

Decision of the Wuhan Municipal People's Government on Amending and Repealing Certain Regulations

(Promulgated by Order No. 312 of Wuhan Municipal People's Government on October 4th, 2022)

In order to implement the *Civil Code of the People's Republic of China*, the *Administrative Punishment Law of the People's Republic of China*, and the *Regulations on Optimizing the Business Environment* (Order No. 722 of the State Council), the *Regulations of Hubei Province on Population and Family Planning* and relevant national, provincial and municipal regulations, further regulate administrative law enforcement actions and administrative penalties, create a stable, fair, transparent and predictable business environment, and ensure and serve the high-quality economic and social development of Wuhan City, after reviewing and studying the current effective municipal people's government regulations, it is hereby decided

to make centralized amendments to certain provisions of 26 municipal people's government regulations and repeal 7 municipal people's government regulations.

***I. The Administrative Measures of Wuhan City for Civil Air Defense Alarm Facilities* (Order No. 98 of the Municipal People's Government) are amended as follows:**

Article 20 is amended as follows: "Intentionally damaging alarm facilities, constituting a violation of public security administration, shall be subject to public security administration punishment by public security organs according to law; if it constitutes a crime, criminal responsibility shall be investigated according to law."

***II. The Measures of Wuhan City for Relatively Centralized Administrative Penalty Power in Urban Management* (Order No. 137 of the Municipal People's Government) are amended as follows:**

(1) Paragraph 2 of Article 3 is amended as follows: "Urban management law enforcement departments from each district (including Wuhan East Lake New Technology Development Zone, Wuhan Economic and Technological Development Zone, and the East Lake Eco-tourism Scenic Area, the same below) shall be responsible for the specific implementation of the relatively centralized administrative penalty power of urban management within their respective

jurisdictions. ” Paragraph 3 of Article 3 is amended as follows :
“Township people’s governments and sub-district offices shall ,
according to the list of empowerment items, undertake the
corresponding matters of relatively centralized administrative
penalty power in urban management and implement administrative
penalty according to law. ”

(2) Article 24 is amended as follows: “The use of high-
pitched loudspeakers or other methods that continuously emit
high noise for advertising purposes in commercial business
activities shall be penalized in accordance the *Law of the
People’s Republic of China on Noise Pollution Prevention and
Control*. ”

(3) In Article 25 , “The illegal act shall be stopped by
order; in serious cases, a fine of up to RMB200 may be
imposed” is amended to “In accordance with the *Atmospheric
Pollution Prevention and Control Law of the People’s Republic
of China* , violators shall be ordered to make corrections and a
fine ranging from RMB500 to RMB2,000 may be imposed” .

(4) In Article 26 , “The illegal act shall be stopped by
order and a fine ranging from RMB300 to RMB3,000 may be
imposed” is amended to “corrections shall be made and a fine
ranging from RMB500 to RMB2,000 shall be imposed on
individuals in accordance the *Atmospheric Pollution Prevention
and Control Law of the People’s Republic of China*” .

(5) Paragraph 1 of Article 27 is amended as follows: “If indoor catering operations emit cooking fumes that pollute the living environment of nearby residents, in accordance with the *Atmospheric Pollution Prevention and Control Law of the People’s Republic of China*, corrective measures shall be ordered, and a fine ranging from RMB5,000 to RMB50,000 may be imposed. If the violation persists and corrective action is not taken, the business may be ordered to cease operations for rectification.”

(6) Article 28 is amended as follows: “If construction work is carried out at night in noise-sensitive areas of concentrated buildings without obtaining the required permits, penalties may be imposed in accordance with the provisions of the *Law of the People’s Republic of China on Noise Pollution Prevention and Control*.”

(7) Article 29 is amended as follows: “Operators and managers of cultural, recreational, sports, catering and other venues shall take effective measures to prevent and reduce noise pollution. Those who violate regulations and discharge social life noise exceeding noise emission standards shall be penalized in accordance with the provisions of the *Law of the People’s Republic of China on Noise Pollution Prevention and Control*.”

