

Complete Guide to Jobs & Working in China



with sections for
Foreign Experts, English Teachers and students studying
in China



CHRATA

China Human Resources & Training Association

Authored & Compiled by
Geoffrey Weymouth

gmw@china4u2.com

read me first!

Geoffrey Weymouth's

CHINA SURVIVAL CREDOS

No.1

For new comers to China

- take your time,
- don't talk too much,
- spend the first five weeks listening and looking

“You really will learn more in one month of looking and listening, than you will in one year of talking”

No.2

10-point Cardinal Survival Credo

1. Do not judge
2. Do not compare
3. Do not become frustrated
4. Do not get angry
5. Do be patient
6. Do be tolerant
7. Do be quiet
8. Do be polite
9. Do listen (even if you don't understand)
10. Do look beyond yourself

No.3

5-point “How not to be misunderstood “ Credo

1. Say Yes if you mean Yes
2. Say Yes if you know what it means
3. Say No if you mean No
4. Say No if you are not sure
5. Do not say Yes if you mean No

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When living for a prolonged period in China, held hostage, so to speak, to its alien culture it is very easy to find oneself *converted*, and thus view the local environs as though one is *Alice in Wonderland*.

Conversely, if personal failure is the main feature of your China venture, and in China failure walks hand in glove with success, it is equally as easy to slip on the mantle of perpetual critique, often pervaded with bitter and twisted anecdotes and forebodings of impending doom.

To be candid, to write a balanced view of the Chinese is extremely difficult, as there is so much to love, but also so much to dislike and even a little to detest. How to convey what I consider a realistic and balanced picture I have pondered for over twelve months; completed many drafts, and am still not entirely happy with the end product.

Culture with its inherent traditions and language are to the Chinese the very nuts and bolts that created this fascinating country. With a written history sweeping back over 5,000 years, you very quickly come to realize that what you consider your culture, as a 'Cold War' survivor, is but an outer-dressing of rather transparent, very new fabric, worn as much to hide the warts as to rejoice the benefits.

Unlike Western "flag waving" values, the Chinese family is very much the "Willow in

the wind". Chinese are big softies at heart but able to weather the worst of storms. Break off a family branch and it will quickly take root wherever it may finish its journey, develop into a facsimile of the parent, and remain forever mindful of its Chinese values and heritage.

The oft stated "reticent" attitude of the Chinese is forever perplexing to we ignorant foreigners; "Why don't they want to join us and become part of our community." The answer is very simple; Chinese (generally) are very conceited, with just cause, and most often find our antics and behaviour banal, inane, profane and sometimes grossly offensive.

We lack respect for others, especially within the family, live what can best be described as decadent lifestyles, eat revolting, machine made food, and create a brain dead generation of people who are redundant parasites.

Pointless to undertake the Herring Bone, with its pros and cons, because we are unable to separate ourselves from the mystique in which we have shrouded and over-exposed ourselves. We believe it is our god-given superior right to speak out against others and berate their faults, warts and perceived abuses with less than candor and a clear absence of hindsight to the misdeeds of our own forefathers

An introduction to the Chinese
by Geoffrey Weymouth

Chinese peoples the world over never lose sight of their roots; they remain, perennially Chinese, be they Chinese American or Chinese Australian. They are Chinese first and foremost.

Not so ethnic Europeans, who upon invading, occupying or taking up residency in a foreign land invariably attempt to dominate and superimpose their own 'God-given' values and lifestyles over the incumbent owners, occupiers and stakeholders in their new found adoptive land, and that has included whole continents.

So who are the Chinese?

To understand the Chinese, you must firstly separate yourself from the dyed in the wool clinical view that we have of the world, where almost everything is prejudged against our own indolent and 'Cold War' indoctrinated 'Bamboo Curtain vs. Paper Tiger' mindset.

China is a country where *logic* is considered *illogical*, where a child who exhibits surreptitious and deceptive behaviour is considered a family asset, where if you are *NOT* an *old rogue* by the time you are 40-years of age, you are considered a failure and redundant, at best.

So let's look at clever vs. smart, and ignore the standard literal definitions, but rather look at clever as inferring inventive and smart as intuitive common sense.

In a country where there is competition (virtually, if not in reality) for the very air one breaths, which personal attributes for survival and prosperity would you consider of paramount importance?

Clever is what we western cousins are. We can invent the most complicated and complex devices for killing and saving people, research and discover previously unknown facts and hidden resources. Exceedingly clever no one, anywhere, can gainsay – but are we very street smart?

It can be safely said that the Chinese are not very clever in the aforementioned context. It is true they may have stumbled upon papermaking and printing, gunpowder and

the compass, but did they get beyond the very fundamental stages of development?

It was the Europeans, who in each of the aforementioned instances, that took very elementary but revolutionary inventions and turned helpful aides into means for destruction, conquest and suppression.

For the Chinese, papermaking was used to create beautiful paintings, calligraphy, maps and poetry for enjoyment; gunpowder was made into fireworks for fun and excitement and to communicate with one's ancestors (and occasionally to bring down the wall of a fortress), wood-cut printing allowed many to share and enjoy the same traditions and customs, and the compass allowed early Chinese navigators to evade the Persian Customs collectors, bandits and robbers by sailing directly to the Horn of Africa and shores of the Mediterranean Sea for trade and commerce with Europe.

For the Europeans, the compass allowed the resource poor nations to navigate the world marauding, conquering, pillaging and destroying all in their path using the destructive power of gunpowder in cannon and muskets and paper and printing to convert the subjugated *heathens* using the printed word of their God.

Which brings us to the dilemma of *Chinese logic*, based as it is on the Chinese conception of truth, and truth according to the Chinese can never be proved; it can only be suggested.

Congruous with this theory, if truth cannot be proved, but can only be grasped by the mind in a "dialectic without words", or to be more succinct; "one knows it is so without knowing why it is so", it can, therefore, only be felt as a sort of intuitive perception.

The hypocrisy of the West.

For a Western raised foreigner it is usually sufficient that a proposition be logically sound, whereas for the Chinese this is not sufficient to constitute a (the) truth, for it must at the same time be in accord with human nature, for a theory may be so logical as to be devoid of common sense.

If it is possible to have ten internationally recognized experts, each speaking the absolute truth on the same topic, but each with his or her own viewpoint, which at times will be diametrically opposite to that of other experts, wherein lay the absolutetruth?

We thus have, in the West, the situation where logic and common sense are at odds with each other, whereas in China common sense takes the place of inductive and deductive reasoning.

Analytic reason (logic) looks at truth by dissecting it into ever smaller fragments until it is impossible to recognize its origins and the whole of reasoning becomes subjective; whereas common sense views the subject as a whole, in much the same way as Tradition Chinese Medicine (TCM) practitioners do not focus so much on the symptoms but rather attempt to root out the cause for the complaint by examining the *whole* patient.



Notice For Foreign Cultural And Educational Experts Working In China

I
Preparation before coming to China

The foreign cultural and educational experts shall complete the following two preparations before coming to China:

1 *Mental preparation*

The foreign cultural and educational experts shall complete sufficient mental preparations before leaving for China. You might have visited some views and interests of one or more cities of China in very short period before, but the communication with Chinese and the understanding of Chinese culture and custom are far from deep. This time, different from the previous visit, you are supposed to live and work with Chinese for one or more years in a country where the history, culture, tradition and social system are entirely different from those in your own country. The people of China are hospitable, As long as you consciously blend yourself into Chinese people and treat yourself as a member of them, you will get further understanding of China and its people and may

There is no doubt that Chinese medicine is highly effective - actually works, the only argument is with the accuracy of diagnostic techniques. Unfortunately, in Chinese medicine too much diagnostic work is premised on the TCM practitioners visceral perception and the remedies prescribed (often) on age-old superstitions and fantastic associations of thought or word plays.

Behind all this, however, is a genuine and real alternative to the one shop stop of Western medicine. Although, decried by most Western pharmaceutical companies, these same mega-corporations are spending \$100's of millions on research into all know Chinese medicines.

But what of religious beliefs?

There is absolutely nothing logical nor 'provable' in the religions of Christianity, Judaism or Islam. At best, they all fit the Chinese ideal of truth; that is, "dialectics without words".

even form an inseparable relationship with China and Chinese people.

2 *Material preparation*

The foreign cultural and educational experts generally have the traveling experience and are aware of what kind of luggage and paraphernalia should be carried, Your host institution has prepared excellent living and working conditions for you. As is known to all, China is still a developing country, Except that some big-size and middle-size cities are in preferable conditions, the conditions in remote areas are much worse, However, in order to welcome the foreign experts, the host institutions have tried their best to make sure you are comfortable in life, convenient in work and have no latter worry, It's so good that the foreign experts have the mental preparations and are not overcritical in requiring the host institutions provide the same living and working conditions as in their own country.

What is important is that your goal is to work in China, You need to prepare relevant articles as portable personal computer, instruments and facilities, and books and materials for if the preparation is not plenty, your work may be affected. In case you are not sure, you are suggested to inquire your host institution about what living and working articles shall be carried with you.

II

The foreign expert shall provide the following materials to the host institution when applying for a job.

- 1 Personal Resume;
- 2 Degree Certificate (copy);
- 3 Recommendation letter written by professor of his country;
- 4 Certificate of Teacher or relevant professional skill certificate;
- 5 Evidence on marriage status; (The Chinese people is in great respect of family, cohabitation without marriage is deemed as not in accord with traditional morality and violation of Chinese Marriage Law, Therefore, we hope that the foreign experts respect the custom and habit of Chinese people. According to regulation, fiancé or fiancée cannot enjoy related expenses provided by the host institution, as is found out to be in accord with international conventions.)
- 6 Health evidence (the foreign expert may ask for the Medical Examination Record of Aliens made by Ministry of Sanitation of China in the Chinese embassy or consulate in your country and do physical examination thereafter.)

Note: (1) According to the stipulations of Chinese law, the validity period of Medical Examination Record of Aliens is 6 months.

Therefore, the foreign experts should pay attention to the time for medical examination and make sure the Medical Examination Record of Aliens is valid within 30 days desirable for handling of necessary formalities after entering China.

(2) Every item in the Medical Examination Record of Aliens shall be filled in without blanks.

(3) The experts shall demand X ray film and original serology examination list of sexual disease and AIDS from the doctor, for after entering China, the sanitation and quarantine department of China will determine whether the Medical Examination Record of Aliens is qualified according to the evidences,

III

After the foreign expert and the host institution formed the employment relationship, the uniform Standard Employment Contract made by the State Administration of Foreign Experts Affairs shall be reached, In case the employment is by way of self-recommendation

or other introduction, to ensure you are surely willing to take office in the institution, the host institution may require you render credit bail of \$600-1000 (the amount can be negotiated) in advance according to the stipulations of State Administration of Foreign Experts Affairs. After receiving the bail, the host institution is ready to handle the formalities for you to enter China. After you take office or before the contract expires, the host institutions shall return the bail to you, Some institution may provide you the out and home international airplane ticket, but you are probably expected to buy the international airplane ticket in advance, which shall be kept as the credit bail and may be reimbursed before the expiration of the contract.

IV

According to regulations of Chinese government, where the employment term of foreign experts is more than 6 months, the host institution is obliged to send the Confirmation Letter for Foreign Expert (original piece), which proves the identity of the expert, to the expert himself. Only when the invitation letter and the Confirmation Letter for Foreign Expert are possessed (none of them shall be absent) can the foreign expert apply to the Chinese embassy or consulate in his country for visa for working in China (Z); where the employment term is less than 6 months, visa for visiting China (F) can be applied by the invitation letter presented by the engaging unit.

Note: Foreign experts entering China for work must apply for the corresponding working or visiting visa according to the employing term or invitation term, and not for the traveling visa. Otherwise, you may get in great trouble, For according to stipulations of Chinese law, traveling visa holder cannot work in China and the traveling visa is not convenient to be changed into working visa or visiting visa. The visa can be changed only when outside the border (for example, you can switch to Hong Kong SAR of China) and after the host institution presents the working invitation letter for a second time, the working visa can be granted for entry into China.

V

According to stipulations of Chinese law, aliens who hold the working visa shall handle the Residence Permit for Aliens within 30 days after entry. If it exceeds the term, a fine of RMB500 per day *will* be imposed. We hope the foreign experts settle down the residence permit within specified term and such unhappy things as being fined do not happen.

The handling of Residence Permit for of Aliens

shall be based on:

- Valid passport (working visa)
- Foreign Expert Certificate
- Authentication Certificate issued by the sanitation and quarantine department that confirms the qualification of Medical Examination Record of Aliens.

Note:

(1) Foreign experts shall pay attention to the residence term of their own Residence Permit for Aliens. In case the term needs to be prolonged, procedures for prolonging the residence term shall be promptly handled in local public security organ. Over-time will be subject to fine according to stipulations of Chinese law.

