

Law of the People's Republic of China on Science and Technology Progress

(Adopted at the Second Meeting of the Standing Committee of the Eighth National People's Congress on July 2, 1993, promulgated by Order No.4 of the President of the People's Republic of China, and effective as of October 1, 1993)

Order of the President of the People's Republic of China (No.4)

The Law of the People's Republic of China on Science and Technology Progress, adopted at the Second Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on July 2, 1993, is hereby promulgated and shall enter into force as of October 1, 1993.

Chapter I General Provisions

Article 1. This Law is formulated in accordance with the Constitution with a view to promoting science and technology progress, assigning priority to the development of science and technology and bringing the role of science and technology as the primary productive force into full play in socialist modernization drive, so as to improve the service of science and technology to economic construction.

Article 2. The State practices a basic guideline of basing economic construction and social development on science and technology and orienting science and technology undertakings to economic construction and social development.

Article 3. The State shall protect the freedom of scientific research, encourage scientific exploration and technological innovation so as to raise its science and technology to an advanced level in the world. The State and the whole society shall respect know-ledge, esteem talent, value the creative work of scientific and technological personnel, and protect intellectual property rights.

Article 4. The State shall, in compliance with the demands of scientific and technological progress and the socialist market economy, restructure and improve science and technology system, and establish a mechanism capable of effectively integrating science and technology with economy.

Article 5. The State shall encourage scientific research and technology development, popularize and apply the achievements made in science and technology, transform traditional industries, develop high-tech industries, and enhance activities employing science and technology to serve economic construction and social development.

Article 6. The State shall disseminate scientific and technological knowledge to raise the scientific and cultural level of all the citizens.

The State shall encourage government, organs, enterprises, institutions, social organizations and citizens to participate in and support activities aimed at science and technology progress.

Article 7. The State Council shall formulate science and technology development programmes, determine major science and technology projects and other major projects closely related to science and technology, and secure the coordination of science and technology progress with economic construction and social development.

Opinions from scientific and technological workers shall be fully solicited in the course of formulating science and technology development programmes and important policies and determining major science and technology projects and major projects closely related to science and technology, and a principle of scientific decision-making process shall be followed.

Article 8. The administrative department in charge of science and technology under the State Council shall be responsible for the macroscopic management and overall coordination of the nation-wide science and technology work. Other administrative departments concerned under the State Council shall be responsible for the relevant science and technology progress work within the scope of their functions and responsibilities as prescribed by the State Council.

Local people's governments at various levels shall adopt effective measures to promote science and technology progress.

The State shall render assistance to minority nationality regions and remote and poor areas to accelerate the development of science and technology thereof.

Article 9. The Government of the people's Republic of China shall actively promote science and technology cooperation and exchanges with foreign governments and international organizations, encourage research and development agencies, institutions of higher learning, social organizations and scientific and technical workers to establish cooperative relations of various forms with foreign science and technology circles.

Chapter II Science and Technology in Economic Construction and Social Development

Article 10. The State shall encourage research and development of new technologies, new products, new materials and new techniques, and promote activities of advancing rationalization proposals, and enhancing technological innovation and technical collaboration so as to steadily improve product quality, labor productivity and economic returns, and develop thereby social productive forces.

Article 11. The State shall select projects of vital significance to economic construction and sponsor related scientific research and technological development so as to accelerate the popularization and application of scientific and technological achievements in the production.

Article 12. The State shall establish and develop technology market to promote the commercialization of scientific and technological achievements, Technology trading active-ties shall be conducted in accordance with the principles of free will, equality, mutual benefit, transaction non-gratis, honesty and credibility.

Article 13. The State shall rely on scientific and technological progress to advance economic construction and social development, control population growth, enhance population quality, rationally develop and utilize resources, defense against natural calamities, and protect living conditions and ecological environment.

Article 14. The State shall rely on scientific and technological progress to vitalize rural economy, promote the popularization and application of agricultural scientific and technological achievements, and develop a modern agriculture of high yield, high quality, and high efficiency.