(8) Article 30 is amended as follows: “In commercial

business operations, if equipment and facilities such as air conditioners, cooling towers, water pumps, fume purifiers, fans, generators, transformers, boilers, and loading and unloading equipment that may generate noise pollution in social life are used, their operators and managers shall take measures such as optimizing layout and centralized emissions to prevent and reduce noise pollution. Violation of these regulations or failure to take effective measures to prevent noise pollution may result in penalties in accordance with the *Law of the People's Republic of China on Noise Pollution Prevention and Control*.”

(9) In Article 31, “district urban management law enforcement department” is amended to “law enforcement agency”.

(10) Article 43 is deleted.

III. The *Administrative Measures of Wuhan City for Urban Construction Archives* (Order No. 145 of the Municipal People's Government) are amended as follows:

Article 14 is amended as follows: “For projects included in the scope of archival collection by the urban construction archives, the urban construction archives administration shall inspect and accept the project archives in accordance with the provisions on the joint acceptance inspection upon completion of construction projects.”

IV. The *Administrative Measures of Wuhan City for*

***Statistics (Order No.152 of the Municipal People's Government)* are amended as follows:**

The “*Detailed Rules for the Implementation of the Statistics Law of the People's Republic of China*” in Article 1 is amended as “*Regulations on the Implementation of the Statistics Law of the People's Republic of China*”.

***V. The Measures of Wuhan City for the Protection of Natural Gas High-pressure Pipeline Facilities*(Order No. 163 of the Municipal People's Government) are amended as follows:**

Article 19 is deleted.

***VI. The Measures of Wuhan City for Maternity Insurance for Employees* (Order No. 173 of the Municipal People's Government) are amended as follows:**

(1) Article 10 is amended as follows: “For employees entitled to maternity insurance benefits, employers shall continuously contribute to their coverage for at least 6 months.”

(2) Item 1 of Article 12 shall be amended as follows: “(1) For normal childbirth, the maternity leave shall be 98 days; for childbirth in accordance with laws and regulations, the maternity leave shall be increased by 60 days. For difficult childbirth, it shall be increased by 15 days; for multiple births, it shall be increased by 15 days for each additional infant born.”

(3) Article 13 is amended as follows: “Male employees whose spouses give birth in accordance with laws and regulations shall be entitled to 15 days of nursing leave allowance.”

(4) Item 1 of Article 17 is deleted.

(5) Article 19 is amended as follows: “Employees who become unemployed after participating in maternity insurance can enjoy maternity medical benefits in accordance with the provisions of these Measures during the period of receiving unemployment insurance benefits.”

VII. The *Administrative Measures of Wuhan City for Groundwater* (Order No. 174 of the Municipal People’s Government) are amended as follows:

In Article 12, “shall be prepared by qualified entities” shall amended to “may be prepared by themselves or entrusted to relevant entities”.

VIII. The *Administrative Measures of Wuhan City for Lake Remediation* (Order No. 207 of the Municipal People’s Government) are amended as follows:

Article 15 is amended as follows: “In the central urban area, the production and operation of commercial fish farming are prohibited in lakes. In the new urban area, the lakes are prohibited from using enclosures, net cages, and fertilization (manure) farming, as well as prohibited from pearl farming.

“The people’s government of each new urban area shall

organize relevant departments to delimit the prohibited and restricted areas of lake aquaculture based on the functional orientation of the lake protection planning, and guide and supervise the activities of lake aquaculture in accordance with the requirements of relevant norms and standards. The people's government of each new urban area shall adjust the industrial structure for the existing aquaculture lakes with deteriorated water quality and carry out governance of aquaculture pollution in lakes. ”

IX. The Measures of Wuhan City for Barrier-free Construction and Management (Order No.208 of the Municipal People's Government) are amended as follows:

Article 35 shall be amended as follows: “Those who violate the provisions of Article 17 of these Measures by damaging barrier-free facilities, undermining the functions of such facilities, or changing the usage of such facilities shall be ordered by the competent urban management department to make corrections and fined not less than 500 yuan but not more than 1,000 yuan. The owner or manager of the barrier-free facilities may require compensation in accordance with the law if damages are caused. Those whose violation constitutes disturbance of public order shall be penalized by the public security organ in accordance with the *Law of the People's Republic of China on Administrative Penalties for Public*

Security. Those whose violation constitutes a crime shall be investigated for criminal responsibility according to law. ”

X. The *Administrative Measures of Wuhan City for Civilized Construction of Construction Projects* (Order No. 211 of the Municipal People ’ s Government) are amended as follows:

(1) Item 3 of Article 31 is deleted.

