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## **Explanation of the “Legal Guidelines for Foreigners Entering, Exiting and Staying in China during the Olympics”**

English translation prepared by Human Rights in China.

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1. The “Legal Guidelines for Foreigners Entering, Exiting and Staying in China during the Olympics” (hereinafter “Legal Guidelines”) are compiled in accordance with existing laws and regulations as a reference for foreign athletes, officials, journalists, and others to understand and abide by Chinese laws and regulations. These Legal Guidelines should be specifically implemented in accordance with existing laws and regulations. The Legal Guidelines are composed of 57 questions, separated into 8 categories, which include entering and exiting the country, spectatorship at events, travel, accommodation, transportation, food and beverage, and entertainment.

2. If further clarification guidance is needed, please refer to the websites or numbers listed in these Legal Guidelines.

3. If, after the publication of these Legal Guidelines, any amendments are made to the relevant laws and regulations stipulated herein, the newly amended laws and regulations shall be complied with.

## **“Legal Guidelines for Foreigners Entering, Exiting and Staying in China during the Olympics” [奥运期间外国人入境出境及在中国停留期间法律指南]**

### **(I.) Basic Legal Principles and Regulations**

1. What are the basic rights of foreigners stipulated under Chinese law?

Under Chinese law, persons without Chinese citizenship are foreigners. China is administered according to the rule of law, safeguarding foreigner's lawful rights and interests within its borders, and the personal freedom and legitimate property of foreigners shall not be infringed.

2. What are the basic obligations of foreigners stipulated under Chinese law?

Foreigners must abide by Chinese laws while they are within China's jurisdiction. They must not harm China's national security, harm the public interest of society, or destroy public order. Violations of Chinese law will be dealt with by law enforcement organs, and the criminal and/or administrative legal liability of the offender shall be investigated and punished. If they cause damage to persons or property, they also shall bear civil responsibility.

3. What should a foreigner do if dissatisfied with a decision made by an administrative law enforcement

organ?

If a foreigner is dissatisfied with a decision made by the administrative law enforcement organ, he/she can apply for administrative appeal or raise an administrative suit.

4. Can a foreigner hire a lawyer while in China?

Foreigners in need of legal assistance or advice while in China may hire a lawyer.

5. What provisions exist to protect the legal rights and interests of minors under Chinese law?

China's government has given particular protection to minors. Commercial establishments inappropriate for minors such as dance halls or internet cafes must not allow minors to enter. It is illegal to sell to a minor any products that might have an adverse effect on them, such as publications and videos with pornographic or violent content. It is forbidden to sell alcohol to minors.

## **(II.) Entry and Exit Control**

### A. On Entering China

6. What types of visas are there for foreigners entering China?

There are four types of visas: diplomatic visas, courtesy visas, official visas, and ordinary visas. Generally, foreigners enter China on ordinary visas. Visas and identification documents must not be forged, altered, impersonated, transferred, or sold.

For ease of supervision, there are 9 types of ordinary visas designated with different letters.

7. What are the procedures for foreigners applying for visas before entering?

When applying for a visa, a foreigner must provide a valid ordinary passport or travel documents in place of a passport, answer the required questions, fill out one copy of the visa application form, provide one 2" X 2" front-view, no hat photo, and submit proof related to his/her stated reason for visiting China.

8. Which categories of foreigners are not permitted to enter China?

- (1) Those who have been deported from China with stipulations that they are forbidden to enter China for a fixed number of years;
- (2) Those who are believed to potentially engage in terrorist, violent, or subversive activities after entering China;
- (3) Those who are believed to potentially engage in smuggling, narcotic trafficking, or prostitution

after entering China;

- (4) Those who are suffering from a mental disorder or insanity, sexually-transmitted disease, or an infectious disease such as active tuberculosis;
- (5) Those who cannot guarantee they have the money necessary for expenses during their time in China;
- (6) Those who are believed to potentially engage in other activities that may harm the national security and interests.

9. Does having tickets for the Olympics mean that a foreigner will obtain a visa?

Foreign spectators do not automatically obtain a visa after purchasing tickets to the Olympics; they must still apply for a visa at a local Chinese embassy or consulate in accordance with relevant regulations.

10. What should foreigners do if their valid identity documents are lost during the Olympics?

After losing a passport, the foreigner should proceed in person to the local police station in the vicinity of where the passport was lost and file a report. Thereafter, the report receipt/acknowledgement or notification issued by the local police station should be taken to the local entry and exit administration bureau or the Beijing Municipal Public Security Bureau Entry and Exit Administration to handle the lost passport case. The time and location of where the passport was lost, how it was lost, as well as the passport number and its period of validity must also be provided to the public security administration.