(2) According to stipulations of Chinese law, the aliens shall, when changing their residences, settle down the domicile out-moving procedures in the local public security organ in advance and then handle the domicile in-moving procedures in public security organ of the new domicile.

(3) According to Chinese law, in the valid period of Residence Permit for Aliens, the aliens shall settle down the re-entry procedures in the local public security organ in advance before temporary exit. Otherwise the frontier inspection organ may capture the Residence Permit for Aliens and you have to request the host institution spend a lot of time to re-handle the entry when you see another entry.

VI

Chinese government specifies that all the foreign experts engaged for work in China shall settle down the Foreign Expert Certificate so as to differentiate from the Occupation Certificate of Aliens acquired by the foreign employees from the department of labor. The foreign experts who hold the working visa (Z) or visiting visa (F) may acquire the Foreign Expert Certificate. The foreign experts shall return the Foreign Expert Certificate to the host institution when leaving China for the work in China has been completed. In case the foreign experts want to keep the Foreign Expert Certificate as a memoria, the host institution may consent, but the certificate shall be cancelled.

The handling of Foreign Expert Certificate shall be based on:

- Valid passport (working visa)

- Standard Employment Contract signed with the host institution or copy of agreement between governments or colleges; the contract of dispatch document of the teachers or managing personnel of schools that specifically enroll children of foreigners; the staff of the standing body of foreign organizations in China shall have the appointment or dispatch document issued by the organization.

Note:

(1) According to the stipulations of Chinese government, the valid term of Foreign Expert Certificate is one year. If the foreign expert and the host institution jointly determine that the term shall be prolonged, the procedures for prolonging the Foreign Expert Certificate shall be handled in the certificate issuing authority in evidence of the new employment contract. And afterwards, the procedures for prolonging the Residence Permit for Aliens shall be settled down in the public security organ by the Foreign Expert Certificate.

(2) According to the stipulations of Chinese government, in case the foreign expert has finished his work in one host institution and is employed by another institution, the former Foreign Expert Certificate will become invalid and shall be returned to the former host institution. The new host institution shall handle new certificate for the expert.

(3) According to the stipulations of Chinese government, Foreign Expert Certificate applies to the principle of territorial governing. Therefore, in case the foreign expert finished his work in one city and is employed in another city, the former Foreign Expert Certificate will become invalid and shall be returned to the former host institution. The new host institution shall handle new certificate for the expert.

VII

According to the stipulations of Chinese government, for the purpose of protecting the legitimate rights and interests of foreign expert in course of living and working in China, the foreign cultural and educational experts shall enter into the Standard Employment Contract uniformly made by the State Administration of Foreign Experts Affairs with the host institution and definitely stipulate in form of contractual attachment the working assignment and quality, the salary, treatment and other matters the two parties consider the Standard Contract has not covered. All these comprise an integral contract

- In order to protect the legitimate rights and

interests of foreign experts in China, when entering the contract, please note.

(1) The conclusion of Standard Employment Contract shall use the original document. The copy is invalid. The Standard Employment Contract has six translated version as English, French, German, Spanish, Japanese and Arabic. Version of other languages can be instituted by the English version or be translated and made by the host institution.

(2) The employment contract shall be concluded in written form. Any oral agreement will be regarded as invalid.

(3) The foreign expert shall sign the contract before coming to China; those who have been staying in China shall enter the contract before taking office.

(4) Considering the foreign expert is in need of renovating his knowledge and shall adapt his native life and find a new job as soon as possible after repatriation, the continuous term of the contract for the foreign expert to work in China is not suitable for over 5 years. The next employment shall be after two years.

(5) The host institution may stipulate a probation period of 60 days for the foreign expert. In the probation period, if the host institution finds out that such situation of the foreign expert as the health condition or professional ability is not fit for the working assignment agreed upon in the employment contract he is entitled the right to cancel the contract.

▪ When signing the attachment of the employment contract, please note:

(1) The Standard Employment Contract made by the State Administration of Foreign Experts Affairs has the uniform serial number. Therefore, the attachment shall be marked as the attachment of which number of standard contract in order to show the coherence with the standard contract.

(2) The working assignment shall be concrete and not ambiguous. The quality of the work shall also be definitely stipulated.

(3) Other matters the foreign expert considers the Standard Contract has not covered.

(4) It shall be explained that the attachment has equal validity to the standard employment contract and comprises an integral part of the contract.

(5) The attachment shall take effect after the foreign expert and the representative of the host institution sign it.

Note; the foreign expert must consult with the host institution about salary and living treatment before coming to China and stipulate such matters in form of attachment of the contract. The salary and living treatment mentioned below are applicable to the general conditions and are probably unfit for the requirement of your host institution or yourself.

1. Salary and treatment

1) Direct payment monetary salary the salary will be paid monthly by RMB from the day of starting work to the expiration of the contract. In case it is not enough for a whole month, the payment shall be counted by day. The daily wage shall be 1/30 of the monthly salary (February will be the same). No more than 70% of the salary can be changed into foreign currencies monthly. The employed party shall pay the personal income tax in accord with the Personal Income Tax Law of the People's Republic of China. The starting amount of taxation is RMB 4001. The monthly salary standard for reference where the expert has got the bachelor degree and the working experience is more than two years, the monthly salary shall be no less than RMB2500. For those who has got a master degree and the working experience is over three years, the monthly salary shall be around RMB3500. For those who has got a doctor degree and the working experience is over 5 years, the monthly salary shall be about RMB4000. No more than 70% of the monthly salary can be changed into foreign currencies.

(2) Indirect payment the host institution will guarantee the fundamental living conditions for the foreign expert in China.

▪ Providing the lodgings with furniture, bedding, telephone, television, toilet, refrigerator, and heating and cooling facilities. (The lodgings provided to the expert whose employment term is more than half a year (or one semester) shall be equipped with a kitchen).

▪ Providing the medical care at public expense the foreign expert must see the doctor in the foreign-involved hospital appointed by the host institution. If not in the hospital appointed, the expert shall undertake the cost such costs as registration, transportation for medical care,



tooth inlaying, face lifting, health protection rubdown, glasses, meals in hospital, restorative not for medical purpose, and examination outside the hospital charged shall be undertaken by the expert.

- Paying the traffic expense for and off work or providing proper traffic allowances for the expert whose working place is far from his domicile
- International airplane ticket (international tourist class airplane ticket of the nearest distance from China to the country of the foreign expert).
- Transportation cost of luggage (transportation price of luggage by air)

Note: since the economic situation of the host institutions may differ, the indirect payment for each foreign expert is probably different. According to statistics, the indirect payment for each foreign expert ordinarily varies from RMB80,000 to RMB 100,000

2. Working Time, Rest and Holidays

(1) The working time of the foreign expert shall be 8 hours every day, and 5 days every week

(2) In case the foreign expert is arranged to work overtime, reward above the regular salary in normal work time shall be paid in accord with legal standard.

(3) The foreign expert shall enjoy the following holidays and festivals in China:

New Year's Day, Spring Festival, Labour Day, National Day and other holidays stipulated by laws and regulations

(4) The foreign expert may enjoy such festivals and holidays as the followings according to other nationalities and religions two days for Christmas, three days for Butcher Day (Corban Day), one day for Meat Diet Resume Day and one day for Water-splashing Festival.

(5) The foreign expert may enjoy the annual holiday with payment where the contract term of the foreign expert is one year, the holiday with payment shall be four weeks. Where the expert works in an educational institution and the contract term is one academic year, he may enjoy one holiday (winter holiday or summer holiday) in the institution with payment

3. Sick Leave and Private Affair leave

(1) Request for sick leave by the foreign expert shall be proved by the foreign-involved hospital appointed by the host institution. Where the sick leave amount to less than 30 days in one contract term (one year or one academic year), the foreign expert shall be paid 100% of the salary. In case the leave exceeds 30 days, the host institution is entitled the right to dissolve the contract, or if the contract is not dissolved, the salary will be paid by 70% until the normal work is resumed.

In the contract term the medical care cost of the foreign expert in the foreign involved hospital appointed by the local government during errands on business shall be paid by the host institution; the medical cost for private business shall be undertaken by the expert.

In the contract term, the foreign expert shall undertake the medical cost spent In Taiwan province. Hong Kong SAR. Macao SAR or outside China.

(2) Private affairs leave of the foreign expert shall acquire the approval of the host institution. The host institution may de-duct the salary by day. In the contract term (one year or one academic year), the private affairs leave shall not exceed 10 days. The continuous private affairs leave shall be no more than 3 days. Where one day exceeds, salary for two days will be deducted.

In case of absence off work without allowance of the employing party, where absence amounts to one day, payment for 3 days will be deducted. Where the circumstance is serious, the host institution has the right to dissolve the contract and investigate the liability of the foreign expert for violation of the contract.

- How to settle the dispute on the employment contract

(1) The two parties shall seek settlement through friendly consultation.

(2) In case the consultation is not effective, the parties may apply for mediation or arbitration to Arbitration Committee on Dispute Arising from the Employment Contract for Foreign Cultural and Educational Expert established by the State Administration of Foreign Experts Affairs according to the arbitration terms in the standard contract.

(3) Where the contract is not a standard contract and has no arbitration terms, only when the two parties jointly apply for mediation

or arbitration can the arbitration committee accept it. The application brought forward by one party alone will not be accepted and each party may sue to the local court.

VIII

Protection of foreign experts' intellectual property rights.

Great attention is paid to intellectual property rights the important requirements of international exchange of technology, economy, culture and talents. The Chinese government keeps strengthening the making and implementation of laws and tries to create the correct environment for the protection of intellectual property rights.

Foreign experts' intellectual property rights of patents, works, special techniques and trademarks are respected and protected by the Chinese government. If the expert or his company applies for patent or trademark protection, they will own it and the right to be rewarded. The Chinese government and the departments concerned will maintain the business secrets according to law.

The secrets cover designing plans, production processes, formulas, crafts, strategies of management, name lists of customers, information of material sources, policies of manufacture and sales, any bids and documents. Chinese law forbids illegal acts such as stealing, enticing, threatening or exposing the agreement.

At present Chinese laws concerning the protection of intellectual property rights are mainly the "General Rules of the Citizen Law of the People's Republic of China", and the "Trademark Law of the People's Republic of China". The "Patent Law of the People's Republic of China", the "Contract Law of the People's Republic of China", the "Rules of Computer Software Management", the "Corporation Law of the People's Republic of China", the "Foreign Trade Protection Law of the People's Republic of China", and the "Commercial Banking Law of the People's Republic of China". The "Scientific Fruit Transferring Rules of the People's Republic of China" also concerns the protection of intellectual property rights.

The Chinese government has participated in international protective actions of intellectual property rights, the negotiation of important agreements, and has accepted international duties of protecting intellectual property rights

IX

Insurance in China

Chinese insurance companies cover a large range of businesses. Foreign experts working in China are advised to buy the following insurances:

- (1) property insurance;
- (2) personal accident insurance;
- (3) vehicle insurance;
- (4) employer responsibility insurance;
- (5) public responsibility insurance, and: (6) investment insurance.

The People's insurance Company of China and other large insurance companies operate many branches in Beijing and other major cities to cater to the needs of foreign customers.

X

Medical care in China

The health system in China covers the whole country. Most of the host institutions have their own clinics to deal with minor complaints. There are hospitals in almost every city where patients can get treatment without having to travel too far. Big cities like Beijing, Shanghai, Guangzhou and all the provincial capitals have well equipped hospitals which employ many experienced doctors and specialists with specialized departments including that of "traditional Chinese medicine". Many cities have specialized hospitals. Most of them have special departments for foreign experts where patients receive first-class attention. China adopts a partly free medical care service. Particular issues concerning foreign experts' medical care should be covered in the contract.

Appendix:

An outline of China

China is the short name of the People's Republic of China. The "Five-Star Red Flag" is its national flag while the national emblem has Tian'anmen at its center, illuminated by five stars and encircled by ears of grain and a cog wheel. Beijing is the capital of the People's Republic of China.

- (1) Geology and climate

China is situated in eastern Asia on the west coast of the Pacific Ocean. China has a varied topography, with highlands in the west and plains in the east sprawling over an area of approximately 9.6 million square kilometers, it comprises 6.5 percent of the earth's landmass, making it the largest country in Asia and the third largest in the world. Of its territory, mountainous areas account for about 33 percent, plateaus 26 percent, rolling land 10

percent, basins 19 percent, and plains 12 percent. Its land borders extend to about 200,000 kilometers and it shares frontiers with the following neighbors - the Democratic People's Republic of Korea, Russia, Mongolia, Kazakhstan, Tadzhikistan, Kirghizstan, Afghanistan, Pakistan, India, Nepal, Sikkim, Bhutan, Myanmar, Laos and Viet Nam.