(2) In Item 6 of Article 33, “or take measures to cover the exposed soil” is deleted.

XI. The *Administrative Measures of Wuhan City for House Leasing* (Order No. 214 of the Municipal People ’ s Government) are amended as follows:

(1) Item 9 of Article 26 is deleted.

(2) In Item 2 of Article 34, “fail to establish a registration book for tenants, or” shall be deleted.

XII. The *Interim Administrative Measures of Wuhan City for Yangtze River Tunnels* (Order No. 227 of the Municipal People ’ s Government) is amended as follows:

Paragraph 1 Article 23 are amended as follows: “Violations of Article 6 and Article 7 of these regulations will result in a fine of no less than RMB50 and no more than RMB200 imposed by the public security traffic management department. For any other provisions specified in other laws and regulations, the relevant regulations will prevail. ”

XIII. The *Administrative Measures of Wuhan City for Construction Work Safety* (Order No. 229 of the Municipal People's Government) are amended as follows:

(1) Items 1, 3 and 7 of Article 50 are deleted.

(2) Items 1 and 2 of Article 52 are deleted.

XIV. The *Measures of Wuhan City for the Implementation of the Requisition and Compensation of Houses on State-owned Land* (Order No. 234 of the Municipal People's Government) are amended as follows:

(1) Add paragraph 4 to Article 26, with content as: "For requisition of non-residential houses, the house requisition department may, upon consensus with the requisitioned through consultation, swap ownership rights of houses with different uses, and settle the price difference based on the value of the houses. "

(2) Add paragraph 4 to Article 48, with content as: "Where the people's court rules that the requisition decision shall be executed by the district people's government making such decision, the district people's government making the requisition decision shall organize relevant departments and entities to execute it according to law. "

XV. The *Interim Provisions of Wuhan City on the Administration of the Development and Utilization of Underground Space* (Order No. 237 of the Municipal

People's Government) are amended as follows:

The “Independent underground space shall not be commercially developed separately” is deleted in Paragraph 2 of Article 4.

XVI. The *Administrative Measures of Wuhan City for Kitchen Waste* (Order No. 238 of the Municipal People's Government) are amended as follows:

(1) Item 4 of Article 15 is amended as follows: “(4) It shall not be discarded, spilled or leaked during transportation.”

(2) Item 7 of Article 16 is deleted.

(3) Item 3 of Article 17 is amended as follows: “(3) Using untreated kitchen waste to feed livestock and poultry.”

(4) In Article 24, “*Administrative Measures for Urban Domestic Waste*(Order No. 157 of the Ministry of Construction)” is amended as “laws, regulations and rules”; Items 3 and 6 are deleted.

(5) Item 4 of Article 26 is deleted.

(6) Article 27 is deleted.

XVII. The *Administrative Measures of Wuhan City for Preschool Education* (Order No. 253 of the Municipal People's Government) is amended as follows:

(1) Paragraph 1 of Article 11 is amended as follows: “For the establishment of public preschool education institutions that are approved as public institutions by the authority responsible

for institutional establishment, legal entity registration for public institutions shall be carried out according to law. For the establishment of private preschool education institutions, approval shall be obtained from the comprehensive administrative approval authority of the district where the institution is to be located, and according to whether it is for-profit or not, legal entity registration for private non-enterprise units or enterprise legal entities shall be carried out.”

(2) Paragraph 3 of Article 19 shall be amended as follows:
“Private preschool education institutions shall independently recruit sufficient teachers and staff in accordance with the establishment standards for private preschool education institutions.”

(3) Paragraph 2 of Article 28 is amended as follows:
“Private preschool education institutions shall implement market-adjusted prices for tuition fees and accommodation fees charged. Private preschool education institutions shall adhere to the principles of lawfulness, fairness, honesty and credibility, reasonably and independently determine fee standards based on operating costs and in combination with local economic development levels and residents’ economic affordability, publicly disclose them to the society, and accept supervision by relevant competent authorities.”