11. Is quarantine required for foreigners entering China?

Persons, conveyances, shipping containers, luggage, goods, or postal parcels suspected of disseminating infectious diseases must go through quarantine upon entering China. They may enter after receiving permission from the quarantine administration.

12. Can foreign tourists take up employment while they are in China?

Foreigners without a residence permit and foreign exchange students may not take up employment without the permission of the relevant departments of the Chinese government.

13. What items are prohibited from being brought into China?

- (1) Weapons, simulated weapons, ammunition and explosives;
- (2) Counterfeit currency or negotiable securities;
- (3) Items which may harm China's political affairs, economy, culture, or morals, such as publications, undeveloped film, pictures, recordings (music), movies, cassette tapes, videotapes, laser discs, computers, etc;
- (4) Deadly poisons;

- (5) Addictive narcotics and psychotropic substances, including opiates, morphine, heroin, and marijuana;
- (6) Animals, plants, or other produce which carry harmful germs, pests, or other dangerous organisms;
- (7) Food, pharmaceuticals, or other items which can hinder the health of humans or animals, which come from epidemic areas or which can disseminate infectious diseases.

14. Can foreigners bring food into China?

Visitors may bring food for the purpose of consumption for the duration of their time in China; the quantity is limited to one packet of each food item per day. For quantities in excess of the above restrictions, the visitor must apply to the inspection and quarantine officials for an inspection and quarantine.

15. Can foreigners bring pets into China?

Every traveler is restricted to one animal, either a cat or dog, per entry. The cat or dog must pass through quarantine and inspection before entering China.

16. What restrictions are there on bringing foreign currency into and out of China?

- (1) If a foreigner exits carrying only up to and including US\$5000, the foreigner is not required to apply for a "Certificate of Carrying Foreign Currency," and Customs will allow the foreigner to exit, unless the foreigner enters and exits the country several times in one day, or several times within a short period of time;
- (2) If a foreigner exits carrying over US\$5000 and up to and including US\$10000, the foreigner should apply for a "Certificate of Carrying Foreign Currency," which is issued by a bank. When leaving the country, Customs will allow the foreigner to leave based on the bank-endorsed "Certificate". Customs will not permit the foreigner to leave if the total value of such bank-endorsed "Certificates" in the foreigner's possession exceeds US\$10000;
- (3) If the foreigner intends to exit carrying over US\$10000, the foreigner should apply for a "Certificate of Carrying Foreign Currency" at a branch office of the State Administration of Foreign Exchange (SAFE). Customs will allow the foreigner to exit based on the SAFE branch-endorsed "Certificate."

B. On Exiting China

17. When exiting China, what documents must foreigners provide?

When exiting China, a foreigner must present a valid passport or other effective identification documents, as well as the visa or residence permit.

18. When are foreigners not permitted to exit China?

Foreigners are not permitted to leave China under the following circumstances:

- (1) Where the foreigner is a defendant in a criminal case or deemed to be a criminal suspect by a public security organ, people's procuratorate or people's court;
- (2) Where the foreigner has been notified by a people's court that he/she cannot leave the country due to an unconcluded civil case;
- (3) Where the foreigner is an individual whom the relevant authorities believe should be investigated for a suspected violation of China's laws and who has not yet been investigated or punished.

19. What items are prohibited from being taken out of China?

- (1) All items which are prohibited from being brought into China;
- (2) Manuscripts, publications, undeveloped film, pictures, recordings (music), movies, cassette tapes, videotapes, laser discs, computers, or other items whose contents involve state secrets;
- (3) Valuable cultural relics and other historical items banned from export;
- (4) Critically ill or valuable animals, plants (including samples of both) and seeds, as well as reproductive materials.

**(III.) Concerning Residence and Accommodation**

20. Do foreigners need to fill out temporary accommodation registration forms when they stay in China?

When foreigners stay in enterprises and units such as guest houses, hotels, travelers' lodges, hostels, or schools etc., organs, social groups or other Chinese entities, they should produce their valid passports or residence permits and fill in the temporary accommodation registration forms.

If a foreigner is staying in the home of a Chinese resident and is in an urban area, the Chinese resident or the foreigner shall, within 24 hours upon arrival, report to the local police station, bringing the foreigner's passport, identification documents, and the *hukou* book of the person with whom he/she is staying and fill out the temporary accommodation registration form; if the home is in the countryside, such report shall be filed within 72 hours at the local police station or household registration office.

21. If a foreigner stays at a foreign institution or a foreigner's house, is it necessary to fill out a temporary accommodation registration form?

If a foreigner stays at a foreign institution or a foreigner's house within China's borders, the foreign institution, the foreigner who provides the accommodation, or the foreigner who stays shall, within 24 hours upon arrival, report to the local police station, providing the visiting foreigner's passport or residence permit and filling out the temporary accommodation registration form.