Its coastline is as long as 180,000 kilometers from the outlet of the Yalu River in the north to the outlet of the Beilun River in the south. The long coast is lashed by the salty waters of the Bohai Bay (inland sea), the Yellow Sea, the East China Sea and the South China Sea. China's maritime neighbors are the Republic of Korea, Japan, the Philippines, Malaysia, Brunei, and Indonesia. Off the coast are no fewer than 5,000 islands, the biggest being Taiwan Island, and the second largest Hainan Island.

With a total length of 6,300 kilometers, the Yangtze is China's longest river and the third longest in the world. The Yellow River, with a total length of 5,464 kilometers, is the country's second longest river. Other major rivers are the Heilongjiang River, the Haihe River, the Huaihe River, the Qiantang River and the Pearl River, etc. Lakes in China cover a total area of 80,000 square kilometers. The major freshwater lakes are the Boyang Lake, the Dongting Lake, the Taihu Lake and the Hongze Lake. Major salt-water lakes include the Qinghai Lake, the Namu Lake, the Qilin Lake and the Luobupo Lake.

The Himalayan is the biggest and highest mountain range in the world, on the eastern section of which looms the 8,848.13 meter high Mount Qomolangma (Everest), the world's loftiest peak rising between China and Nepal. Other major mountainous ranges in China include: the Tianshan, the Kunlun, the Karakorum, the Hengduan, the Qilian, the Gangdise, the Yinshan, the Qinling, the Greater Xing'anling, the Changba; the Nanling and the Taiwan. The Qinghai-Tibet Plateau, the Yunnan-Guizhou Plateau, the Loess Plateau and the Inner Mongolia Plateau are the four major plateaus in China. The Qinghai-Tibet Plateau with an altitude of over 4,000 meters which is known as the "Roof of the World", is the highest plateau in the world. The Northeast China Plain, the North China Plain and the Yangtze River Plain are China's three major plains.

Because of the immense size of the country, the climate varies very much in different parts of China, ranging from tropical subtropical, warm-temperate, temperate to cool-temperate

in character. A great part of China, however, lies within sub-tropical and temperate climatic zones and has a monsoon climate.

The northern part of the northern Heilongjiang Province, for instance, has no summer while inhabitants in southern Hainan Island never experience winter conditions.

Every winter from October to March, frigid winds sweep across China. As a result, winters in China are cold and dry. Between April and September, rainfall, high temperature and winds dominate. The rainfall in different parts of China also varies a great deal. The annual precipitation on the south-eastern seaboard is 1,500 millimeters and it is below 500 millimeters in northwestern China.

(2) Administrative division system

China's administrative units are currently based on a three-level system dividing the nation into provinces, counties and townships as follows:

The country is divided into provinces, autonomous regions and municipalities directly under the Central Government;

A province or an autonomous region is divided into autonomous prefectures, autonomous counties, and/or cities;

A county or an autonomous county is divided into townships, national minority townships, and/or towns.

Municipalities directly under the Central Government and other large cities are divided into districts and counties.

Autonomous prefectures are divided into counties, autonomous regions, autonomous prefectures, and autonomous counties are national autonomous areas.

The Constitution of the People's Republic of China specifically empowers the State to establish special administrative regions when necessary. A special administrative region is a local administrative area directly under the Central Government.

At the end of 1999, China was divided into 23 provinces, 5 autonomous regions, 4 municipalities directly under the Central Government, and 2 special administrative regions.

(3) Chinese timetable

Starting from March 1, 1994, Chinese, who had long been working for 40 hours every week began to work 44 hours or five days a week.

To make the best use of electrical power supplies, which are running short in many cities, employees of many enterprises have to work on Saturdays and Sundays while having weekdays off in lieu.

Office hours are usually between 8 00- 12 00 in the morning and 2: 00 - 6: 00 in the afternoon. In Beijing, the working hours are 1: 00- 5: 00 in the afternoon. There may also be local changes for winter and summer seasons elsewhere.

(4) Chinese traditional festivals, public holidays and vacations

China is a country with many nationalities. Each nationality has its own customs and traditional festivals and each festival usually has fascinating legends associated with it.

Chun Jie (The Spring Festival)

The Spring Festival, or Chinese New Year, is the most important festival in China, and its celebration dates back to some two thousand years ago. It marks the beginning of the lunar year, and is the time when families get together and are reunited if they have been separated. The date of the festival varies each year, but is usually in late January or early February according to the Gregorian calendar.

On Lunar New Year's eve, the sound of fire-crackers can be heard throughout the night signifying "doing away with the old and making way for the new". The practice of letting off firecrackers, however, is on the decline because many cities have banned their use to prevent fires and accidents caused by the paper bombs. It is an old custom for people to stay up late or all night on New Year's eve. In cities, most people stay up late watching TV, playing cards, dancing or preparing food for the next day.

Yuan Xiao Jie (The Lantern Festival)

The Lantern Festival falls 15 days after the Lunar New Year. It is a tradition to hang decorative lanterns in public places and eat "Yuan Xiao", a kind of glutinous rice flour ball with a sweet or savory filling.

Qing Ming Jie (The Pure Brightness Festival)

The Pure Brightness Festival, is the fifth of the 24 solar terms according to the traditional

Chinese calendar, which are defined according to the position of the sun in the zodiac. The festival takes place on the fourth or fifth day of the fourth month of the Gregorian calendar, and on this day people usually go to tidy or "sweep" the graves of their departed friends and relatives, and of revolutionary martyrs.

Duan Wu Jie (The Dragon Boat Festival)

The Dragon Boat Festival falls on the fifth day of the fifth lunar month. It originates as a means to propitiate the river dragon gods into a popular festival commemorating the suicide of Qu Yuan, a poet of the Warring States Period (475 -221BC) who could no longer bear the moral degeneration of his state. On the fifth day of the fifth month in the Lunar calendar dragon boat races are held in commemoration of those who tried to save the poet and as an offering to the river gods. Dragon boat racing has now become a popular sport in China.

Zhong Qiu Jie (The Mid-Autumn Festival)

The Mid-Autumn Festival is held on the 15th day of the eighth Lunar month, the middle of autumn in the traditional Chinese calendar. It takes place at harvest time on the night of the full moon, which symbolized unity. Moon cakes are eaten on this auspicious day. These are round cakes filled with dried fruits, and are symbolic of the perfect roundness of the moon at the time of the festival.

Chong Yang Jie (Double Nine Festival)

Double Nine Festival is a traditional Chinese festival on the 9th day of the 9th month of the Chinese Lunar calendar. In the "Books of Changes", nine (9) is defined as a positive figure ("Yang"), and "Chong" in Chinese means "double", so it is called "Double-Nine Day". On the day people go outing, climbing, kite-flying, drink wine (chrysanthemum wine) and eat cakes.

The day has been appointed as "Senior Citizens' Day", "Nine" pronounces the same sound as "longevity" in Chinese, so on the day when they celebrate the festival people do things to show respect and wishes of longevity to their elderly.

Other festivals:

Water Splashing Festival is New Year's Day of the Dai and some other minority nationalities residing on Hainan Island, which falls on the 15th day of the 6th month of the Dai calendar usually a mid-April day.

Early in the morning during the festival, female villagers would gather to pour water over Buddhist sculptures "to wash the dust off". After that villagers, especially boys and girls would sprinkle water on each other, believing that diseases and germs can thus be eliminated.

Christmas and Easter for Chinese Christians, and Corban and Ramadan for Muslims are also observed among some people in some places"

Public holidays

New Year's Day (one day off);

Frequently Asked Questions And Official Reference Sources.

1. **LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON ENTRY AND EXIT OF ALIENS**
2. **RULES GOVERNING THE IMPLEMENTATION OF THE LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON THE ENTRY AND EXIT OF ALIENS**
3. **INTERIM REGULATIONS ON ANNUAL EXAMINATION AND REGISTRATION OF HOST INSTITUTIONS FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS**
4. **APPLICATION FORM FOR THE QUALIFICATION CERTIFICATE OF THE HOST INSTITUTIONS FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS**
5. **RULES ON APPROVING QUALIFICATION OF HOST INSTITUTIONS TO EMPLOY FOREIGN CULTURAL AND EDUCATIONAL EXPERTS**
6. **ADMINISTRATIVE MEASURES ON THE INTERMEDIARY AFFAIRS OF OVERSEAS ORGANIZATIONS INTRODUCING FOREIGN CULTURAL AND EDUCATIONAL EXPERTS.**

a. **General Provisions**

- i. These measures apply to the overseas organizations introducing foreign cultural and educational experts to work in China.
- ii. Definitions

Spring Festival (three days off);

Labour Day (May 1, three days off);

The National Day (October 1, three days off)

Foreign experts are entitled to the above holidays and many activities are arranged both locally and nationally to which experts will be invited. In addition, experts are entitled to holidays on occasions of important festivals in their own countries, such as Christmas, water-splashing festival, Corban, etc. Work schedules must be arranged to fit in with such holidays, as the Chinese do not normally celebrate them.

b. **Registration**

- i. Any foreign organization that attempts to appoint cultural and educational experts to China must apply for temporary registration.
- ii. The fundamental conditions for application by foreign organization.
- iii. Documents to be submitted when applying for temporary registration.
- iv. State Administration of Foreign Experts Affairs (SAFEA) to review and approve all applications.
- v. Conditions for application for formal registration after 2-years temporary registration.
- vi. SAFEA Registration Certificate.
- vii. Foreign organizations intending to set up permanent office in China.

c. **Responsibilities**

- i. Registered foreign organizations shall develop their agent activities in the area stipulated.
- ii. Foreign organizations may appoint the foreign expert through Chinese agencies that possess the Qualification Certificate.
- iii. The foreign organizations shall train the appointed experts.
- iv. The expert appointed by foreign organizations shall enter into the standard SAFEA employment contract.
- v. The expert appointed is duty bound under the contract.
- vi. The expert shall be in good health and his age no more than 60, he shall have with medical insurance.

- vii. Expert repatriation and substitution.
- d. **Annual review and evaluation**
 - i. Annual evaluation of the foreign business.
 - ii. Cancellation of Certificate of Temporary Registration.
 - iii. Penalties for NGO with Registration Certificate.
 - iv. Annual working summary report
- e. **Encouragement and punishment**

7. INTERIM REGULATORY MEASURES ON THE EMPLOYMENT OF FOREIGN PROFESSIONALS IN SCHOOLS RUN BY NON-GOVERNMENTAL ORGANIZATIONS AND CHINESE-FOREIGN JOINT VENTURE SCHOOLS.

- a. **Qualifications and conditions**
 - i. Schools must apply for qualification
 - ii. Transfer of responsibility
 - iii. Documents required by applicant school for qualification
- b. **The procedure and range**
 - i. The procedure of application for qualification of employing foreign experts
 - ii. Application for qualification of employing foreign professionals by Chinese schools
 - iii. Application for qualification of employing foreign professionals by foreign international schools
- c. **Administration enforcement**
 - i. Protection of the legitimate rights and interests of both school and foreign professionals
 - ii. Chinese-foreign joint venture schools should hand in a bail of RMB10,000
 - iii. Any employment of foreign professionals by unqualified institutions will be regarded as illegal and shall be punished
- d. **Annual examination and evaluation**
 - i. All schools holding the qualification of employing foreign professionals should take part in the annual examination
 - ii. Institutions that fail to fulfill the obligations to foreign professionals will not pass the

annual examination and their registration will be suspended or even revoked.

8. INTERIM MEASURES FOR THE ADMINISTRATION OF EMPLOYMENT CONTRACTS FOR FOREIGN EXPERTS WORKING IN THE CULTURAL AND EDUCATIONAL FIELDS

- a. **General provisions**
 - i. The Measures are in accordance with the Constitution of the People's Republic of China.
 - ii. The Measures apply to the contracts for employment of foreign experts working in the cultural and educational fields.
- b. **Drafting the contract**
 - i. Letter of confirmation
 - ii. Particulars to be specified in the contract
 - iii. Appendixes
 - iv. Must be practical and applicable
 - v. Contract to provide a guaranty
 - vi. Invalid Contracts
 - vii. Compensation
 - viii. Contract may be notarised.
- c. **Execution of a Contract**
 - i. A contract shall be legally binding on both parties.
 - ii. A party may temporarily suspend its performance of the contract.
 - iii. Right to claim damages
 - iv. Right to claim compensation.
 - v. Breach by both parties.
 - vi. Immediate action.
 - vii. Force majeure
- d. **Modification, Rescission And Termination**
 - i. Agreement through consultation.
 - ii. Contract rescission
 - iii. Contract termination
 - iv. Notices
 - v. Changes not to affect rights
 - vi. Validity.
- e. **Settlement of disputes**
 - i. Settlement of disputes
 - ii. The Arbitration Commission

9. SAFEA EMPLOYMENT CONTRACT - SAMPLE.

10. REFERENCE SAMPLE OF THE APPENDIX OF STANDARD WORK CONTRACT FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS.

- a. Work assignment
- b. The salary treatment
 - i. Direct payment
 - ii. Indirect payment
- c. Work Time, Rest and Holidays
- d. Sick leave and private affairs leave
- e. The Probation period of the Contract and the Credit Bail.
- f. Other items that the two parties think not covered by the standard contract.