(4) Paragraph 1 of Article 35 is amended as follows:

“Where a private preschool education institution is established in violation of relevant provisions of the state, the district education administrative department shall, in conjunction with the district public security, civil affairs or market regulation departments, order the institution to cease operation, refund the fees collected, and impose a fine of not less than one time but not more than five times the illegal income on the operator. If the case constitutes an act violating the public security administration regulation, the public security organ shall impose punishment according to law. If the case constitutes a crime, the violators shall be investigated for criminal responsibility according to law.”

XVIII. The Measures of Wuhan City for Labor Protection of Female Employees (Order No. 264 of the Municipal People’s Government) is amended as follows:

Item 4 of Article 12 is amended as follows: “(4) Women who give birth in accordance with laws and regulations shall, in addition to the maternity leave prescribed by the state, be entitled to an additional 60-day maternity leave, and their spouses shall be entitled to a 15-day paternity leave”; in addition, the order of Items 3 and 4 is switched.

XIX. The Administrative Measures of Wuhan City for Temporary Parking of Motor Vehicles on Roads (Order No. 268 of the Municipal People’s Government) shall be amended

as follows :

Article 23 is deleted.

XX. The *Interim Implementation Rules of Wuhan City for the Administration of Online-Booked Taxi Operation Services* (Order No. 279 of the Municipal People's Government) shall be amended as follows:

(1) In Article 1, “(Order No. 60 of 2016 of the Ministry of Transport, the Ministry of Industry and Information Technology, the Ministry of Public Security, the Ministry of Commerce, the State Administration for Industry and Commerce, the State Administration for Market Regulation and the Cyberspace Administration of China, hereinafter as the *Interim Measures*)” is amended as “(Order No. 60 of 2016 of the Ministry of Transport, the Ministry of Industry and Information Technology, the Ministry of Public Security, the Ministry of Commerce, the State Administration for Industry and Commerce, the State Administration for Market Regulation and the Cyberspace Administration of China, hereinafter as the *Interim Measures*) and the *Regulations of Wuhan City on the Administration of Passenger Taxis*”.

(2) In Paragraph 1 of Article 4, “the municipal taxi management agency to which it belongs” is deleted; “and the municipal taxi management agency” in Paragraph 2 shall be deleted.

(3) Article 14 shall be amended as follows: “The municipal transportation management department shall regularly organize the evaluation of the quality of online-booked taxi services, and timely announce to the public the basic information of the operating enterprise, the results of the service quality evaluation, the handling of passenger complaints and other information. The municipal and district transportation administrative departments may, according to the management needs, obtain and consult the relevant data information such as registration, operation and transaction of online-booked taxi platform companies according to law.”

(4) Article 18 is amended as follows: “An online-booked taxi platform company in violation of items 2, 3, 8 and 9 of Article 11 of these Rules shall be ordered by the district transportation administration department to make corrections; and for each violation, a fine ranging from RMB5,000 to RMB10,000 shall be imposed; if the circumstances are serious, a fine ranging from RMB10,000 to RMB30,000 shall be imposed.

“Violations of items 4 and 6 of Article 11 of these Rules shall be punished by price and taxation departments according to law against the online-booked taxi platform companies.”

(5) Article 19 is deleted.

(6) Article 22 is deleted.

(7) The “municipal taxi management agency” in Article 8, Paragraph 2 of Article 9, Paragraph 2 of Article 10, Item 2 of Article 11, and Article 20 is amended as “municipal transportation management department”.

XXI. The Measures of Wuhan City for Entrustment of Administrative Punishment (Order No. 280 of the Municipal People’s Government) are amended as follows:

(1) The “relevant authorities or” in Article 2 shall be amended to “meeting the statutory conditions”.

(2) Article 3 shall be deleted.

(3) Article 8 is amended as follows: “For administrative reconsideration and administrative litigation cases arising from the implementation of administrative penalty actions by entrusted organizations within the entrusted authority and scope, the entrusting party shall undertake the administrative reconsideration and administrative litigation defense work.”

(4) The term “entrusted organs or organizations” in the text is amended to “entrusted organizations”.

