

Colleges and universities, and social-science research institutions shall strengthen the research with respect to the development of charitable culture.

Article 41 Local people's governments shall establish a reward system to reward the citizens, legal persons and other organizations with outstanding contributions and larger social influence to the development of charitable cause.

市人民政府设立“宁波慈善奖”，每两年表彰一次。

第四十二条 地方各级人民政府文化、教育、卫生、公安、财政税务、交通、新闻出版、广播电视、城市管理等部门应当积极为慈善活动提供服务和方便。

第四十三条 工会、共产主义青年团、妇女联合会、残疾人联合会以及其他社会组织，应当支持和参与慈善活动，共同促进慈善事业发展。

居民委员会、村民委员会应当支持和协助慈善组织开展慈善活动。

第四十四条 地方各级人民政府对于慈善组织实施的救助项目，可以给予适当补贴或者其他支持。

地方各级人民政府及其有关部门购买社会服务时，在同等条件下应当优先选择慈善组织。

第四十五条 地方各级人民政府对慈善组织应当在行业管理、人员配备、待遇、办公场地、启动资金及工作经费等方面给予支持。

鼓励和支持慈善组织兴办慈善福利项目，对实施慈善福利项目所需的用地、用水、用电等方面在政策上给予优惠。

第四十六条 地方各级人民政府部门应创造条件支持慈善资金的保值、增值，使之规避风险，确保资金安全和有效增值。

第四十七条 慈善组织依照法律、行政法规的规定享受税收优惠。

The Municipal People's Government will establish "Ningbo Charitable Award", which shall be granted every two years.

Article 42 Relevant departments of local people's governments for culture, education, health, public security, finance and tax, transportation, press and publication, radio and television, urban management, etc. shall vigorously provide services and convenience for charitable activities.

Article 43 Trade unions, Communist Youth League, Women's Federation, Disabled Persons' Federation and other social organizations shall support and participate in charitable activities, jointly promoting the development of charitable cause.

The resident committees and villager committees shall support and assist the charitable activities of charitable organizations.

Article 44 Local people's governments may grant appropriate subsidies or any other support to the assistance projects as implemented by charitable organizations.

In purchasing social services, local people's governments and the relevant departments thereof shall give priority to charitable organizations under the same conditions.

Article 45 Local people's governments shall grant support to charitable organizations with respect to the industrial management, staffing, remuneration, office space, start-up money, working expenses, etc.

Charitable organizations shall be encouraged and supported to organize and set up charity and welfare projects, which shall be treated preferentially in policy with respect to the required land, water, electricity, etc.

Article 46 The departments of local people's governments shall create the conditions to support the preservation and increase of the value of charitable funds, in order to avoid the risks and ensure the safety and effective value increase thereof.

Article 47 Charitable organizations enjoy tax benefits in accordance with applicable laws and administrative regulations.

公民向慈善组织捐赠财产、依照法律、行政法规的规定享受税收优惠。

法人或者其他组织向慈善组织捐赠的财产，依照法律、行政法规的规定在税前扣除。税务部门应方便和简化办理税收优惠手续。

第四十八条 境外向慈善组织捐赠的财产和慈善组织进口用于慈善事业的专用器材，依照法律、行政法规的规定减征或者免征进口关税和进口环节增值税。

第四十九条 对慈善事业做出贡献的企业，地方各级人民政府及其有关部门应当从政策、资金等方面提供优先支持和优惠服务，并把企业回报社会，为慈善事业做出贡献的，作为评先评优的依据。

第五十条 报刊、广播电台、电视台、网站等新闻媒体应当无偿开设慈善节目或者栏目，开展慈善公益宣传、普及慈善知识、传播慈善文化、发布慈善信息。

会展场所、体育场馆、车站、码头、机场、公园、商场等公共场所应当为慈善活动提供便利。

第七章 法律责任

第五十一条 具有募捐主体资格的组织有下列情形之一的，由县级以上地方人民政府民政部门责令停止违法活动，予以警告，并责令返还募捐的财产，不能返还的，由县级以上地方人民政府民政部门将该财产交由其他慈善组织管理，情节严重的，撤销登记；构成犯罪的，依法追究刑事责任：

Citizens enjoy tax benefits in accordance with applicable laws and administrative regulations with respect to the donation thereby to charitable organizations.

The property as donated to charitable organizations by legal persons or other organizations shall be deducted before tax in accordance with applicable laws and administrative regulations. The tax authorities shall facilitate and simplify the procedure for tax benefits.

Article 48 The import duty and import VAT for the property as donated to charitable organizations from overseas and the special equipment as imported by charitable organizations for charitable cause shall be reduced or exempted in accordance with applicable laws and administrative regulations.

Article 49 Local people's governments and the relevant departments thereof shall provide to the enterprises, with outstanding contributions to the charitable cause, the priority support and favorable service, in policy, funding, etc., based on the repay of such enterprises to the society which contributes to the charitable cause.

Article 50 Newspapers, radio stations, websites and other media shall set up charitable programs or columns free of charge, for the purpose of charitable publicity, popularization of charitable knowledge, transmission of charitable culture, and publication of charitable information.