22. May one sleep in public areas in cities?

In order to maintain public hygiene and the civilized appearance of urban areas, sleeping in airports, bus or train stations, docks, sidewalks (including overpasses and underground walkways), green areas in the city, and other public places is strictly prohibited.

23. Can a foreigner attending the Olympics temporarily rent an apartment?

Foreigners who are attending the Olympics may temporarily rent apartments, but they should fill out temporary accommodation registration forms at police stations in accordance with the relevant regulations.

#### **(IV.) Transportation**

24. What are the basic regulations for operating motor vehicles and non-motor vehicles in China?

Both motor vehicles and non-motor vehicles are driven on the right-hand side of the road. To operate a motor-vehicle, one must obtain a driver's license or a temporary driver's permit according to the laws. While operating a motor vehicle or non-motor vehicle, one must strictly adhere to the traffic signs and signals, lanes, instructions of the traffic police, and the road safety statutes, rules, and regulations. In the event of a traffic accident, the vehicle operator should immediately stop, maintain the scene of the accident, care to any wounded, and promptly notify the authorities.

25. Are foreigners allowed to use an international driver's license or a driver's license from their own country or region to operate a motor vehicle in China?

Presently, as China has not yet acceded to the United Nations Convention on Road Traffic foreigners operating motor-vehicles within the borders of China must hold a state-issued effective driver's license (or a temporary driver's permit), or else he/she will be considered to be operating a motor vehicle without a license and shall be punished according to Chinese laws and regulations.

26. How does one apply for a temporary driver's permit?

Holders of foreign driver's licenses are not required to take a driving test, and need only to submit travel documents, the foreign driver's license, proof of fulfillment of age and health capacity requirements, two one-inch color photos, and accept proper traffic safety laws and regulations. Once a "temporary driver's permit," is obtained, he/she can operate a motor vehicle in China.

A temporary visitor holding a foreign driver's license who operates a vehicle brought with him/her on roads within China, shall, within two days of entry, apply for a temporary driving permit from the Public Security Bureau in charge of transportation at the municipal or city level which oversees the district

where he/she crossed the border or where he/she begins operating the vehicle; To operate a rented Chinese vehicle, he/she shall apply for a temporary driver's permit from the Public Security Bureau in charge of transportation at the municipal or city level.

27. Can a motor vehicle be brought in from a foreign country be operated in China?

Motor vehicles brought in from a foreign country may be operated in China, but one should, within two days of entering the country, apply for a temporary license plate and motor-vehicle registration at the relevant Public Security Bureau in charge of transportation at the municipal or city level which oversees the district where he/she crossed the border or where he/she begins operating the vehicle. The applicant should bring proof of registration from the foreign country, proof that the car has been brought into China, proof that the vehicle meets relevant safety standards, and proof of compulsory insurance for traffic accidents.

28. Can a foreigner rent a motor vehicle, or a non-motor vehicle?

A foreigner can rent motor vehicles or non-motor vehicles, but to operate a motor vehicle one must adhere to the procedure of obtaining a Chinese driver's license (or a temporary driving permit).

#### **(V.) SHOPPING, TRAVELING, ENTERTAINMENT AND OTHER CONSUMER ACTIVITIES.**

29. What rights do consumers have when purchasing goods or accepting services in China?

Consumers in China have all rights established under Chinese laws. No operating place of business shall have the right to deny a foreigner entry or patronage.

30. What should be done when there is a dispute while purchasing goods or accepting services in China?

When purchasing goods or accepting services, you may ask for compensation from the seller if your lawful rights or interests are harmed. If there is a dispute, the purchaser may attempt to negotiate with the seller, ask the consumer protection association to mediate, appeal to the relevant government administrative department, or lodge a complaint in the People's Court.

31. How does one complain if he or she gets ill (such as diarrhea or vomiting) after eating or drinking at a restaurant, or other establishments?

The incident should be reported to the health supervising department; if quality of food is poor, a complaint may be made to the local consumer protection association. A request may also be made for the Industry and Commercial Administration to inspect the suspect restaurant or establishment.

32. Is all of China open to foreigners for travel?

Not all parts of China are presently open to foreigners. Foreigners without the appropriate permission should not travel to prohibited areas.

33. How does one protect one's own rights while traveling with a tour group?

Before departing for the trip, the signed contract should unequivocally state the quality and standards expected of the tour service, and one should inquire if the travel agency provides accident insurance.

34. Against what kind of activities that violate the legal rights of travelers can one complain and to whom?

If a travel agency clearly violates the terms of the contract, tries to cheat tourists, privately receives commissions on sales, or asks for tips, a complaint may be lodged with the Tourism Management Department.

35. What are China's main public places of entertainment?

Public places of entertainment, including include nightclubs, dance clubs, erotic dance clubs, karaoke bars, discos, arcades etc, are open to the public as places of business for patrons to enjoy themselves.