XXII. The Administrative Measures of Wuhan City for Non-motor Vehicles (Order No. 293 of the Municipal People’s Government) are amended as follows:

In Article 31, “a fine of RMB50 shall be imposed concurrently” is amended as “a warning or a fine of less than RMB50 shall be imposed concurrently”.

XXIII. The *Administrative Measures of Wuhan City for Construction Waste* (Order No.294 of the Municipal People's Government) are amended as follows:

(1) The “vehicle transportation certificate” in Item 6 of Article 16 is amended as “construction waste disposal approval document”.

(2) The “construction waste disposal certificate, vehicle transportation certificate, and other documents” in Paragraph 1 of Article 18 is amended as “construction waste disposal approval document”.

(3) Article 32 shall be amended as follows: “Construction and construction entities or construction waste disposal sites that fail to establish construction waste disposal management books or fail to truthfully record them shall be ordered by urban management law enforcement departments to make corrections within a time limit, and fined not less than RMB10,000 but not more than RMB50,000.”

(4) Item 2 of Article 33 is amended as follows: “(2) For the transportation using vehicles not meeting the requirements of construction waste transportation vehicle management regulations, a fine ranging from RMB2,000 to RMB20,000 shall be imposed.” Item 4 of Article 33 shall be amended as follows: “(4) If the vehicle transporting construction waste does not carry the construction waste disposal approval document, a

fine ranging from RMB200 yuan to RMB1,000 shall be imposed.” Items 5 and 6 of this Article are deleted.

(5) Paragraph 2 of Article 34 is deleted.

(6) Article 36 is deleted.

XXIV. The *Administrative Measures of Wuhan City for Domestic Waste Separation* (Order No.297 of the Municipal People’s Government) are amended as follows:

In Item 2 of Article 18, “a fine ranging from RMB2,000 to RMB5,000 shall be imposed on the entity” shall be amended to “a fine ranging from RMB5,000 to RMB50,000 shall be imposed on the entity”.

XXV. The *Provisions of the Wuhan Municipal People’s Government on Major Administrative Decision-making Procedures* (Order No. 300 of Wuhan Municipal People’s Government) are amended as follows:

Article 9 is amended as follows: “A catalog management shall be implemented for decision-making matters. The municipal people’s government shall, in accordance with the provisions of paragraph 1 of Article 3 of these Provisions and based on its duties, authorities and actual situation of Wuhan City, determine the catalog and criteria for decision-making matters, publish it to the public upon agreement of the municipal Party Committee, and make adjustments as needed.”

“The annual catalog of decision-making matters shall be

determined by the Municipal People's Government after discussion and published to the society. ”

XXVI. The Measures of Wuhan City for the Implementation of Emergency Requisition and Compensation in Response to Emergencies (Order No. 304 of the Municipal People's Government) are amended as follows:

(1) “Specify the time for submitting an application for compensation and the consequences of overdue submission” shall be deleted in Article 26.

(2) Article 27 is deleted.

In addition, the order of articles and certain wording of the above-mentioned 26 revised regulations shall be adjusted accordingly, and these regulations shall be promulgated after revision.

XXVII. The following seven regulations of the Municipal People's Government are repealed :

Trial Provisions of Wuhan City on Hearing Procedures for Administrative Penalty(Order No. 94 of the Municipal People's Government)

Administrative Measures of Wuhan City for Land Registration (Order of the Municipal People's Government No. 146)

Measures of Wuhan City for the Implementation of Compulsory Medical Treatment for Mental Patients Seriously Endangering Society(Order No. 200 of the Municipal People's Government)

Regulations of Wuhan City on the Administration of Road Transportation (Order No. 228 of the Municipal People 's Government)

Management Measures of Wuhan City for Rural Drinking Water(Order No. 235 of the Municipal People ' s Government)

Measures of Wuhan City for the Inspection of Major Construction Projects(Order No. 256 of the Municipal People ' s Government)

Interim Measures of Wuhan City for Supervision and Administration of Wage Payment of Rural Migrant Workers in the Construction Sector(Order No. 263 of the Municipal People ' s Government)

This Decision shall come into force as of the date of promulgation.