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Charity Law of the People's Republic of China (2023 Amendment) [Not Yet Effective]

中華人民共和國慈善法(2023修正) [尚未生效]

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Charity Law of the People's Republic of China	中華人民共和國慈善法
(Adopted at the 4th Session of the Twelfth National People's Congress of the People's Republic of China on March 16, 2016, and amended in accordance with the Decision on Amending the Charity Law of the People's Republic of China as adopted at the 7th Session of the Standing Committee of the 14th National People's Congress on December 29, 2023)	(2016年3月16日第十二屆全國人民代表大會第四次會議通過 根據2023年12月29日第十四屆全國人民代表大會常務委員會第七次會議《關於修改〈中華人民共和國慈善法〉的決定》修正)
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Article 1 This Law is developed for purposes of developing the charitable cause, carrying forward the charity culture, regulating charitable activities, protecting the lawful rights and interests of charitable organizations, donors, volunteers, beneficiaries and other participants of charitable activities, promoting social progress, and sharing development results.

Article 2 This Law shall apply to charitable activities and charity-related activities conducted by natural persons, legal persons and unincorporated organizations, except as otherwise specifically provided for by any other law.

Article 3 For the purpose of this Law, “charitable activities” means the following public welfare activities conducted voluntarily by natural persons, legal persons and unincorporated organizations in such manner as property donation or provision of services.

- (1) Helping the poor and the needy.
- (2) Giving relief to the aged, orphans, the sick, the disabled, and giving special care to disabled servicemen, and to family members of revolutionary martyrs and servicemen.
- (3) Giving salvage to the damage caused by natural disasters, disastrous accidents, public health incidents and other emergencies.
- (4) Promoting the development of education, science, culture, health, sports and other undertakings.
- (5) Preventing and controlling pollution and other public hazards, and protecting and improving the ecological environment.
- (6) Other public welfare activities prescribed in this Law.

Article 4 The charity work shall adhere to the leadership of the Communist Party of China.

Charitable activities shall be conducted under the principles of legality, voluntariness, good faith and not-for-profit, shall not go against social ethnics, and shall not endanger national security, or damage pubic interest or any other person's lawful rights and interests.

Article 5 The state encourages and provides support for natural persons, legal persons and unincorporated organizations to practice the core value of socialism, carry forward the fine traditions of the Chinese nation, and conduct charitable activities in accordance with the law.

Article 6 People's governments at and above the county level shall plan, coordinate, urge, and direct relevant departments to effectively support, develop, regulate, and administer charitable undertakings within the scope of their respective duties.

The civil affairs department of the State Council shall take charge of the charity work nationwide, and the civil affairs departments of local people's governments at and above the county level shall take charge of the charity work within their respective administrative regions. The relevant departments of people's governments at and above the county level shall, in accordance with this Law and other relevant laws and regulations, effectively conduct the relevant work within the scope of their respective duties, strengthen supervision, administration, and services for charitable activities; and if a charitable organization has a competent business entity, the competent business entity shall guide and supervise it.

Article 7 September 5 each year shall be the “Chinese Charity Day”.

Chapter II Charitable Organizations

Article 8 For the purpose of this Law, “charitable organizations” means nonprofit organizations that are formed in accordance with the law, comply with the provisions of this

第一條 為了發展慈善事業，弘揚慈善文化，規範慈善活動，保護慈善組織、捐贈人、志願者、受益人等慈善活動參與者的合法權益，促進社會進步，共享發展成果，制定本法。

第二條 自然人、法人和非法人組織開展慈善活動以及與慈善有關的活動，適用本法。其他法律有特別規定的，依照其規定。

第三條 本法所稱慈善活動，是指自然人、法人和非法人組織以捐贈財產或者提供服務等方式，自願開展的下列公益活動：

- (一) 扶貧、濟困；
- (二) 扶老、救孤、恤病、助殘、優撫；
- (三) 救助自然災害、事故災難和公共衛生事件等突發事件造成的損害；
- (四) 促進教育、科學、文化、衛生、體育等事業的發展；
- (五) 防治汙染和其他公害，保護和改善生態環境；
- (六) 符合本法規定的其他公益活動。