11. NOTICE FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS WORKING IN CHINA.

- a. **Preparation before coming to China**
 - i. Mental preparation
 - ii. Material preparation
- b. **Provide evidential documents**
- c. **Employment Contract**
- d. **Issue of official travel papers**
 - i. Applying for visa
- e. **Residency Permit**
 - i. Extension
 - ii. Change of employer
 - iii. Temporary exit and re-entry
- f. **Foreign Experts Certificate**
 - i. Term of validity
 - ii. Invalid on change of employment
 - iii. Only valid in one city or jurisdiction
- g. **Foreign Expert must use SAFEA Employment Contract**
 - i. Contract must be original contract
 - ii. Contract must be in Writing
 - iii. Sign before traveling to China or taking office if in China
 - iv. Maximum stay in China is 5 years
 - v. Probation period of 60 days
- h. **Contract Appendix stipulations**
 - i. No ambiguity
 - ii. Matters to include
 - iii. Equal validity with contract
 - iv. Must be signed by both parties
- i. **Salary and treatment**
 - i. Method for calculating salary
 - ii. Amount that can be converted to foreign currency
 - iii. Taxation requirement
 - iv. Minimum salary
- j. **Indirect payments**
 - i. Accommodation
 - ii. Medical expenses
 - iii. Local transport costs
 - iv. International Airfare
 - v. Excess baggage

- k. **Working time, rest & holidays**
 - i. The working time of the foreign expert
 - ii. Overtime payments
 - iii. National holidays of China
 - iv. Other National holidays
 - v. Four weeks annual holiday
 - vi.
- l. **Sick leave & Private Affair Leave**
 - i. Sick leave entitlement
 - ii. Excessive sick leave and employers right to dissolve contract or reduce salary
 - iii. Who bears cost
 - iv. Private affairs leave (Limitations)
- m. **Dispute resolution**
 - i. Friendly consultation
 - ii. SAFEA Contract – Arbitration
 - iii. Non-SAFEA contract – Special requirements
- n. **Foreign Expert IPR provisions**
 - i. Foreign Expert IPR to be respected and protected
 - ii. China Law protecting IPR
 - iii. International conventions
- o. **Insurance in China**
- p. **Medical Care in China**
- q. **An Outline of China**
- r. **Festivals in China**
- s. **Public Holidays**

Practical Questions & Answers

12. Foreign Cultural and Educational Experts and the Administrative Office in Charge of foreign Experts Affairs.
- a. Design and implement strategies for Foreign Experts
 - b. Compiling and supervising plans
 - c. Supervising, coordinating and executing state key plans
 - d. Organizing and implementing key overseas training programs.
 - e. Establishing international liaison and cooperation ties with foreign governments
 - f. Identifying and registering intermediary institutions
 - g. Supervising and coordinating talent import projects
 - h. Establishing foreign intellectual resources introduction service system
 - i. Establishing the systems to appraise and popularize advanced techniques

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.1

Meaning of term "foreign Experts"

13. What is the meaning of the term "foreign cultural and educational experts" or the "foreign teachers"?
14. What requirements foreign cultural and educational experts or foreign teachers should meet for working in China?
15. Which department is in charge of the foreign experts affairs?
16. The Qualification Recognition and Annual Review of the Host Institution for foreign Cultural and Educational Experts
17. What conditions that the host institutions for foreign cultural and educational experts shall meet?
18. How should the institutions that gain the Qualification Certificate of Employing Institutions for Foreign Cultural and Educational Experts handle the annual reviews and registration?
19. How could the institution intending to employ foreign cultural and educational experts apply for the Qualification Certificate?

Administration of Entry and Exit

20. What are the fundamental principles of Law on the Entry and Exit of Aliens of the People's Republic of China?
21. What are the regulations on the entry, pass and residence of aliens?
22. How could the foreign experts apply for their entry visas?
23. How many types of visas are offered in China?
24. How to apply for visa Z for the foreign experts who enter China for work?
25. What certifications shall be provided when applying for visa?
26. What punishment could be imposed on those foreign experts who reside or stay in China exceeding the time limit?
27. What should the foreign expert pay attention to when leaving China?
28. Under what circumstances could the term of foreign experts' stay in China be curtailed or the status of residence in China be cancelled?
29. What are the quarantine regulations of sanitation and health for foreign cultural and educational experts?
30. What is the employment term under which foreign expert working in China must present the health certificate?
31. How to handle the concrete procedures on the health certificate that the foreign experts are required to present?
32. What to do in case the foreign experts fail to undergo the AIDS Serological Examination for lack of necessary conditions before coming to China?

33. The diseases with which the foreigners are prohibited from entry into China.
34. What to do in case the foreign experts are found "after arrival in China" suffering from serious chronic diseases and unable to continue the normal work?
35. Which kinds of aliens are prohibited from entry?
36. Categories of aliens denied exit from China
37. What are the customs regulations on foreign experts' bringing in and taking out luggage and daily necessities?
38. What are the customs regulations on the bringing in and taking out of gold, silver and products made thereof by foreign experts?
39. What Chinese laws and regulations on foreign experts' bringing in animals, plants and their products?
40. What items are prohibited from entering China?
41. What items are prohibited from exiting from China?
42. What are the regulations on foreign experts' taking cultural relics out of the country?

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.2

Credentials for foreign Cultural and Educational Experts and Their Procedures

43. What is a Foreign Experts Invitation Confirmation?
44. What offices issue a Foreign Experts Invitation Confirmation?
45. How to apply for a Foreign Experts Invitation Confirmation?
46. How to use a Foreign Experts Invitation Confirmation?
47. What is a Foreign Experts ID Card?
48. How to obtain a Foreign Experts ID Card?
49. What is a Foreign Experts Certificate?
50. How to apply for the Foreign Experts Certificate?
51. What are the points for attention in issuing the foreign experts documents?
52. What procedure should be followed in obtaining residence permit for foreign experts?
53. What are the differences between residence permit and temporary residence permit for foreign experts?
54. What to do in case items in the residence permit for foreigners change?
55. How to extend visa or residence card?
56. What credentials should foreign experts bring and what procedures to go through when traveling?

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.3

Management of Employment Contracts

57. Foreign experts' rights and duties
58. What are included in the new standard contract for employment of foreign cultural and educational experts?
59. What is the most appropriate time for contract signing?
60. What if one party of the contract requires modification of the contract?
61. What if one party of the contract requires termination of the contract?
62. What if one party of the contract requires signing a new contract?
63. Under what circumstances should the parties pay the bail (credit bail)?
64. Under what circumstances may the employer terminate the contract?
65. What if the cultural and educational expert refuses to sign the contract after coming to China?
66. What if a foreign cultural and educational expert terminates the contract without permission and takes a position in another institution without permission?

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.4

The Salary for foreign Cultural and Educational Experts

67. What are the main criteria for evaluating and grading a foreign cultural and educational expert's salary?
68. What is the current guiding salary standard for a foreign cultural and educational expert?
69. What is the foreign exchange rate in the monthly salary of foreign cultural and educational experts?
70. When may an employed expert change foreign currency?

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON INDIVIDUAL INCOME TAX

An individual shall pay individual income tax in accordance with the provisions of this Law for his incomes obtained in the territory of China.

71. When is a foreign expert obliged to pay personal income tax?
72. How much personal income tax does a foreign expert pay?

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.5

Compensation for Foreign Cultural and Educational Experts (hereafter referred to as foreign experts] on Such Expenses as

Transportation, lodging, Health Service, and Holidays

73. What is the arrangement for the international travel expenses for foreign experts and their families?
74. What if the foreign expert buys the air ticket to China himself?
75. Who shall be responsible for the expenses for room and board of the foreign experts on their way to China?
76. Who shall be responsible for the transportation expenses of reference books, files" materials and teaching apparatus etc of foreign experts coming to China?
77. How shall the host institutions bear the transportation expenses of luggage of foreign experts?
78. Who shall be responsible for the insurance premium for the luggage carried by sea when foreign experts leave China?
79. What kind of housing shall be provided for foreign experts?
80. How to deal with long-term sick leave of foreign experts?
81. What if foreign experts require a certain vaccination?
82. What expenses shall be covered for foreign experts entitled to free medical service?
83. Shall medical expenses for treatment in hospitals other than the appointed one be reimbursed?
84. Shall transportation be provided for experts to hospital?
85. Who shall be responsible for expenses of physical examination for foreign experts?
86. What are the provisions on foreign experts' demission allowance?
87. How long is the vacation and how much is the vacation allowance for foreign experts working for one year in China?
88. What holidays are foreign experts working in China entitled to?

GUIDE TO EMPLOYMENT OF FOREIGN EXPERTS REGULATION NO.6

Administration on the daily work of foreign experts

89. What formalities shall be gone through in recruiting foreign experts or foreign workers who have already worked in China?
90. What are the teaching schedule and work time for foreign experts?
91. What if foreign experts change class schedule without permission or ask another teacher as substitute?
92. What if foreign experts ask for leave of absence or stay away from work without leave?
93. Shall foreign experts be allowed to attend

- the assembly convened by embassy or consulate in teaching time?
94. May foreign experts be appointed positions of importance?
 95. May foreign experts attend or organize lectures or seminars?
 96. What if foreign experts give lectures or participate in teaching exchange activities without the host institution's approval?
 97. Are documentaries, video-tapes and movies etc for teaching purposes provided by foreign experts allowed to be shown?
 98. How to deal with strikes by foreign experts?
 99. What's China's religion policy for foreign experts?
 100. How many types of rewards are there to foreign experts?
 101. Requirements for Friendship Award

102. HOLIDAYS AND FESTIVALS IN CHINA

- i. National Holidays in China
- ii. About Holidays and Vacations
- iii. Understanding National Holidays and Vacations in China.
- iv. Note for Foreign Experts
- v. About Chinese Festivals and Events

103. INTERIM REGULATIONS ON ANNUAL EXAMINATION AND REGISTRATION OF HOST INSTITUTIONS FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS

104. APPLICATION FORM FOR THE QUALIFICATION CERTIFICATE OF THE HOST INSTITUTIONS FOR FOREIGN CULTURAL AND EDUCATIONAL EXPERTS

105. RULES ON APPROVING QUALIFICATION OF HOST INSTITUTIONS TO EMPLOY FOREIGN CULTURAL AND EDUCATIONAL EXPERTS

106. PROVISIONS ON THE ADMINISTRATION OF RELIGIOUS ACTIVITIES OF ALIENS WITHIN THE TERRITORY OF THE PEOPLE'S REPUBLIC OF CHINA

- i. China respects the freedom of religious belief of aliens.
- ii. Aliens may participate in religious activities in China.

- iii. Aliens may hold religious activities.
- iv. Aliens within Chinese territory may invite Chinese religious personnel.
- v. Aliens entering Chinese territory may carry religious printed matter.
- vi. Aliens within Chinese territory may recruit the persons to study abroad.
- vii. Aliens who conduct religious activities in China.
- viii. Where aliens conduct religious activities that violate these Provisions.
- ix. Chinese citizens residing abroad.

107. RULES FOR THE IMPLEMENTATION OF THE PROVISIONS ON THE ADMINISTRATION OF RELIGIOUS ACTIVITIES OF ALIENS WITHIN THE TERRITORY OF THE PEOPLE'S REPUBLIC OF CHINA.

- i. Aliens in China.
- ii. Religious activities of aliens in China.
- iii. China respects the freedom of religious belief of aliens.
- iv. Aliens may participate in religious activities.
- v. Aliens visiting China as religious personnel may preach and expound the scripture.
- vi. Foreign religious personnel who are invited to preach and expound the scripture shall abide by the administrative rules.
- vii. The collective religious activities of aliens.
- viii. Friendly contacts with Chinese religious circles.
- ix. Foreign religious organizations that have no corresponding legitimate Chinese religious organizations must get approval.
- x. Aliens within Chinese territory may invite Chinese religious personnel to conduct religious ceremonies.
- xi. Aliens entering Chinese territory may carry religious articles passed by the customs based on certificates issued...
- xii. It is prohibited to bring religious printed matter, religious audio-visual products and other articles other than for personal

- xiii. use.
Enrolment of study abroad or capital provided to China by foreign organizations.
- xiv. Studying at Chinese religious institutions.
- xv. Teaching at Chinese religious institutions

- xvi. Aliens may not establish religious organizations.
- xvii. Aliens may not engage missionary activities.
- xviii. International religious organizations.
- xix. Aliens that violate the Rules.