Article 15. Local people's governments at or above the county level shall adopt measures to ensure that agricultural science and technology research and development organizations as well as demonstration and dissemination bodies shall have the right of independent management and use of their experimental bases and means of production in research, development, testing and popularization of new varieties and new technologies in agriculture.

The application and popularization of agricultural scientific and technological achievements shall be a service gratis or non-gratis in compliance with relevant laws and regulations.

Article 16. Local people's governments at various levels shall en-courage and support the development of mass science and technology organizations in rural areas, and render socialized scientific and technical services to plantation, forestry, animal husbandry and fishery before, during and after their production in a comprehensive and systematic way.

Article 17. The State shall rely on scientific and technological progress to develop industry, communications and transportation, post and telecommunications, geological prospecting, construction and installation, commerce and other trades, so as to enhance their economic results and social benefit.

Article 18. The State shall encourage enterprises to establish and improve their technology development organizations, and also encourage them to join forces or cooperate with re-search and development institutes, and institutions of higher learning, with a view to increasing their capabilities in research and development, pilot trial, and industrial test.

Article 19. Enterprises shall, in response to the demands of international and domestic markets, carry out technological transformation and equipment renewal, upgrade their scientific management level and assimilate and develop new technology so as to strengthen their market competitiveness.

Enterprises shall seek consultation and assessment services and implement industrial and technological transformation and importation and importation of advanced foreign technology and equipment.

Enterprises which apply new techniques to develop and produce new products may enjoy preferential treatment in accordance with the provisions of the State.

Article 20. The State shall rely on scientific and technological progress to develop the national defense science and technology, speed up the modernization of national defense and strengthen the national defense capabilities.

Article 21. The State shall encourage the application of advanced science and technology to promote the development of education, culture, public health, sports and other under-takings.

Chapter III High-tech Research and High-tech Industries

Article 22. The State shall promote research on high technology and bring into play the leading role of high technology in scientific and technological progress; the State shall foster and promote the formation and development of high-tech industries, and apply high technology to transform traditional industries, and bring into play the role of the high-tech industries in economic construction.

Article 23. The administrative department in charge of science and technology under the State Council and other relevant administrative departments shall organize in the whole nation scientific and technological forces to carry out research on high technology and popularize the achievements thereof.

Article 24. High and new technology industrial development zones shall be established upon approval by the State Council in selected areas with appropriate conditions.

Article 25. Preferential policies stipulated by the State shall be applied to the enterprises and the research and development institutions engaged in the development and production of high-tech products within and without the high and new technology industrial zones, and the specific measures shall be formulated by the State Council.

Article 26. The State shall encourage and guide the enterprises engaged in development, production and transaction of high-tech products to establish management systems in conformity with international norms, produce high-tech products up to international standards, and participate in global market competition so as to advance the internationalization of high-tech products up to international standards, and participate in global market competition so as to advance the internationalization of high-tech industries.

Chapter IV Basic Research and Applied Basic Research

Article 27. The State shall ensure the continuous and steady development of basic research and applied basic re-search, and consolidate the foundation for scientific and technological progress.

Funds for basic research and applied basic research shall account for an appropriate proportion in the total funds for research and development.

Article 28. The administrative department in charge of science and technology under the State Council shall organize in a planned manner the implementation of major basic scientific research programmes in the frontier disciplines and in economic and social development.

Research and development entities, institutions of higher learning, other enterprises and institutions as well as citizens may select subjects on their own for basic research and applied basic research.

Article 29. The State shall establish a Natural Science Fund to aid basic research and applied basic research in accordance with the principle of supporting only those with eligibility on the basis of appraisal and deliberation by experts.

The State shall support scientific research active-ties conducted by outstanding youths, and establish a Science Fund for Youths within the Natural Science fund.

Article 30. The State shall support the build-up of key laboratories, and set up bases for basic research and applied basic research.

The State-level key laboratories are open to both domestic and foreign researchers.