第四條 慈善工作堅持中國共產黨的領導。開展慈善活動，應當遵循合法、自願、誠信、非營利的原則，不得違背社會公德，不得危害國家安全、損害社會公共利益和他人合法權益。

第五條 國家鼓勵和支持自然人、法人和非法人組織踐行社會主義核心價值觀，弘揚中華民族傳統美德，依法開展慈善活動。

第六條 縣級以上人民政府應當統籌、協調、督促和指導有關部門在各自職責範圍內做好慈善事業的扶持發展和規範管理工作。

國務院民政部門主管全國慈善工作，縣級以上地方各級人民政府民政部門主管本行政區域內的慈善工作；縣級以上人民政府有關部門依照本法和其他有關法律法規，在各自的職責範圍內做好相關工作，加強對慈善活動的監督、管理和服務；慈善組織有業務主管單位的，業務主管單位應當對其進行指導、監督。

第七條 每年9月5日為“中華慈善日”。

第二章 慈善組織

第八條 本法所稱慈善組織，是指依法成立、符合本法規定，以面向社會開展慈善活動為宗旨的非營利性組

Law, and are aiming at conducting charitable activities for the public.

慈善組織可以採取基金會、社會團體、社會服務機構等組織形式。

Article 9 A charitable organization shall meet the following conditions:

第九條 慈善組織應當符合下列條件：

- (1) It is aiming at conducting charitable activities.
- (一) 以開展慈善活動為宗旨；
- (2) It conducts activities not for the purpose of making profits.
- (二) 不以營利為目的；
- (3) It has its own name and domicile.
- (三) 有自己的名稱和住所；
- (4) It has its constitution.
- (四) 有組織章程；
- (5) It has necessary property.
- (五) 有必要的財產；
- (6) It has an eligible organizational structure and a person in charge.
- (六) 有符合條件的組織機構和負責人；
- (7) It meets other conditions prescribed by laws and administrative regulations.
- (七) 法律、行政法規規定的其他條件。

Article 10 To form a charitable organization, the applicant shall file a registration application with the civil affairs department of the people's government at or above the county level, and the civil affairs department shall make a decision within 30 days as of the date of acceptance of the application. If the application meets the conditions prescribed in this Law, it shall approve the registration and announce to the public; and if the application fails to meet the conditions prescribed in this Law, it shall disapprove the registration and give the reason for disapproval in writing.

第十條 設立慈善組織，應當向縣級以上人民政府民政部門申請登記，民政部門應當自受理申請之日起三十日內作出決定。符合本法規定條件的，准予登記並向社會公告；不符合本法規定條件的，不予登記並書面說明理由。

A foundation, social organization, social service agency or any other nonprofit organization that has been formed before the issuance of this Law may apply to the civil affairs department registering it for recognizing it as a charitable organization, and the civil affairs department shall make a decision within 20 days as of acceptance of the application. If the applicant meets the conditions for charitable organizations, the civil affairs department shall recognize it and announce to the public; and if it fails to meet the conditions for charitable organizations, the civil affairs department shall not recognize it and shall give the reason in writing.

已經設立的基金會、社會團體、社會服務機構等非營利性組織，可以向辦理其登記的民政部門申請認定為慈善組織，民政部門應當自受理申請之日起二十日內作出決定。符合慈善組織條件的，予以認定並向社會公告；不符合慈善組織條件的，不予認定並書面說明理由。

A foundation, social organization, social service agency, or any other non-profit organization that has been formed may apply to the civil affairs department that handles its registration for recognizing it as a charitable organization, and the civil affairs department shall make a decision within 20 days of accepting the application. If the applicant meets the conditions for charitable organizations, the civil affairs department shall recognize it and announce to the public; or if the applicant fails to meet the conditions for charitable organizations, the civil affairs department shall not recognize it and shall explain the reason in writing.