Holidays and Festivals in China

National Holidays in China

- January 1-3 New Year's Day.
- New Moon Spring Festival, Chinese New Year.
- May 1-7 Labor Day.
- October 1-7 National Days

Note: In addition to the above, certain groups have official public holidays on the following dates (other holidays may be observed locally):

- March 8 International Women's Day (Women only).
- May 4 National Youth Day.
- June 1 International Children's Day.
- August 1 Army Day.
- September 10 Teachers Day (Teachers only)

About Holidays and Vacations:

Legal holidays in China are New Year (January 1st), a national one-day holiday; Spring Festival (New Year by the lunar calendar), a national three-day holiday; International Working Women's Day (March 8th); Tree Planting Day (March 12th); International Labor Day (May 1st), a national three-day holiday; Chinese Youth Festival (May 4th); International Children's Day (June 1st); Anniversary of the Founding of the Chinese People's Liberation Army ("PLA") (August 1st); Teacher's Day (September 10th); and National Day (October 1st), a national three-day holiday.

China's major traditional festivals include the Spring Festival, the Lantern Festival, Pure Brightness Day, the Dragon Boat Festival and the Mid-Autumn Festival. Ethnic minorities have also retained their own traditional festivals, including the Water Sprinkling Festival of the Dai people, the Nadam Fair of the Mongolian people, the Torch Festival of the Yi people, the Danu (Never Forget the Past) Festival of the Yao people, the Third Month Fair of the Bai people, the Antiphonal Singing Day of the Zhuang people, the Tibetan New Year and

Onghor (Expecting a Good Harvest) Festival of the Tibetan people, and the Jumping Flower Festival of the Miao people.

Spring Festival

Spring Festival is the most important festival for Chinese people. It is a time when all family members get together, very much like Christmas in the West. Those living away from home return home for this holiday, making it the busiest time for transportation systems of about half a month. Airports, railway stations and long-distance bus stations are crowded with people returning home. Spring Festival falls on the 1st day of the 1st lunar month, often one month later than the Gregorian calendar. It originated in the Shang Dynasty (c. 1600 BC-c. 1100 BC) from people's sacrifice to gods and ancestors at the end of an old year and the beginning of a new one. Strictly speaking, Spring Festival starts every year in the early days of the 12th lunar month and will last till the mid 1st lunar month of the next year. Of these days, the most important are Spring Festival Eve and the first three days. The Chinese government has established a three-day holiday around Spring Festival or the Chinese Lunar New Year. Many customs accompany Spring Festival. Some are still followed today, but others have weakened. But most people in China attach great importance to Spring Festival Eve. At that time, all family members eat dinner together. The meal is more luxurious than usual. After dinner, it is customary for the whole family to sit around, chatting and watching TV. In recent years, the Spring Festival party broadcast on China Central Television Station ("CCTV") is essential entertainment for Chinese both at home and abroad as Chinese family stay up to see the New Year in. The lively atmosphere during Spring Festival also permeates the streets and lanes. Activities such as lion dancing, dragon lantern dancing, lantern festivals and temple fairs are held for days. Spring Festival comes to an end when the Lantern Festival ends.

Lantern Festival

During the Spring Festival, people visit each other, with a great deal of exchanging of gifts.

Then the festive atmosphere of New Year begins to wind down 15 days later as the Lantern Festival sets in. This festival, believed to have Daoist origins, is for people to just have fun – carrying lanterns into the street, watching lions or dragon dancing, playing Chinese riddles and games, and lighting firecrackers. A typical food is *tangyuan*, a kind of dumplings made of sweet rice rolled into balls and stuffed with sweet fillings. The Lantern Festival marks the end of the New Year season and afterwards life returns to its daily routine.

Pure Brightness Day

Pure Brightness Day falls around April 5th every year. Traditionally, this is an occasion for people to offer sacrifices to their ancestors. In recent years, many people go to the tombs of revolutionary martyrs to pay their respects. At this time of year the weather has begun to turn warm, and the flowers are beginning to bloom. People like to take walks, fly kites and appreciate the beauty of spring.

Dragon Boat Festival

The fifth day of the fifth lunar month, Dragon Boat Festival is celebrated everywhere in China. This festival dates back to about 2,000 years ago with a number of legends explaining its origin, but the best-known story centers on a great patriotic poet named Qu Yuan (c. 340-278 B.C.), who lived in the State of Chu during the Warring States Period. In despair at not being able to halt the decline of the state, he drowned himself in the Miluo River in modern Hunan Province on the fifth day of the fifth lunar month after the capital of Chu fell to the State of Qin. Legend has it that after Qu Yuan's death, people living on the banks of the river went out in their boats to try to find the corpse. Every year thereafter, on this day people would row their boats out onto local rivers, throwing sections of bamboo filled with rice into the water as an offering to him. Today, the memory of Qu Yuan lives on, *zongzi* (pyramid-shaped dumplings made by wrapping glutinous rice in bamboo leaves) remains the traditional food and dragon-boat races are held.

Mid-Autumn Festival

The Mid-Autumn Festival falls on the 15th day of the eighth lunar month, which comes right in the middle of autumn, hence its name. In ancient times, people on this day offered elaborate cakes as sacrifices to the Moon Goddess. After the ceremony, the family would enjoy sitting together to eat the pastries known

as "moon cakes." The festival came to symbolize family reunion, as did the "moon cakes," and the custom has been passed down to today.

Understanding National Holidays and Vacations in China.

Spring Festival Vacation

Reason: To celebrate start of New Year and advent of Spring.

Other names: Lunar New Year, Chinese New Year

Starts at first New Moon of the Year and finishes with the Lantern Festival.

The New Year festivities and official vacation last for 14 days from New Moon until first full moon, which is called the Lantern Festival.

May Vacation

Reason: To celebrating the Workers of the world.

Other names: Labour Day, International Workers Day.

Starts 1st May.

National Day Vacation

Reason: Celebration of founding of the People's Republic on 1 October 1949

Other names: October Vacation

Starts 1 October

Understanding National Vacations

The National Vacations in May and October are officially for three working days, May 1-3 & October 1-3; however, **beginning in 2001** the Central Government introduced a system that allows for the vacation period to be extended to seven days – creating what has been dubbed "Golden Weeks".

By working the weekend before the vacation period, and adding those two days to the three official days, plus adding the weekend that would fall after this period extends the Vacation to seven days.

3 Days (Official National Holiday)
+
2 Days (the Weekend before)
+
2 Days (the weekend after)

= 7 Days

Note for Foreign Experts:

Foreign Experts are allowed a further two days per year to celebrate their religious festivals/holidays. See *Notice for Foreign Cultural and Educational Experts working in China* for full details.

The foreign expert shall enjoy the following holidays and festivals in China:

- New Year's Day, Spring Festival, Labour Day, National Day and other holidays stipulated by laws and regulations
- The foreign expert may enjoy such festivals and holidays as the followings according to other nationalities and religions two days for Christmas, three days for Butcher Day (Corban Day), one day for Meat Diet Resume Day and one day for Water-splashing Festival.
- The foreign expert may enjoy the annual holiday with payment where the contract term of the foreign expert is one year, *the holiday with payment shall be four weeks*. Where the expert works in an educational institution and the contract term is one academic year, he may enjoy one holiday (winter holiday or summer holiday) in the institution with payment.

Many organisations in China; government instrumentalities, commercial offices, manufacturers and educational institutions work Saturdays and Sundays as part of a normal work week. If your religion precludes work on Saturdays, and you refuse to work on an occasional Saturday, you should seek employment other than China.

About Chinese Festivals and Events

New Year's Eve: In cities throughout China; dances, music, acrobatics, comedy, folk customs and visits to historical sites.

January 1st: Striking Bells To Welcome The New Year, Hangzhou (Zhejiang), bells are struck to welcome New Year, dragon and lion dances, decorated boats on beautiful West Lake.

January - February: Harbin Ice And Snow Festival, Harbin (Heilongjiang): giant ice sculptures, lit with colored lanterns standing in city square and along river, winter/ice

swimming, ice hockey, skiing, film festival, folk ceremonies on ice.

January (Early): Jilin Rime Festival, Jilin (Jilin): colorful ice lanterns, ice and snow games, fireworks, parade of boats, Manchu and Korean dances.

January 15 - February 28: Beijing Longqing Gorge Ice and Snow Festival, Longqing (Beijing): ice lanterns, fireworks, ice fishing.

February (Early): Spring Festival Flower Fair, Guangzhou (Guangdong): flower markets throughout the city.

February (Early): Spring Festival: ushering in the lunar new year.

February (Mid): Buddhist Assembly At Labrang Monastery, Xiahe (Gansu): Monks of the Gelug Sect of Tibetan Buddhism perform ritual dances, chant scriptures.

February (Late): assemblies In Taper Lamasery, Huangzhong (Qinghai): Tibetans celebrate Destruction of Death, display large Buddhist images, butter flowers exhibition, Buddhist scriptures chanted, ritual dances.

February-march: Lantern Festival, Zigong (Sichuan): lanterns of bamboo, silk, paper, porcelain dragons, glass peacocks.

April (Early): Hainan International Coconut Festival, throughout Hainan Island: lantern festival, dragon boat races, martial arts contests, Miao and Li ceremonies.

Third Day Of The Third Lunar Month: Li people of Hainan in archery contests, singing bamboo dancing.

April (Early): Dragon Boat Festival Qintong Town, Yangzhou City (Jiangsu): boat races, Operas, lion and dragon dances.

April (Month Long): Guizhou Azalea Festival, Qianxi and Dafang Counties(Guizhou): bonfires, minority folk dances visit Huangguoshu Waterfall.

April (Mid): Water Splashing Festival Of Dai People, Xishuangbanna (Yunnan): dragon boat races, fireworks, dances and splashing with water.

April (Month Long): Peony Fair, Luoyang (Henan: 350 varieties of peony on display in

place where peonies first cultivated 1,400 years ago. Exhibitions of lanterns, paintings, calligraphy and photographs of the flowers.

April (Late): Chang'an Annual International Calligraphy Meeting, Xi'an (Shaanxi): Chinese and foreign calligraphers display work, discuss four treasures, visit historic carved stones.

April(late): Weifang International Kite Festival, Weifang (Shandong): kite contests, demonstrations, visit to Kite Museum.

April(late): (Also Early October) Fijian Mazu Festival, Meizhou island (Fujian): birthday of goddess of the sea Maze, prayers and offering at shrines.

April (Month Long): Guangxi International Folk Song Festival, Nanning City or Liuzhou City (Guangxi): folk songs, contests and fair.

May (Late): Dalian Chinese Locust Blossom Festival, Dalian (Liaoning): flower viewing, folk performances, sports.

June (Mid): International Dragon Boat Festival, Yueyang (Hunan): crews from around the world compete in dragon boat races on South Lake.

June (Late): Torch Festival of Yi Minority, Shicun Town & Chuxiong City (Yunnan): archery, horse races, bullfights, wrestling, bonfires, performances of Yi instruments.

June - July: Carnivals in Beijing, Guangzhou, Shanghai, Shenzhen, Zhuhai and 17 holiday resorts stage dances, operas, acrobatics.

June - July: Daxing County Watermelon Festival, Daxing (Beijing): watermelon tasting, folk performances, visits to farmers' houses.

July (Early): Double Six Folk Song Fair, Xining (Qinghai): thousands of ethnic musical groups perform folk songs.

July (Mid): Jiayuguan Pass International Hang Glider Festival, Jiayuguan Pass (Gansu): hang gliding and Gobi Desert.

July 15 - August 30: Nadam Grassland Tourist Festival, Inner Mongolia, Mongolian games with horse races, archery, wedding ceremonies, optional visit to Genghis Khan mausoleum.

July (Late): Torch Festival Of Yi Minority, Liangshan (Sichuan): horse races, singing contests, torch-light parade, bonfire.

July 25 - August 25: Mt Wutai International Tourist Month, Taibuai, Wutai County (Shanxi): mule and horse fair, Buddhist activities folk entertainment.

July - August: China Guizhou Famous Liquor And Wine Festival. Zunyi City & Shizhang Caves (Guizhou), museum of wine, Maotai brewery, visit to caves and waterfalls.

August (Late): Xinjiang Grape Festival, Turpan (Xinjiang): Uygur minority ceremonies and dances, hami melon contest, visits to vineyards.

August (Late): Tibetan Horse Race Festival, Nagqu (Tibet): horse races, mounted archery and horsemanship.

August (Late): China Changchun International Film Festival, Changchun (Jilin): Chinese and foreign films shown and appraised.

August (Mid): Qingdao International Beer Festival, Qingdao (Shandong): beer tasting fair, fireworks, fashion shows, sports contests.

August (Mid): Temple Fair, Jinhua (Anhui): Buddhist ceremonies and symposium, produce fair.

August: Tibetan Shotan Festival, Lhasa (Tibet): display of Buddhist images, operas, yogurt banquets.

August - October: Shopping Festivals in Beijing, Shanghai and Guangzhou. Symphony Concerts performed by foreign and Chinese orchestras, in Forbidden City, Temple of Heaven, Summer Palace and on the Great Wall.

September (Mid): Zhangjiajie International Forest Festival, Zhangjiajie (Hunan): nature trails, white-water rafting, rock climbing.