Exhibition sites, stadiums and gymnasiums, stations, docks, airports, parks, shopping malls and other public places shall facilitate the charitable activities.

CHAPTER VI LIABILITIES

Article 51 In case of any of the following circumstances of the organization with donation solicitation qualification, the same shall be ordered to stop illegal activities, warned and ordered to return the donated property (such donated property, if unable to be returned, shall be transferred to the management of other charitable organizations by concerning civil affair authorities under local people's governments at or above county level) by concerning civil affair authorities under local people's governments at or

- above county level, canceled for registration if seriously enough, and/or held criminally liable under law if the crime is committed:
- (一) 未按法律、法规或章程规定的宗旨、业务范围进行活动的;
 - (二) 未按法律、法规或章程规定使用财产的;
 - (三) 不履行信息公布义务或者公布虚假信息的;
 - (四) 未按照本条例的规定向捐赠人出具捐赠凭证的;
 - (五) 违背捐赠人的意愿强行募集或摊派的;
 - (六) 泄露捐赠人、受赠人个人信息或者隐私,造成严重后果的;
 - (七) 其他违反法律法规的行为。
- (I) Where the activities are not within the purpose or business scope as provided by applicable laws, regulations or Articles of Association;
- (II) Where the property is used in violation of applicable laws, regulations or Articles of Association;
- (III) Where the information disclosure obligation fails to be performed or any false information is published;
- (IV) Where the donation certificate fails to be issued to the donator in accordance with the provisions hereof;
- (V) Where the donations are made by forced raising or apportion against the donators' will;
- (VI) Where the personal information or privacy of any donator or recipient is disclosed, causing serious consequence;
- (VII) Where other acts in violation of laws or regulations are made.

第五十二条 具有募捐主体资格的组织擅自改变所募捐财产用途的,由县级以上地方人民政府民政部门责令改正,予以警告。拒不改正的,经征求捐赠人的意见,由县级以上地方人民政府民政部门将该财产交由其他慈善组织管理。

Article 52 Any organization with donation solicitation qualification which changes the use purpose of the donated property without authority shall be ordered to make correction and warned by concerning civil affair authorities under local people's government at or above county level. In case that such organization refuses to make correction, concerning civil affair authorities under local people's government at or above county level may transfer the above-said property to the management of another charitable organization, after the seeking of the donators' view.

第五十三条 不具有募捐主体资格的组织,擅自开展慈善募捐活动的,由县级以上地方人民政府民政部门予以制止,责令返还募捐的财产,不能返还的,由县级以上地方人民政府民政部门将该财产交由其他慈善组织管理;构成犯罪的,依法追究刑事责任。

Article 53 Any organization without donation solicitation qualification which organizes the charitable fund-raising activities shall be stopped and ordered to return the donated property (such donated property, if unable to be returned, shall be transferred to the management of another charitable organization by concerning civil affair authorities under local people's government at or above county level) by concerning civil affair authorities under local people's government at or above county level, and/or held criminally liable under law if the crime is committed.

第五十四条 假借慈善名义骗取

Article 54 Any money fraud under the guise of charity

钱财的，由县级以上地方人民政府公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

第五十五条 挪用、侵占或者贪污慈善组织财产的，由县级以上人民政府有关部门责令退还，并对直接责任人员处以两千元以上一万元以下的罚款；构成犯罪的，依法追究刑事责任。

第五十六条 地方各级人民政府有关部门及其工作人员有下列行为之一的，根据情节给予行政处分；构成犯罪的，依法追究刑事责任。

(一) 不履行对慈善活动监管职责，造成严重后果的；

(二) 非法干涉慈善组织内部事务，严重妨碍慈善组织正常活动的；

(三) 挪用慈善财产的；

(四) 有其他失职、渎职行为的。

第八章 附则

第五十七条 各级人民政府可以根据本条例制订具体实施细则。

第五十八条 本条例自 年 月 日施行。

shall be given administrative punishment by concerning public security authorities under local people's government at or above county level, and/or held criminally liable if the crime is committed.

Article 55 In case of any embezzlement, misappropriation or grafting of the property of the charitable organizations, the concerning department of the people's government at or above county level shall order the return of such property and fine the directly responsible person in the amount from RMB 2,000 Yuan to RMB 10,000 Yuan, inclusive, and/or any relevant person may be held criminally liable if the crime is committed.

Article 56 In case of any of the following acts by the relevant departments of local people's government and/or the staff thereof, the same may be given administrative punishment according to the circumstances, and/or held criminally liable if the crime is committed:

(I) Where the supervision of the charitable activities fails to be performed, causing serious consequence;

(II) Where the internal affairs of the charitable organizations are illegally interfered, seriously affecting the normal operation of charitable organizations;

(III) Where the charitable property is misappropriated;

(IV) Where other acts with dereliction of duty or malpractices are committed.

CHAPTER VII MISCELLANEOUS

Article 57 People's governments may formulate specific implementation rules in accordance herewith.

Article 58 The Regulations shall be effective from DD/MM/YYYY.