有特殊情況需要延長登記或者認定期限的，報經國務院民政部門批准，可以適當延長，但延長的期限不得超過六十日。

Article 11 The constitution of a charitable organization shall comply with the provisions of laws and regulations, and specify the following matters:

第十一條 慈善組織的章程，應當符合法律法規的規定，並載明下列事項：

- (1) Name and domicile.
- (一) 名稱和住所；
- (2) Form of organization.
- (二) 組織形式；
- (3) Aim and scope of activities.
- (三) 宗旨和活動範圍；
- (4) Property sources and composition.
- (四) 財產來源及構成；
- (5) Composition and functions of the decision-making and executive bodies.
- (五) 決策、執行機構的組成及職責；
- (6) Internal supervision mechanism.
- (六) 內部監督機制；

(7) Rules for property management and use.

(8) Project management rules.

(9) Circumstances requiring termination and the methods for liquidation after termination.

(10) Other important matters.

Article 12 A charitable organization shall, according to the provisions of laws, regulations and the constitution, establish and improve the internal governance structure, specify the scope of functions in such aspects as decision-making, implementation and supervision, and conduct charitable activities.

The charitable organization shall implement national uniform accounting rules, conduct accounting in accordance with the law, establish and improve accounting supervision rules, and accept the supervision and administration of the relevant departments of the government.

Article 13 A charitable organization shall, on an annual basis, submit its annual work reports and financial accounting reports to the civil affairs department that handles its registration. The reports shall cover the information on fundraising and acceptance of donations in a year, the management and use of charity property, the implementation of charity projects, fundraising costs, the salaries and benefits of employees of the charitable organization, cooperation with overseas organizations or individuals, and other information.

Article 14 The promoter, major donors and managers of a charitable organization shall not use their affiliation relationship to damage the interests of the charitable organization and beneficiaries or public interest.

Where the promoter or any major donor or manager of the charitable organization has any transaction with the charitable organization, it or he shall not participate in the charitable organization's decision-making on the transaction, and the information on the transaction shall be made available to the public.

Article 15 A charitable organization shall not conduct or subsidize the activities endangering national security and public interest, shall not accept any donation under any additional conditions in violation of any law or regulation or against social ethnics, and shall not set on the beneficiary any additional conditions in violation of any law or regulation or against social ethics.

Article 16 Whoever falling under any of the following circumstances shall not serve as the person in charge of a charitable organization:

- (1) The person has no civil conduct capacity or has limited civil conduct capacity.
- (2) The person has been given a criminal punishment due to intentional crime, and it has not been five years since the date of completion of the sentence.
- (3) The person serves as the person in charge of an organization of which the registration certificate is revoked or which is banned, and it has not been five years since the registration certificate of the organization is revoked or the organization is banned.
- (4) Any other circumstance prescribed in laws and administrative regulations.

Article 17 A charitable organization that falls under any of the following circumstances shall be terminated:

- (1) Any circumstance requiring termination as prescribed in the constitution occurs.

(七) 財產管理使用制度；

(八) 項目管理制度；

(九) 終止情形及終止後的清算辦法；

(十) 其他重要事項。

第十二條 慈善組織應當根據法律法規以及章程的規定，建立健全內部治理結構，明確決策、執行、監督等方面的職責權限，開展慈善活動。

慈善組織應當執行國家統一的會計制度，依法進行會計核算，建立健全會計監督制度，並接受政府有關部門的監督管理。

第十三條 慈善組織應當每年向辦理其登記的民政部門報送年度工作報告和財務會計報告。報告應當包括年度開展募捐和接受捐贈、慈善財產的管理使用、慈善項目實施、募捐成本、慈善組織工作人員工資福利以及與境外組織或者個人開展合作等情況。

第十四條 慈善組織的發起人、主要捐贈人以及管理人員，不得利用其關聯關係損害慈善組織、受益人的利益和社會公共利益。

慈善組織的發起人、主要捐贈人以及管理人員與慈善組織發生交易行為的，不得參與慈善組織有關該交易行為的決策，有關交易情況應當向社會公開。

第十五條 慈善組織不得從事、資助危害國家安全和社會公共利益的活動，不得接受附加違反法律法規和違背社會公德條件的捐贈，不得對受益人附加違反法律法規和違背社會公德的條件。

第十六條 有下列情形之一的，不得擔任慈善組織的負責人：

- (一) 無民事行為能力或者限制民事行為能力的；
- (二) 因故意犯罪被判處刑罰，自刑罰執行完畢之日起未逾五年的；
- (三) 在被吊銷登記證書或者被取締的組織擔任負責人，自該組織被吊銷登記證書或者被取締之日起未逾五年的；
- (四) 法律、行政法規規定的其他情形。

第十七條 慈善組織有下列情形之一的，應當終止：

- (一) 出現章程規定的終止情形的；

- (2) Termination is required for its division or combination.
- (3) It fails to conduct charitable activities for two consecutive years.
- (4) It is deregistered or its registration certificate is revoked in accordance with the law.
- (5) Any other circumstance requiring termination as prescribed by laws and administrative regulations.