September (Late): Suzhou Silk Tourist Festival, Suzhou (Jiangsu): silk exhibitions, trade talks.

September (Late): Shanghai Tourist Festival, Shanghai: parade of floats, open air concerts, symposiums, tea cure exchange, Shanghai Citizen for a Day.

September - October: China Tourist Festival in Guangzhou: city festival, dance and stage entertainment, contests, shopping tours.

September - October: Hubei Three Gorges Art Festival, Yichang (Hubei): tours of Three Gorges, culture exhibitions, trade fair.

September - October: Qufu International Confucius Culture Festival, Qufu(Shandong): birthday of Confucius, memorial service, ancient music, exhibitions, seminars, visits to Confucian tombs.

September: Xi'an Ancient Culture Art Festival, Xi'an(Shaanxi): exhibitions, folk performances, trade fair.

September: International Qiantang River Tide-observing Festival, Yangguan, Hangzhou (Zhejiang): watch water reverse and thunder Lip river.

September: Zhengzhou International Shaolin Martial Arts Festival, Zhengzhou(Henan): martial arts demonstrations, displays and contests, folk art and customs.

September: Dalian International Fashion Festival, Dalian(Liaoning): fashion shows, trade fair, design competition, exhibitions.

October (Mid): Jingdezhen international Pottery And Porcelain Festival, Jingdezhen(Jiangxu): World Pottery Technique Competition, exhibition of pottery and pottery making, porcelain making techniques, contests, demonstrations and crafts for sale.

October: Huangshan Mountain International Tourist Festival, Huangshan(Anhui): lantern festival, tour of mountains, folk performances, trade fair.

October: Baoding Health Building Festival For Seniors, Baoding(Hubei): senior citizens do Tai Ji exercises in parks, visit Qigong hospital, Martial Arts Hall and Medicine King Temple, taste traditional health foods.

November: Guilin Scenery Festival Guilin(Guangxi): lantern festival on Li River, bonfire party, traditional song and dance.



Teachers Law of the People's Republic of China

CHAPTER I

GENERAL PROVISIONS

Article 1

This Law is formulated for the purpose of safeguarding teachers' legitimate rights and interests, building up a contingent of teachers who are sound in moral character and good in professional competence, and promoting the development of socialist education.

Article 2

This Law shall apply to teachers specially engaged in education and teaching at schools of various levels and categories or other institutions of education.

Article 3

Teachers are professionals who exercise the functions of education and teaching and are charged with the duty of imparting knowledge and educating people, training builders and successors for the socialist cause and enhancing the quality of the nation. Teachers shall devote themselves to the educational cause of the people.

Article 4

People's governments at various levels shall adopt measures to strengthen ideological and political education and professional training of teachers, improve their working and living conditions, safeguard their legitimate rights and interests and raise their social status. Teachers shall be respected in the whole society.

Article 5

The administrative department of education under the State Council shall be in charge of the work concerning teachers in the whole country.

The departments concerned under the State Council shall, within the scope of their functions

and powers, be responsible for the relevant work concerning teachers.

Schools and other institutions of education shall administer the affairs of teachers on their own according to the relevant provisions of the State.

Article 6

September 10 of each year is designated as Teachers' Day.

CHAPTER II

RIGHTS AND OBLIGATIONS

Article 7

Teachers shall enjoy the following rights:

- (1) to conduct educational and teaching activities and carry out reform and experiment in education and teaching;
- (2) to engage in scientific research and academic exchanges, join professional academic societies and fully express their views in academic activities;
- (3) to give guidance to students in their studies and development and evaluate students' conduct and academic achievements;
- (4) to obtain salaries and remunerations on schedule and enjoy the welfare benefits prescribed by the State and the leave with pay in winter and summer vacations;
- (5) to put forward opinions and suggestions regarding education, teaching, management of schools and the work of the administrative departments of education; and to participate in the democratic management of schools through congresses of teachers, staff and workers, or through other forms; and
- (6) to take refresher courses or other forms of training.

Article 8

Teachers shall perform the following obligations:

- (1) to abide by the Constitution, laws and professional ethics, and be paragons of virtue and learning;
- (2) to implement the educational policies of the State, observe relevant rules and regulations, carry out schools' teaching plans, fulfill teaching contracts and accomplish educational and teaching tasks;
- (3) to conduct education among students in the basic principles defined in the Constitution, education in patriotism, national unity and the

legal system, and education in ideology, morality, culture, science and technology, and to organize and lead students to engage in beneficial social activities;

(4) to concern themselves with all students, love them, respect their dignity and promote their all-round development in such aspects as morality, intelligence and physique;

(5) to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests, criticise and combat the phenomena that impair the sound growth of students; and

(6) to ceaselessly raise their ideological level and political consciousness and improve their professional competence in education and teaching.

Article 9

To guarantee that teachers complete their educational and teaching tasks, people's governments at various levels, administrative departments of education, relevant departments, schools and other institutions of education shall perform the following functions and duties;

- (1) to provide educational and teaching facilities and equipment that are up to the safety standards set by the State;
- (2) to provide necessary books, reference materials and other articles for education and teaching;
- (3) to encourage and help teachers in their creative work in education, teaching and scientific research; and
- (4) to back up teachers in their efforts to stop acts that are harmful to students and other acts that encroach upon students' legitimate rights and interests.

CHAPTER III

QUALIFICATIONS AND EMPLOYMENT

Article 10

The State shall institute a system of qualifications for teachers.

All Chinese citizens, who abide by the Constitution and laws, take a keen interest in education, have sound ideological and moral character, possess a record of formal schooling as stipulated in this Law or have passed the national teachers' qualification examinations, have educational and teaching ability may, after being evaluated as qualified, obtain qualifications for teachers.

Article 11

To obtain qualifications for teachers, corresponding records of formal schooling are required as follows:

- (1) to obtain qualifications for a teacher in a kindergarten, one shall be a graduate of an infant normal school or upwards;
- (2) to obtain qualifications for a teacher in a primary school, one shall be a graduate of a secondary normal school or upwards;
- (3) to obtain qualifications for a teacher in a junior middle school, or a teacher for general knowledge courses and specialized courses in a primary vocational school, one shall be a graduate of a specialized higher normal school, or other colleges or universities with two or three years' schooling or upwards;
- (4) to obtain qualifications for a teacher in a senior middle school, or a teacher for general knowledge courses and specialized courses in a secondary vocational school, technical school or a vocational high school, one shall be a graduate of a normal college or other colleges or universities with four years' schooling or upwards; the corresponding record of formal schooling for the qualifications of instructors who give guidance to students' fieldwork at secondary vocational schools, technical schools or vocational high schools shall be prescribed by the administrative department of education under the State Council;
- (5) to obtain qualifications for a teacher in an institution of higher learning, one shall be a postgraduate or university graduate; and
- (6) to obtain qualifications for a teacher for adult education, one shall be a graduate respectively of an institution of higher learning, a secondary school or upwards depending on the level and category of the adult education.

Citizens who, without the records of formal schooling for teachers' qualifications as stipulated in this Law, apply for teachers' qualifications must pass the national teachers' qualification examinations. The national teachers' qualifications examination system shall be prescribed by the State Council.

Article 12

The administrative department of education under the State Council shall work out transition measures on qualifications for teachers who, before the enforcement of this Law, have been teaching at schools or other institutions of education, but do not have the record of formal schooling as stipulated in this Law.

Article 13

The qualifications for teachers in primary and middle schools shall be evaluated and approved by the administrative departments of education under the local people's governments at or above the county level. The qualifications for teachers in secondary vocational schools and technical schools shall be evaluated and approved by the relevant competent departments, under the auspices of the administrative departments of education under the local people's governments at or above the county level. The qualifications for teachers of regular institutions of higher education shall be evaluated and approved by the administrative departments of education under the State Council, or of provinces, autonomous regions, or municipalities directly under the Central Government, or by schools authorized by such departments.

If a citizen who possesses a record of formal schooling as stipulated in this Law, or who has passed the national teachers' qualification examinations, requests the departments concerned to evaluate and approve his qualifications for teachers, the departments concerned shall give evaluation and approval in accordance with the requirements provided for in this Law.

Those with qualifications for teachers who are for the first time appointed as teachers shall undergo a probation period.

Article 14

Those who have been deprived of political rights or subjected to fixed-term imprisonment or even more severe punishment for intentional crime shall not be allowed to obtain qualifications for teachers; and those who have already obtained qualifications for teachers shall forfeit such qualifications.

Article 15

Graduates of normal schools at various levels shall be engaged in education and teaching in accordance with the relevant provisions of the State.

The State shall encourage graduates of non-normal schools of higher learning to teach at primary and secondary schools or vocational schools.

Article 16

The State shall institute a system of professional titles for teachers. The specific measures shall be worked out by the State Council.

Article 17

Schools and other institutions of education shall gradually institute a system of appointment for teachers. Appointment of teachers shall be based on the principle of equality between both parties. The school and the teacher shall sign an appointment contract defining each other's rights, obligations and responsibilities.

Steps and measures for implementing the appointment system for teachers shall be formulated by the administrative department of education under the State Council.

CHAPTER IV

CULTIVATION AND TRAINING

Article 18

People's governments at various levels and the departments concerned shall make a success of normal school education and adopt measures to encourage outstanding youth to study at normal schools at various levels. Schools for teachers' advanced studies at different levels shall undertake the task of training teachers for primary and secondary schools.

Non-normal schools shall undertake the task of cultivating and training primary and secondary school teachers.

Students of normal schools at various levels shall enjoy professional scholarships.

Article 19

The administrative departments of education under the people's governments at various levels, the departments in charge of school affairs and the schools shall work out teachers' training programmes and conduct various forms of ideological, political and professional training among teachers.

Article 20

State organs, enterprises, institutions and other social organizations shall provide convenience and assistance to teachers in their social investigation and social practice.

Article 21

People's governments at various levels shall adopt measures to cultivate and train teachers for regions inhabited by national minorities and for outlying and poverty-stricken areas.

CHAPTER V

ASSESSMENT

Article 22

Schools or other institutions of education shall conduct assessment of teachers' political awareness and ideological level, professional qualifications, attitude towards work and their performances. The administrative departments of education shall guide and supervise the assessment work for teachers.

Article 23

Assessment shall be conducted in an objective, fair and accurate manner and in the process of assessment, opinions from teachers themselves, their colleagues and students shall be taken into full consideration.

Article 24

The assessment results shall be the basis for teachers' appointment and pay rise as well as rewards and punishments.

CHAPTER VI

MATERIAL BENEFITS

Article 25

Teachers' average salary shall not be lower or shall be higher than that of State public servants and shall be gradually raised. A regular system for promotion and pay rise shall be established, and the specific measures therefore shall be formulated by the State Council.

Article 26

Teachers of primary and secondary schools and vocational schools shall enjoy allowances commensurate with the length of their teaching and other allowances, and the specific measures therefore shall be formulated by the administrative department of education under

the State Council in conjunction with the departments concerned.

Article 27

Local people's governments at various levels shall grant subsidies to teachers and graduates from secondary vocational schools or from schools at higher levels who engage themselves in education and teaching in regions inhabited by national minorities or in outlying and poverty-stricken areas.

Article 28

Local people's governments at various levels and the departments concerned under the State Council shall give priority and preferential treatment to the construction, renting and sale of houses for teachers in urban areas.

People's governments at the county and township levels shall provide conveniences for primary and secondary school teachers in rural areas in solving the housing problems.

Article 29

Teachers shall enjoy equal treatment in medical care as the State public servants in the localities. They shall be given regular health check-ups and shall enjoy rest and recuperation holidays arranged in the light of local conditions.

Medical institutions shall provide conveniences in medical care for teachers in the localities.

Article 30

After retirement or quitting work, teachers shall enjoy the material benefits as prescribed by the State.

Local people's governments at or above the county level may appropriately raise the ratio of pensions for the retired primary and secondary school teachers who have long been engaged in education and teaching.

Article 31

People's governments at various levels shall adopt measures to improve the material benefits of teachers who are paid, with subsidies from the State, by the collectives, gradually making sure that such teachers receive equal pay for equal work with teachers who are paid by the State. The specific measures therefore shall be formulated by the

local people's governments at various levels in the light of their actual local conditions.

Article 32

The material benefits of teachers at schools run by different sectors of the society shall be determined and guaranteed by the sponsors themselves.

CHAPTER VII

REWARDS

Article 33

Teachers who have achieved excellent results in education and teaching, in the training of personnel, and in scientific research, educational reform, school development, social services and work-study programmes shall be commended and awarded by the schools which they belong to.

Teachers who have made outstanding contributions shall be commended and awarded by the State Council, the local people's governments at various levels and the relevant departments under them.
Teachers who have made major contributions shall be conferred honorary titles in accordance with relevant provisions of the State.

Article 34

The State shall encourage and support social organizations and individuals to donate money to foundations established according to law for awarding teachers.