Chapter V Research and Development Institutions

Article 31. The State shall, in accordance with the demands of economic construction and scientific and technological progress, provide an overall planning and guidance for the layout of scientific and technological research and development institutions, and establish a modernized scientific and technological research and development system.

Article 32. The State shall give support, in such aspects as financial expenses and experimental means, to research and development institutions and institutions of higher learning engaged in basic research and applied basic research, high-tech research, projects for tackling major scientific and technological problems, and re-search on science and technology for key social and public welfare undertakings.

Article 33. The State shall encourage and guide research and development institutions engaged in technology development to develop their technological achievements independently or in collaboration with other enterprises and institutions, and carry out an integrated management of technology, industry and trade, or of technology, agriculture and trade.

The State shall encourage and guide research and development institutions engaged in scientific and technical consultation, scientific and technical information services and social and public welfare undertakings to gradually carry out enterprise management or to provide services non-gratis.

Article 34. Research and development institutions shall practice a system whereby the president or director takes responsibility.

Research and development institutions shall, in accordance with the relevant regulations of the State, enjoy decision-making power in their conduct of research and development, production management, use of funds, institutional set-up and personnel recruitment.

Article 35. The State shall encourage various social forces to establish research and development institutions on their own and shall protect their legitimate rights and interests against any encroachment.

Article 36. Research and development institutions may, in conformity with the law, invest and establish branches abroad.

Foreign organizations or individuals may, in accordance with the law, establish research and development institutions within the territory of China, and may also set up, together with Chinese research and development institutions or other organizations, Chinese-foreign equity or contractual research and development institutions.

Chapter VI Scientific and Technical Workers

Article 37. Scientific and technical workers constitute an important force in the socialist modernization drive. The State shall take various measures to raise the social status of scientific and technical workers, cultivate and bring up through various channels scientific and technical professionals of various specialties and create favorable environments and conditions to bring the role of scientific and technical workers into full play.

Article 38. People's governments at all levels, enterprises and institutions shall take measures to gradually improve the treatment given to scientific and technical workers, and better their working and living conditions; and special preferential treatment shall be granted to scientific and technical workers with outstanding contributions.

Article 39. People's governments at all levels, enterprises and institutions shall create environments and conditions for the rational mobility of scientific and technical workers so as to give full play of their specialties.

Article 40. Subsidies shall be granted, according to the regulations of the State, to scientific and technical workers engaged in basic research for major construction projects, research for tackling key scientific and technological problems, and research on science and technology for major social and public welfare, and those who work in poverty-stricken rural areas and minority nationality areas or work under adverse and dangerous conditions.

Article 41. The State shall practice the system of professional and technical titles. Scientific and technical workers may obtain corresponding titles on the strength of their academic levels, professional abilities and accomplishments in their work.

Article 42. Scientific and technical workers shall have the right to establish or participate in, according to law, scientific and technical social bodies.

Scientific and technical social bodies shall play an active role in advancing the construction of scientific disciplines, popularizing scientific and technical know-ledge, training professional personnel, conducting consultation services, promoting academic exchanges, and safeguarding the legitimate rights and interests of scientific and technical workers.

Article 43. The State shall encourage overseas scientific and technical workers to return to the motherland and take part in the socialist modernization drive, or serve the national construction in other ways.

Article 44. Scientific and technical workers shall abide by the professional ethics, fulfill their duties and earnestly up-grade their own scientific and technical levels.

Chapter VII Measures to Guarantee Science and Technology Progress

Article 45. The State shall steadily increase the overall level of financial input to science and technology, The national research and development expenditure shall account for an appropriate proportion in the gross national product, and shall be gradually increased to meet the needs of scientific and technological advances and economic and social development .The specific ratio of the national research and development expenditure in the gross national product shall be set by the State Council.

The increase scale of the funding for science and technology allocated from the State financial budget shall exceed that of the regular financial revenue of the State.

No unit or individual shall misappropriate, embezzle part of, or detain the funding for science and technology allocated from the State financial budget.