Article 18 A charitable organization that terminates shall conduct liquidation.

The decision-making body of a charitable organization shall form a liquidation team to conduct liquidation within 30 days as of the occurrence of the circumstance requiring termination as set forth in Article 17 of this Law, and announce it to the public. If no liquidation team is formed or the liquidation team fails to perform functions, the civil affairs department handling its registration may apply to the people's court for designating the relevant personnel to form a liquidation team to conduct liquidation.

The remaining property after the liquidation of the charitable organization shall be transferred to the charitable organization with the same or similar aim according to the provisions of the constitution of the charitable organization; and if it is not provided for in the constitution, the civil affairs department handling its registration shall transfer the property to the charitable organization with the same or similar aim, and announce to the public.

The charitable organization shall, after its liquidation, undergo deregistration formalities at the civil affairs department handling its registration, and the civil affairs department shall announce to the public.

Article 19 Charitable organizations shall form an industry organization in accordance with the law.

The charity industry organization shall reflect the demands of the industry, promote industry exchange, enhance the credibility of the charity industry, and promote the development of the charitable cause.

Article 20 The specific measures for the form of organization and registration management of charitable organizations shall be developed by the State Council.

Chapter III Charitable Fundraising

Article 21 For the purpose of this Law, "charitable fundraising" means the activities of charitable organizations to raise funds for charitable purposes.

"Charitable fundraising" includes fundraising from the public and fundraising from specific objects.

Article 22 A charitable organization that fundraises from the public shall obtain the qualification for fundraising from the public. A charitable organization that has been legally registered for one year or more may apply to the civil affairs department that handles its registration for the qualification for fundraising from the public. The civil affairs department shall make a decision within 20 days of accepting the application. If the charitable organization meets the conditions of having a sound internal governance structure and standard operations, the civil affairs department shall issue the qualification certificate for fundraising from the public to it; or if it fails to meet the conditions, the civil affairs department shall not issue the qualification certificate for fundraising from the public to it and shall explain the reason in writing.

- (二) 因分立、合並需要終止的；
- (三) 連續二年未從事慈善活動的；
- (四) 依法被撤銷登記或者吊銷登記證書的；
- (五) 法律、行政法規規定應當終止的其他情形。

第十八條 慈善組織終止，應當進行清算。

慈善組織的決策機構應當在本法第十七條規定的終止情形出現之日起三十日內成立清算組進行清算，並向社會公告。不成立清算組或者清算組不履行職責的，辦理其登記的民政部門可以申請人民法院指定有關人員組成清算組進行清算。

慈善組織清算後的剩余財產，應當按照慈善組織章程的規定轉給宗旨相同或者相近的慈善組織；章程未規定的，由辦理其登記的民政部門主持轉給宗旨相同或者相近的慈善組織，並向社會公告。

慈善組織清算結束後，應當向辦理其登記的民政部門辦理注銷登記，並由民政部門向社會公告。

第十九條 慈善組織依法成立行業組織。

慈善行業組織應當反映行業訴求，推動行業交流，提高慈善行業公信力，促進慈善事業發展。

第二十條 慈善組織的組織形式、登記管理的具體辦法由國務院制定。

第三章 慈善募捐

第二十一條 本法所稱慈善募捐，是指慈善組織基于慈善宗旨募集財產的活動。

慈善募捐，包括面向社會公眾的公開募捐和面向特定對象的定向募捐。

第二十二條 慈善組織開展公開募捐，應當取得公開募捐資格。依法登記滿一年的慈善組織，可以向辦理其登記的民政部門申請公開募捐資格。民政部門應當自受理申請之日起二十日內作出決定。慈善組織符合內部治理結構健全、運作規範的條件的，發給公開募捐資格證書；不符合條件的，不發給公開募捐資格證書並書面說明理由。

The civil affairs department of the people's government at or above the county level shall directly issue the qualification certificate for fundraising from the public to any other non-profit organization that is allowed by any law or administrative regulation to fundraise from the public.