CHAPTER VIII

LEGAL LIABILITY

Article 35

Anyone who insults or assaults a teacher shall be given an administrative sanction or penalty depending on the different circumstances; those who have caused losses or injury shall be ordered to compensate for the losses; and if the circumstances are serious enough to constitute a crime, the offender shall be investigated for criminal responsibility according to law.

Article 36

Anyone who retaliates against the teachers who have made complaints, charges against or exposures of, any organization or individual in accordance with the law shall be ordered by his or her unit or by the authorities at a higher level to make a rectification; if the circumstances are serious, the offender may be given an administrative sanction in the light of the actual conditions.

State functionaries who retaliate against teachers, if the case constitutes a crime, shall be investigated for criminal responsibility in accordance with the provisions of Article 146 of the Criminal Law.

Article 37

Teachers involved in any of the following circumstances shall be given administrative sanctions or dismissed by their schools, other institutions of education or administrative departments of education:

- (1) intentionally not accomplishing educational and teaching tasks and thus causing losses to educational and teaching work;
- (2) imposing corporal punishments on students and refusing to mend their way after being criticized;
- (3) having improper conduct and insulting students, thus making very bad impressions.

Teachers who are involved in any of the circumstances specified in item (2) or (3) of the preceding paragraph, if the circumstances are serious enough to constitute a crime, shall be investigated for criminal responsibility according to law.

Article 38

The local people's governments shall order anyone who, in violation of the provisions of this Law, defaults on paying teachers' salaries or infringes upon other legitimate rights and interests of teachers, to make a rectification within a specified time limit.

Anyone who violates the State's financial and accounting rules and regulations, misappropriates the State's funds allocated for education, seriously hampers the work of education and teaching, defaults on paying teachers' salaries and impairs their legitimate rights and interests, shall be ordered by the authorities at a higher level to return the misappropriated funds within a specified time limit, and those who are held directly responsible shall be given administrative

sanctions; and if the circumstances are serious enough to constitute a crime, the offenders shall be investigated for criminal responsibility according to law.

Article 39

Teachers whose legitimate rights and interests are infringed upon by schools or other institutions of education or who are not satisfied with the settlement made by schools or other institutions of education may appeal to the administrative departments of education. The administrative departments of education shall deal with the matter within 30 days from receipt of the appeal.

Teachers who hold that the administrative departments concerned under the local people's governments have infringed upon the rights they shall enjoy under this Law may appeal to the people's governments at the corresponding levels or to the departments concerned under the people's governments at the next higher levels. The departments concerned under the people's governments at the corresponding levels or the departments concerned under the people's governments at the next higher levels shall deal with the appeals.

CHAPTER IX

SUPPLEMENTARY PROVISIONS

Article 40

The meanings of the following expressions as used in this Law are:

(1) "Schools of various levels and categories" refer to the schools that carry out pre-school education, regular primary education, regular secondary education, vocational education, regular higher education, special education or adult education.

(2) "Other institutions of education" refer to children's palaces, local teaching and research sections and institutions that conduct audio-visual education.

(3) "Primary and secondary school teachers" refer to teachers working in kindergartens, institutions of special education, regular primary and secondary schools, institutions of primary and secondary education for adults, secondary vocational schools and other institutions of education.

Article 41

The relevant provisions of this Law may be applied *mutatis mutandis* in the light of the actual conditions to the educational and teaching assistants of schools or other institutions of education, as well as teachers and the educational and teaching assistants of schools of other categories.

Relevant regulations governing the teachers and the educational and teaching assistants of colleges and schools of the Army shall be formulated by the Central Military Commission on the basis of this Law.

Article 42

The measures for the employment of foreign teachers shall be formulated by the administrative department of education under the State Council.

Article 43

This Law shall come into effect as of January 1, 1994.

(Adopted at the Fourth Meeting of the Standing Committee of the Eighth National People's Congress on October 31, 1993, promulgated by Order No. 15 of the President of the People's Republic of China and effective as of January 1, 1994)



Regulations Governing the Employment of Foreigners in China

Contents

Chapter I	General Provisions
Chapter II	Employment License
Chapter III	Application and Approval
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Chapter V	Penalties
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Chapter I

General Provisions

Article 1

These regulations have been formulated in accordance with stipulations of relevant laws and regulations, for the purpose of strengthening the management of the employment of foreigners in China.

Article 2

The foreigners, as mentioned in these regulations, refer to aliens who do not possess the Chinese nationality status as stipulated in the Nationality Law of the People's Republic of China.

The employment of foreigners in China, as mentioned in these regulations, refer to such circumstances, under which the aliens, who do not have the right of abode in China, conduct legal labor service within the Chinese territory and obtain pay for such labor service.

Article 3

These regulations are applicable to both those foreigners who seek employment in China and those work units that employ foreigners.

These regulations are not applicable to those personnel working in China-based foreign embassies, consulates, the United Nations representative offices and other international organizations, which enjoy diplomatic privilege and immunity.

Article 4

The labor administrative departments of the people's governments of provinces, autonomous regions and municipalities, and their authorized prefectural-level labor administrative departments, are responsible for the management of employment of foreigners in China.

Chapter II

Employment License

Article 5

A work unit which wishes to employ a foreigner, shall apply for employment license for the foreigner in question, and can only employ him or her, after the application has been approved and the "Foreigners' Employment License Certificate of the People's Republic of China" (hereinafter referred to as license certificate) has been issued therefore.

Article 6

The job posts to be assigned to foreigners in a work unit shall be of such specific requirement, which can not for the time be fulfilled by appropriate domestic employees and which does not violate relevant State regulations.

A work unit shall not employ foreigners to engage in commercial art performances, except in such cases as stipulated in Item 3, Article 9 of these regulations.

Article 7

Foreigners, who seek employment in China, shall possess the following qualifications:

- (1) Who are more than 18 years old and have a good health;
- (2) Who possess professional techniques and related working experiences as needed in such work posts they pursue;
- (3) Who have no criminal records;
- (4) Who are known to specific work units which wish to employ them; and

(5) Who possess valid visa or other international travel documents which are equivalent to visas (hereinafter referred to as documents equivalent to visa).

Article 8

Foreigners seeking employment in China shall have the occupational visa at the time of their entry into China (but in case the foreigners' own resident countries and China have signed official agreements on mutual exemption of visas, such official agreements shall prevail), and they can only be employed in China after having been issued the "Foreigner's Employment Certificate" (hereinafter referred to as employment certificate) and foreigner's resident permit.

Foreigners who enter China without resident permit (that is to say they hold F, L, C, G visas), foreigners who study or train in China, and the foreigners who accompany their spouses entering China with occupational visas, should not seek employment in China. Under special circumstances, the employing unit shall apply for the issuance of the license certificate according to the procedures stipulated in these regulations; and, then, the foreigner in question shall bring such license certificate to the public security department to change their visa status, and he or she can only be employed after having obtained both the employment certificate and residence permit.

Regarding the employment of the spouses of diplomatic personnel working for foreign embassies, consulates, the United Nations organs and other international organizations' representative offices in China, the "Regulations of the Ministry of Foreign Affairs of the People's Republic of China on Employment of the Spouses of the Personnel Working for China-based Embassies, Consulates and Representative Offices of the United Nations System" shall apply, and they shall also go through formalities according to the examination and approval procedure stipulated in Article 2 of these regulations.

License certificate and employment certificate are to be made by the Ministry of Labor.

Article 9

Foreigners who fall into one of the following categories do not have to obtain the license certificate and employment certificate:

(1) Foreign professionals and management executives directly invited and paid for by the Chinese Government; or foreign professionals and executives who are invited and paid for by Chinese Government departments and institutions and who hold senior professional titles or certificates of special skills, which have been verified by the foreign country's or international authoritative technology management organs or trade associations, and also hold "Foreign Expert's Certificate" issued by the State Administration of Foreign Experts;

(2) Alien laborers with special skills who hold "Work Permit of Foreigners Engaged in Offshore Oil Operations in the People's Republic of China", who are involved in offshore oil operations and need not go onshore;

(3) Foreigners who hold "Temporary Commercial Performance License" approved by the Ministry of Culture to conduct such commercial artistic performance in China.

Article 10

Foreigners, who fall into one of the following categories, do not have to obtain license certificate but can directly apply for employment certificate, upon presenting their professional visas and other relevant documents after making entry into China:

(1) Foreigners who are engaged in Sino-foreign exchange and cooperation programs in accordance with related agreements and contracts signed between the Chinese and foreign governments or international organizations; and

(2) Chief representatives and representatives of foreign companies' China-based permanent representative offices.

Chapter III

Application and Approval

Article 11

A work unit wishing to employ a foreigner, shall fill in "Application Form of Employing Foreigners" (hereinafter referred to as application form), and hand in application to the unit's relevant trade administrative department (hereinafter referred to as trade administrative department), which is of the same ranking as the unit's related labor administrative

department, and submit the following valid documents:

- (1) The verified curriculum vitae of the foreigner to be employed;
- (2) The letter of intent for employment;
- (3) A report stating why the foreigner should be employed;
- (4) A certificate showing the foreigner is qualified for the work post in question;
- (5) The health report of the foreigner to be employed; and
- (6) Other documents as stipulated by laws and regulations.

The trade administrative departments shall examine and approve such applications in accordance with stipulations of Article 6 and 7 of these regulations and other relevant law and regulations.

Article 12

The work unit, whose application has been approved by the relevant trade administrative department, shall bring the application form to the relevant labor administrative department of the provinces, municipalities and autonomous regions in which the unit is located, or to the authorized prefectural-level labor administrative department to seek their examination and approval.

The labor administrative department of provinces, municipalities and autonomous regions, or their authorized prefecture-level labor administrative department, shall appoint a special organ (hereinafter referred to as certificate-issuing department) to be responsible for the specific role of signing and issuing the employment license.

The license-issuing organ shall conduct the final check and approval of such application form, in line with the suggestion of the trade administrative departments and also the supply and demand of the labor market, and sign and issue such license certificate to the applying work unit.

Article 13

Work units directly under the Central Government and units not governed by any

trade administrative department, which wish to employ foreigners, can directly submit their applications to the certificate-issuing departments and go through formalities for obtaining an employment license.

Foreign-invested enterprises, which wish to employ foreigners, do not have to obtain approval from the trade administrative department but can directly apply to the certificate-issuing departments for the issuance of license certificate, by submitting the relevant contract, articles of association, approval certificate, business license and other documents as stipulated in Article 11 of these regulations.

Article 14

Work units, having obtained approval on the employment of foreigner, shall not give the foreigner in question, directly, the license certificate, which shall, however be issued by the authorized department.

Article 15

Foreigners, who have obtained permission to come and work in China, shall apply to the Chinese embassy, consulate or consular office for employment visa, on presentation of the employment license issued by the Ministry of Labor, the written or cable notice from the authorized department and valid passports or other certificates of the same effect.

Foreigners, which fall into category of the first item in Article 9 of these regulations, shall apply for employment visa on presentation of the written or cable notice from the authorized department; those falling into category of the second item in Article 9 of these regulations should apply for employment visa on presentation of the written or cable notice from the China Offshore Petroleum Corporation; those falling into category of the third item in Article 9 of these regulations should apply for employment visa on presentation of written or cable notice from the foreign affairs offices of the people's government of provinces, autonomous regions and municipalities or the Ministry of Culture.

Foreigners falling into category of the first item in Article 10 of these regulations shall apply for employment visa on presentation of written or cable notice from the authorized department and the unit in charge of the co-operation or exchange project in question; those falling into category of the second item in Article 10 of

these regulations shall apply for employment visa on presentation of written or cable notice from the authorized department and registration certificate issued by the relevant industry and commerce administrative departments.

Article 16

The employing unit should, within 15 days after the foreigner in question has entered into China, submit the employment license, labor contracts with the foreign employee, his/her valid passport or other effective certificates to the relevant license-issuing department for examination and issuance of the employment certificate and fill out the Registration Form of Foreign People's Employment.

The employment certificate is valid within areas as stipulated by the certificate-issuing department.

Article 17

Foreigners who have obtained the employment certificate should present it to the relevant public security department to apply for a residence permit, within 30 days after having arrived in China. The valid term of the residence permit can be determined according to that of the employment certificate.

Chapter IV

Labor Management

Article 18

Employing unit and the employed foreigner should sign a labor contract according to law. The term of the contract should not exceed five years. The contract terminates when the contract expires, but the two parties can renew such contract after going through the necessary examination and approval procedures, according to the provisions in Article 19.

Article 19

The validity of employment certificate terminates at the same time as the labor contract between the foreigner and his/her employing unit expires. If the two parties wish to renew the contract, the employing unit should apply to labor administrative departments for extending the employment term and go through the employment certificate extension procedures, within 30 days after

having obtained such approval and before the expiry of the labor contract.