Article 46. The State shall encourage enterprises to increase their investment in research and development and in techno-logical innovation. The technological development expenditure of enterprises shall be entered into the account as cost in its actual amount.

Article 47. The financial institutions of the State shall support the commercialization of scientific and technological achievements by means of credits and loans.

Article 48. Research and development institutions engaged in technological development may, in accordance with relevant regulations of the State, raise funds for research and development from society by various ways.

Article 49. The State shall encourage domestic and foreign organizations or individuals to set up science funds of various kinds to finance scientific research and techno-logical development.

Article 50. The competent administrative departments under the state Council and locale's governments at all levels shall take measures to promote scientific and technical

information exchange and to establish modern scientific and technical information exchange and to establish modern scientific and technical information networks.

Article 51. The State shall institute a science and technology security system to guard scientific and technological secrets concerning national security and interests. The State shall strictly control the exit from the territory of precious biological species resources.

Chapter VIII Science and Technology Awards

Article 52. The State shall set up a science and technology awarding system to reward citizens and organizations that have made important contributions in their activities of science and technology progress.

Article 53. The State shall confer, according to law national honorary titles on citizens who have made outstanding contributions to the development of science and technology.

Article 54. The State Council shall set up Natural Science Prizes, Technological Invention Prizes, Science and technology Progress Prizes, International Science and Technology Cooperation Prizes, and, if necessary, other types of science and technology prizes.

The Natural Science Prizes shall be granted to citizens who have expounded certain phenomenon, traits and laws of nature and made important scientific discoveries in basic research and applied basic research.

The Technological Invention Prizes shall be granted to citizens who have made important technological inventions in products, processes, materials or systems by applying scientific and technological knowledge.

The Scientific and Technological Progress Prizes shall be granted to the citizens or organizations that have made outstanding contributions in the application and popularization of advanced scientific and technological achievements, the accomplishment of major scientific and technological projects, plans and programmes, and the improvement of science and technology management.

The International Science and Technology Cooperation Prizes shall be granted to foreign citizens or organizations that have made significant contributions to the cause of China's science and technology.

Article 55. Enterprises and institutions shall set aside, in accordance with relevant regulations of the State, a certain percentage of the newly added profit generated from the application of scientific and technological achievements to reward individuals who have accomplished the technological achievements.

Article 56. Organizations or individuals, at home or abroad, may establish science and technology award funds to reward citizens or organizations that have made remarkable contributions in their activities of scientific and techno-logical progress.

Chapter IX Legal Liability

Article 57. Anyone who, in violation of the State public finance administration and financial management system, misappropriates, embezzles part of, or detains the funds for science and technology allocated from the State financial budget, shall be ordered by the competent authorities at higher levels to return within a specified period of time the funds misappropriated, embezzled, and detained; and if circumstances are serious, the person held directly responsible shall be given administrative sanctions by the competent authorities at higher levels or by the unit to which he belongs.

Article 58. In case of abusing power to suppress scientific and technological inventions or rationalization proposals, the person held directly responsible shall, if circumstances are serious, be given administrative sanctions.

Article 59. Anyone who obtains preferential treatment or awards by resorting to fraud in the development of new technologies and new products and in the declaration of scientific and technological achievements shall be deprived of the preferential treatment or awards and be concurrently given administrative penalties or sanctions. Persons who, taking part in appraising scientific and technological achievements, deliberately made false appraisal shall be given administrative sanctions by the competent authorities concerned.

Article 60. Anyone who encroaches upon another person's copyright, patent right, right of discovery, right of invention or right of scientific and technological achievements by means of plagiarism, alteration or imitation, or who illegally usurps technical secrets, shall be dealt with in accordance with relevant provisions of the law.

Chapter X Supplementary Provisions

Article 61. The administrative department in charge of science and technology under the State Council and other relevant administrative departments shall formulate implementing measures in accordance with this Law, and shall submit them to the State Council for approval prior to implementation.

Article 62. This Law shall enter into force as of October 1, 1993.