Article 23 Fundraising from the public may be conducted in the following ways:

- (1) Setting collection boxes in public places.
- (2) Holding charity performance, matches, bazaars, exhibitions, auctions and parties, among others, for the public.
- (3) Releasing fundraising information through broadcasting, television, newspapers and journals, Internet and other media.
- (4) Other ways to fundraise from the public.

Where a charitable organization fundraises from the public in the way prescribed in item (1) or (2) of the preceding paragraph, it shall conduct fundraising within the region under the jurisdiction of the civil affairs department handling its registration, and if it is indeed necessary to conduct fundraising outside the region under the jurisdiction of the civil affairs department handling its registration, it shall report to the civil affairs department of the people's government at or above the county level at the place where it conducts the fundraising activity for recordation. The donations made by donors shall not be subject to territorial restrictions.

Article 24 A fundraising plan shall be made for fundraising from the public. The fundraising plan shall cover the fundraising objective, starting and ending time and region, the name of the person in charge of the activity and office address, the ways of receiving donations, bank account, the beneficiary, the use of raised money and other property, the fundraising cost, and the handling of remaining property, among others.

The fundraising plan shall be reported to the civil affairs department that registers the charitable organization for recordation before the fundraising activity is conducted.

Article 25 For fundraising from the public, the name of the fundraising organization, the qualification certificate for fundraising from the public, fundraising plan, contact information and methods for the inquiry of fundraising information, among others, shall be disclosed at the place where the fundraising activity is held or on a conspicuous position of the carrier of the fundraising activity.

Article 26 An organization or an individual without the qualification for fundraising from the public may, for charitable purposes, cooperate with a charitable organization qualified to fundraise from the public, and the charitable organization shall organize the fundraising. The partners shall not fundraise from the public independently in any form. A charitable organization qualified to fundraise from the public shall assess the partners, sign a written agreement in accordance with the law, specify the relevant information of partners in the fundraising plan, and guide and supervise the relevant acts of partners.

A charitable organization qualified to fundraise from the public shall be responsible for the management and accounting of the money and property raised through cooperation and include all revenues and expenditures in its account.

Article 27 A charitable organization that fundraises from the public through the Internet shall conduct such activity through the Internet public fundraising service platform designated by the civil affairs department of the State Council and may conduct it through its website at the same time.

其他法律、行政法規規定可以公開募捐的非營利性組織，由縣級以上人民政府民政部門直接發給公開募捐資格證書。

第二十三條 開展公開募捐，可以采取下列方式：

- （一）在公共場所設置募捐箱；
- （二）舉辦面向社會公眾的義演、義賽、義賣、義展、義拍、慈善晚會等；
- （三）通過廣播、電視、報刊、互聯網等媒體發布募捐信息；
- （四）其他公開募捐方式。

慈善組織采取前款第一項、第二項規定的方式開展公開募捐的，應當在辦理其登記的民政部門管轄區域內進行，確有必要在辦理其登記的民政部門管轄區域外進行的，應當報其開展募捐活動所在地的縣級以上人民政府民政部門備案。捐贈人的捐贈行為不受地域限制。

第二十四條 開展公開募捐，應當制定募捐方案。募捐方案包括募捐目的、起止時間和地域、活動負責人姓名和辦公地址、接受捐贈方式、銀行賬戶、受益人、募得款物用途、募捐成本、剩餘財產的處理等。

募捐方案應當在開展募捐活動前報慈善組織登記的民政部門備案。

第二十五條 開展公開募捐，應當在募捐活動現場或者募捐活動載體的顯著位置，公布募捐組織名稱、公開募捐資格證書、募捐方案、聯系方式、募捐信息查詢方法等。

第二十六條 不具有公開募捐資格的組織或者個人基於慈善目的，可以與具有公開募捐資格的慈善組織合作，由該慈善組織開展公開募捐，合作方不得以任何形式自行開展公開募捐。具有公開募捐資格的慈善組織應當對合作方進行評估，依法簽訂書面協議，在募捐方案中載明合作方的相關信息，並對合作方的相關行為進行指導和監督。