Article 20

The employed foreigner shall apply to the local public security department for completing the necessary procedures on extension or change of his/her employment term, within 10 days after having obtained approval on the extension of employment term in China or the change of employing area or unit.

Article 21

After the contract between the employed foreigner and the employing unit has expired, the employing units should report to the relevant labor and public security departments and return the foreigner's employment certificate and residence permit and apply to the public security department for undergoing procedures for the foreigner's exit from this country.

Article 22

The employing unit should pay its foreign employee a salary not lower than the minimum salary standard of the local area.

Article 23

The working schedule, leaves and holidays, labor safety and hygiene, and social insurance for foreigners working in China should be implemented in accordance with relative State regulations.

Article 24

The employing unit for which the foreigner works should be the same as stipulated on the employment certificate.

The employed foreigner, who changes his/her work unit within the area as stipulated by certificate-issuing departments but still sticks to his/her original occupation, should get approval from the certificate-issuing department and go through procedures for changes of the employment certificate.

The foreigner, who leaves the area of employment as stipulated by certificate-issuing departments or who changes his/her work unit and occupation within the stipulated area, should undergo the necessary procedures for obtaining a new employment certificate.

Article 25

The employing unit should terminate the labor contract with the foreigner, who have been deprived of their residence permits by the Chinese public security departments for having violated Chinese laws; and the relevant labor administrative departments should cancel the employment certificate of this foreigner in question.

Article 26

Disputes between an employing unit and its foreign employee should be dealt with, according to the Labor Law of the People's Republic of China and the Regulations on Handling Labor Disputes in Enterprises in the People's Republic of China.

Article 27

The labor administrative departments should carry out annual check of foreigners' employment certificates. The employing units should apply to the certificate-issuing departments and undergo procedures for annual check of the foreigners' employment certificates, 30 days before their employment of such foreigner employee has reached one full year. Such employment certificate will cease to be valid, if the employing unit fails to go through the required procedures within the said time limit.

Foreigners, who have lost or destroyed their employment certificates during their employment in China, should report such loss or destruction of certificate to the original certificate-issuing departments and apply for the re-issuance or change of the certificate.

Chapter V

Penalties

Article 28

Public security departments should handle the cases of violation against these regulation -- such as foreigners taking up occupations without employment certificates or the employing units assigning jobs to foreigners without employment licenses -- according to Article 4 of the Rules Governing Implementation of the Management Law of Foreigner's Entry and Exit of the People's Republic of China.

Article 29

Those foreigners -- who refuse to let labor administrative departments check their employment certificates or who change their work units, occupations or extend their term of employment without authorization -- should have their employment certificate recalled by the relevant labor administrative departments and their residence certificates canceled by the public security departments; and these foreigners should be deported by public security departments, with the expenses to be borne by the employing units or by the foreigners themselves.

Article 30

Those foreigners or employing units, which forge, alter, transfer or trade employment certificates or employment licenses, should have their certificate and licenses seized by the relevant labor administrative departments; and the relevant departments should also confiscate their illegal gains and impose on them a fine of between 10,000 yuan and 100,000 yuan. In cases of serious criminal activities, the violators should be transferred to judicial departments for investigation and prosecution.

Article 31

Those officials of the certificate-issuing departments or related departments, who abuse their authority, charge illegal fees, commit acts of embezzlement which constitute crimes, should be subject to criminal investigation according to laws; and those officials, whose malpractices are not serious enough to be viewed as criminal activities, should be given administrative punishment.

Chapter VI

Supplementary Provisions

Article 32

The employment of residents from Taiwan, Hong Kong and Macao who work in the Chinese mainland should be governed by the Regulations Governing the Employment of Residents of Taiwan, Hong Kong, and Macao in the Chinese Mainland.

Article 33

These regulations do not apply to employment of foreign nationals in areas of China's Taiwan, Hong Kong and Macao.

Article 34

No privately-owned economic entity or individual citizen is allowed to employ foreign people.

Article 35

The labor administrative departments of provinces, autonomous regions and municipalities can formulate detailed rules of implementation in accordance with these regulations, in coordination with the relevant public security departments or other related departments, and report them to the ministries of labor, public security, foreign affairs and foreign trade and economic co-operation for their reference.

Article 36

The Ministry of Labor is responsible for interpreting these regulations.

Article 37

These regulations will go into force on May 1, 1996. Regulations Governing Employment of Foreigners without Residence Permit and Foreigners Studying in China, which were issued by the original Ministry of Labor and Personnel and Ministry of Public Security on October 5, 1987, will cease to be valid on the same date.

ATTACHMENT:

Official Circular on the Issuance of Regulations Governing the Employment of Foreigners in China

To labor(personnel) departments(bureau), public security departments(bureau), foreign affairs offices, foreign trade departments(bureau) at the provincial, autonomous regional or municipal level; departments, committees, and bureau under the State Council and embassies, consulates and consular offices stationed abroad:

The ministries of labor, public security, foreign affairs, and foreign trade and economic co-operation have jointly formulated the Regulations Governing the Employment of Foreigners in China, with a view to strengthening management of the employment of foreign nationals in China, standardizing relative employment behavior, protecting legal rights of foreigners who work in China and units which employ foreign workers.

In implementing these regulations, departments of labor, public security, foreign affairs, and foreign trade should closely co-operate with one another, and report problems to the ministries of labor, public security, foreign affairs, and foreign trade and economic co-operation in time.

The labor departments of provinces, autonomous regions and municipalities, and the China Offshore Petroleum Corporation should report on the implementation of these regulations to the Ministry of Labor.

Foreigners working in China, who do not fall into categories listed under Article 9 of these regulations and who do not possess employment certificates, should have their employing units to undergo procedures of applying for their employment certificates, within two months after these regulations go into effect. The relevant labor departments should, then, issue employment certificates to those who meet the requirements, and stop the employment of those who do not meet the requirements. And such employment will be considered as illegal, when and if the employing unit fails to fulfill the necessary procedures within the stipulated time limit.

The Ministry of Labor will be responsible for making the License for Employing Foreigners in the People's Republic of China and the Employment Certificates of Foreign Nationals. Details therefore will be promulgated separately.



Rules for the Administration of Employment of Foreigners in China

Chapter I - General Provisions

Article 1

These Rules are formulated in accordance with the provisions of the relevant laws and decrees for the purpose of strengthening the administration of employment of foreigners in China.

Article 2

The term "foreigners" in these Rules refers to the persons, who under the Nationality Law of the People's Republic of China, do not have Chinese nationality.

The term "employment of foreigners in China" in these Rules refers to acts of foreigners without permanent residence status to engage in remunerative work within Chinese territory in accordance with its laws.

Article 3

These Rules shall apply to employed foreigners within Chinese territory and their employers.

These Rules shall not apply to foreigners who enjoy diplomatic privileges and immunities employed by foreign embassies or consulates, or the offices of the United Nations and other international organizations in China.

Article 4

The labour administrative authorities of the people's government of the provinces, autonomous regions and municipalities directly under the Central Government and those at the prefecture and city level with their authorization are responsible for the administration of employment of foreigners in China.

Chapter II - Employment License

Article 5

The employer shall apply for the employment permission if it intends to employ foreigners

and may do so after obtaining approval and the People's Republic of China Employment License for Foreigners (hereinafter referred to as the "Employment License")

Article 6

The post to be filled by the foreigner recruited by the employer shall be the post of special need, a post that cannot be filled by any domestic candidates for the time being but violates no government regulations.

No employer shall employ foreigners to engage in commercialized entertaining performance, except for the persons qualified under Article 9 (3) of these Rules.

Article 7

Any foreigner seeking employment in China shall meet the following conditions:

- (1) 18 years of age or older and in good health;
- (2) with professional skills and job experience required for the work of intended employment;
- (3) with no criminal record;
- (4) a clearly-defined employer;
- (5) with valid passport or other international travel document in lieu of the passport (hereinafter referred to as the "Travel Document")

Article 8

Foreigner seeking employment in China shall hold the Employment Visas for their entry (In case of agreement for mutual exemption of visas, the agreement shall prevail.), and may work within Chinese territory only after they obtain the Employment Permit for Foreigner (hereinafter referred to as the "Employment Permit") and the foreigner residence certificate.

Foreigners who have not been issued residence certificate (i.e. holders of F, L, C or G type visas), and those who are under study or interim programs in China and the families of holders of Employment Visas shall not work in China. In special cases, employment may be allowed when the foreigner changes his status at the public security organs with the Employment License secured by his employer in accordance with the clearance procedures, under these Rules foreigners changes his status at the public security organs with the Employment License and receives his Employment Permit and residence certificate.

The employment in China of the spouses of the personnel of foreign embassies, consulates, representative offices of the United Nations System and other international organization in China shall follow the Provisions of Ministry of Foreign Affairs of the People's Republic of China Concerning the Employment of the Spouses of the Personnel of Foreign Embassies, Consulates and the Representative Offices of the United Nations System in China and be handled in accordance with the clearance procedures provided for in the second paragraph of this article.

The Employment License and the Employment Permit shall be designed and prepared exclusively by the Ministry of Labour.

Article 9

Foreigners may be exempted from the Employment License and Employment Permit when they meet any of the following conditions:

- (1) foreign professional technical and managerial personnel employed directly by the Chinese government or those with senior technical titles or credentials of special skills recognized by their home or international technical authorities or professional associations to be employed by Chinese government organs and institutions and foreigners holding Foreign Expert Certificate issued by China's Bureau of Foreign Expert Affairs;
- (2) foreign workers with special skills who work in offshore petroleum operations without the need to go ashore for employment and hold "Work Permit for Foreign Personnel Engaged in the Offshore Petroleum Operations in the People's Republic of China";
- (3) foreigner who conduct commercialized entertaining performance with the approval of the Ministry of Culture and hold "Permit for Temporary Commercialized Performance".

Article 10

Foreigners may be exempted from the Employment License and may apply directly for the Employment Permit by presenting their Employment Visas and relevant papers after their entry when they meet any of the following conditions:

- (1) foreigners employed in China under agreements or accords entered into by the Chinese government with foreign governments or international organizations for the implementation of Sino-foreign projects of

cooperation and exchange;
(2) chief representatives and representative of the permanent offices of foreign enterprises in China.

Chapter III - Application and Approval

Article 11

The employer when intending to employ a foreigner, shall fill out the Application Form for the Employment for Foreigners (hereinafter referred to as the "Application Form") and submit it to its competent trade authorities at the same level as the labour administrative authorities together with the following documentation:

- (1) the curriculum vitae of the foreigner to be employed;
- (2) the letter of intention for employment;
- (3) the report of reasons for employment;
- (4) the credentials of the foreigner required for the performance of the job;
- (5) the health certificate of the foreigner to be employed;
- (6) other documents required by regulations.

The competent trade authorities shall examine and approve the application in accordance with Articles 6 and 7 of these Rules and relevant laws and decrees.

Article 12

After the approval by the competent trade authorities, the employer shall take the Application Form to the labour administrative authorities of the province, autonomous region or municipality directly under the Central Government or the labour administrative authorities at the prefecture and city level where the said employer is located for examination and clearance. The labour administration authorities described above shall designate a special body (hereinafter referred to as the "Certificate Office") to take up the responsibility of issuing the Employment License. The Certificate Office should take into consideration of the opinions of the competent trade authorities and the demand and supply of labour market, and issue the Employment License to the employer after examination and clearance.

Article 13

Employers at the central level or those without the competent trade authorities may submit

their application directly to the Certificate Office of the labour administrative authorities for the Employment Permit.

The examination and approval by the competent trade authorities is not required for foreign-funded enterprises to employ foreigners, and such enterprise may submit their applications directly to the Certificate Office of the labour administrative authorities for the Employment License, bringing with them the contract, articles of association, certificate of approval, business license and the documentation referred to in Article 11 of these Rules.

Article 14

Employers with permission to employ foreigners shall not send the Employment License nor the letter of visa notification directly to the foreigners to be employed, and they must be sent by the authorized unit.

Article 15

Foreigner with permission to work in China should apply for Employment Visas at the Chinese embassies, consulates and visa offices, bringing with them the Employment License issued by the Ministry of Labor, the letter or telex of visa notification sent by the authorized unit and the valid passport or Travel Document.

Personnel referred to in Article 9 (1) of these Rules should apply for the Employment Visas by presenting their letter or telex of visa notification by authorized unit; personnel referred to in Article 9 (2) should apply for the Employment Visas by presenting their letter or telex of visa notification issued by the China National Offshore Oil Corporation; personnel referred to in Article 9 (3) should apply for the Employment Visas by presenting their letter or telex of visa notification issued by the foreign affairs office under the people's government of provinces, autonomous regions or municipalities directly under the Central Government and the relevant documents of approval of the Ministry of Culture (addressed to the Chinese embassies, consulates or visa offices).

Personnel referred to in Article 10 (1) of these Rules should apply for the Employment Visas by presenting their letter or telex of visa notification by authorized unit and the documentation on projects of cooperation and