具有公開募捐資格的慈善組織負責對合作募得的款物進行管理和會計核算，將全部收支納入其賬戶。

第二十七條 慈善組織通過互聯網開展公開募捐的，應當在國務院民政部門指定的互聯網公開募捐服務平台進行，並可以同時在其網站進行。

The Internet public fundraising service platform designated by the civil affairs department of the State Council shall provide fundraising information display, payment of donations, inquiry about the use of donations, and other services; it shall not refuse to provide services to any charitable organization qualified to fundraise from the public without any justified reason, charge fees from the charitable organization, or insert commercial advertisements and links to commercial activities on public fundraising information pages.

Article 28 A radio, television, newspaper or journal, an online service provider or a telecommunications operator shall verify the registration certificate and qualification certificate for fundraising from the public of a charitable organization that fundraises from the public through its platform.

Article 29 A charitable organization may fundraise from specific objects as of the date of its registration.

A charitable organization shall conduct donor-specific fundraising within the scope of specific objects such as the promoter, members of the board of governors, and its members, and explain the fundraising objective, the use of raised money and other property, and other matters to the fundraising objects.

Article 30 Fundraising from specific objects shall not be conducted, directly or in disguise, in any way prescribed in Article 23 of this Law.

Article 31 In conducting fundraising activities, the lawful rights and interests of fundraising objects shall be respected and maintained, and the fundraising objects' right to know shall be guaranteed. Charitable organizations shall not defraud fundraising objects of donations or induce them to make donations by fabricating facts and other means.

Article 32 In conducting fundraising activities, apportionment or apportionment in disguise is prohibited, and the public order, enterprises' production and business operation, and residents' life shall not be obstructed.

Article 33 No organization or individual may conduct fundraising activities to fraudulently obtain property under the guise of charity or by counterfeiting any charitable organization.

Chapter IV Charitable Donation

Article 34 For the purpose of this Law, "charitable donation" means the voluntary and gratuitous donation of property by natural persons, legal persons and unincorporated organizations for charitable purposes.

Article 35 Donors may make donations through charitable organizations, or directly make donations to the beneficiaries.

Article 36 The property donated by a donor shall be legal property which the donor has the right to dispose of. Donated property includes currencies, physical goods, houses, negotiable securities, equities, intellectual property rights and other tangible and intangible property.

The physical goods donated by the donor shall have use value, and comply with the standards in terms of safety, hygiene and environmental protection, among others.

Where the donor donates the products of his or her enterprise, the donor shall assume product quality responsibilities and obligations in accordance with the law.

Article 37 Where a natural person, legal person or any unincorporated organization that conducts an exhibition, match, sale, auction or any other business activity promises to use all or partial income for charitable purposes, he or it shall, before holding the activity, enter into

國務院民政部門指定的互聯網公開募捐服務平台，提供公開募捐信息展示、捐贈支付、捐贈財產使用情況查詢等服務；無正當理由不得拒絕為具有公開募捐資格的慈善組織提供服務，不得向其收費，不得在公開募捐信息頁面插入商業廣告和商業活動鏈接。

第二十八條 廣播、電視、報刊以及網絡服務提供者、電信運營商，應當對利用其平台開展公開募捐的慈善組織的登記證書、公開募捐資格證書進行驗證。

第二十九條 慈善組織自登記之日起可以開展定向募捐。

慈善組織開展定向募捐，應當在發起人、理事會成員和會員等特定對象的範圍內進行，並向募捐對象說明募捐目的、募得款物用途等事項。

第三十條 開展定向募捐，不得採取或者變相採取本法第二十三條規定的方式。

第三十一條 開展募捐活動，應當尊重和維護募捐對象的合法權益，保障募捐對象的知情權，不得通過虛構事實等方式欺騙、誘導募捐對象實施捐贈。

第三十二條 開展募捐活動，不得攤派或者變相攤派，不得妨礙公共秩序、企業生產經營和居民生活。

第三十三條 禁止任何組織或者個人假借慈善名義或者假冒慈善組織開展募捐活動，騙取財產。

第四章 慈善捐贈

第三十四條 本法所稱慈善捐贈，是指自然人、法人和非法人組織基於慈善目的，自願、無償贈與財產的活動。

第三十五條 捐贈人可以通過慈善組織捐贈，也可以直接向受益人捐贈。

第三十六條 捐贈人捐贈的財產應當是其有權處分的合法財產。捐贈財產包括貨幣、實物、房屋、有價證券、股權、知識產權等有形和無形財產。

捐贈人捐贈的實物應當具有使用價值，符合安全、衛生、環保等標準。

捐贈人捐贈本企業產品的，應當依法承擔產品質量責任和義務。

第三十七條 自然人、法人和非法人組織開展演出、比賽、銷售、拍賣等經營性活動，承諾將全部或者部分所得用於慈善目的的，應當在舉辦活動前與慈善組織或者其

a donation agreement with the charitable organization or any other person taking the donation, and after the completion of the activity, perform the donation obligation according to the donation agreement, and release the donation information to the public.

Article 38 A charitable organization that gets donations shall issue the donation receipts of which the production is uniformly supervised (or which are uniformly printed) by the public finance department to the donors. A donation receipt shall indicate the donor, the category and amount of donated property, the name of the charitable organization, the name of the handling person, the date of issuance of the receipt, and other information. If the donor makes donations anonymously or abandons the donation receipt, the charitable organization shall effectively make the relevant records.

Article 39 Where a charitable organization gets a donation, and the donor requests the conclusion of a written donation agreement, the charitable organization shall enter into a written donation agreement with the donor.

The written donation agreement shall cover the names of the donor and the charitable organization, the category, quantity, quality, use, and delivery time of and other information about the donated property.

Article 40 When the donor and the charitable organization agree on the use and the beneficiary of the donated property, they shall not designate or designate in disguise any interested party of the donor as the beneficiary.

No organization or individual shall, in violation of legal provisions, publicize tobacco products by using charitable donation, and shall not publicize in any form the products and matters prohibited from publicity by laws by using charitable donations.

Article 41 A donor shall perform the donation obligation according to the donation agreement. If the donor, in violation of the donation agreement, fails to deliver the donated property within the prescribed time limit, the charitable organization or any other person accepting the donations may require the delivery under any of the following circumstances; and if the donor refuses to deliver the donations, the charitable organization and the person accepting the donations may, in accordance with the law, apply to the people's court for the payment order or file a lawsuit.

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他接受捐贈的人簽訂捐贈協議，活動結束後按照捐贈協議履行捐贈義務，並將捐贈情況向社會公開。

第三十八條 慈善組織接受捐贈，應當向捐贈人開具由財政部門統一監（印）制的捐贈票據。捐贈票據應當載明捐贈人、捐贈財產的種類及數量、慈善組織名稱和經辦人姓名、票據日期等。捐贈人匿名或者放棄接受捐贈票據的，慈善組織應當做好相關記錄。

第三十九條 慈善組織接受捐贈，捐贈人要求簽訂書面捐贈協議的，慈善組織應當與捐贈人簽訂書面捐贈協議。

書面捐贈協議包括捐贈人和慈善組織名稱，捐贈財產的種類、數量、質量、用途、交付時間等內容。

第四十條 捐贈人與慈善組織約定捐贈財產的用途和受益人時，不得指定或者變相指定捐贈人的利害關係人作為受益人。

任何組織和個人不得利用慈善捐贈違反法律規定宣傳煙草制品，不得利用慈善捐贈以任何方式宣傳法律禁止宣傳的產品和事項。

第四十一條 捐贈人應當按照捐贈協議履行捐贈義務。捐贈人違反捐贈協議逾期未交付捐贈財產，有下列情形之一的，慈善組織或者其他接受捐贈的人可以要求交付；捐贈人拒交付的，慈善組織和其他接受捐贈的人可以依法向人民法院申請支付令或者提起訴訟：

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