36. What are the regulated business hours for places of entertainment?

Public places of entertainment are not permitted to operate between the hours of 2:00 am and 8:00 am.

37. What activities are prohibited in public places of entertainment?

Any activities relating to narcotics, such as selling or supplying, and organizing, coercing, instigating, luring, cheating, or accommodating others in the use of narcotics are prohibited in all public places of entertainment.

Gambling is prohibited in all public places of entertainment, including the installation of any electronic equipment for gambling.

All pornographic activity is prohibited in all places of public entertainment, for example being profit-earning hostess/attendant, etc.

## **(VI.) Concerning Medical Treatment**

38. When foreigners visit a doctor in a Chinese medical institution, what legal rights do they have?

Foreigners can receive medical treatment in any medical institution in China, and the fees for foreigners

and Chinese residents are the same. During the treatment, foreigners have the right to request confidentiality for any personal data they give that are necessary for the treatment.

39. Can foreigners buy medication directly from China's drug stores?

Foreigners can buy non-prescription drugs directly, but will need a prescription from certified Chinese doctors for prescription drugs. However, for some restricted drugs (psychotropic substances, narcotics, poisons, and radioactive drugs), relevant medical records and proof must be provided.

40. Can foreigners obtain their individual medical records or copies?

Patients have the right to photocopy or make copies of their out-patient medical records, in-patient medical records, body temperature records, records of doctor's diagnosis, laboratory sheets (test reports), information on checks of medical images, letters of consent on special checks, letters of consent on surgeries, records concerning surgeries and use of anesthetic, pathology information, records on nursing care, and other medical records, as regulated by the administrative health departments of the State Council.

41. If there is a dispute with a hospital, how can a complaint be made? What kind of legal assistance is available?

While there is a civil dispute concerning compensation for medical treatment, the healthcare providers and patients can try to solve the dispute through negotiation. If the patients do not want to use negotiation or if the negotiation fails, then the parties can apply for mediation by the relevant health administrative department, or directly raise a civil litigation in a People's Court.

## **(VII.) Intellectual property protection of the Olympic logo**

42. How do the Chinese authorities determine that someone has violated the special rights of the Olympic logo?

The special rights of the Olympic logo are violated if anyone, without the permission of the rights holder of the Olympic logo, with the aim of gaining profit, places the Olympic logo on commercial goods, the packing or container of commercial goods, and the transaction documents; or uses the Olympic logo in provided services; or uses the Olympic logo in advertisements, commercial exhibitions, profit-making performances, and other commercial activities; or sells, imports or exports goods containing the Olympic logo; or manufactures or sells the Olympic logo; or uses the Olympic logo in another way which may lead people to believe that there is a sponsorship or other supportive relationship between the actor and the rights holder of the Olympic logo,

43. What are the legal responsibilities in relation to violations of the special rights of the Olympic logo?

Industry and commerce administration bureaus are responsible for the protection of the Olympic logo. Industry and commerce administration bureaus may, when certain acts they deem to have violated the rights of others, order the infringer to immediately stop the infringing act, confiscate or destroy the concerned goods and the tools designed especially for the production of these goods or tools used to manufacture the Olympic logo for commercial purposes. Financial gains, if any, obtained from these acts shall be confiscated and a fine of not more than five times the amount of the financial gains can be levied; in cases where there are no financial gains, a maximum fine of 50,000 *yuan* can be levied. Anyone who uses the Olympics logo in deceptive activities will bear legal liabilities according the provisions regarding fraud or other crimes, if these activities are deemed to be criminal. If these acts have caused economic loss of the rights holder, the infringer shall compensate for the loss.

44. Do people need to compensate for economic losses if they sell infringing products that violate the special rights of the Olympic logo without knowledge of such violations?

Whether or not legal liabilities are borne by enterprises and individuals who had no knowledge of such violations depends upon their ability to prove that the goods were obtained lawfully their ability to identify the provider of the goods. If enterprises can prove the above, they do not need to compensate.

#### **(VIII.) Special Notes**

45. Must foreigners carry proof of identity at all times?

Foreigners shall carry proof of identity at all times. Police responsible for foreign affairs at public security organs above the county level shall have the power to examine the passports and other identity documents of foreigners in the course of their duties.

46. Can Olympics admission tickets be freely resold?

The tickets can be lawfully resold. The resale of admission tickets to the opening and closing ceremonies of the Olympic Games (including the Paralympics), must be authorized by the Beijing Olympic Organizing Committee and must go through the formalities in accordance with policies on admission ticket resale as stipulated by the Beijing Olympic Organizing Committee. The specific procedure for reselling tickets can be found on the official ticketing website.

47. In cultural, sports, or other large-scale mass activities, can slogans, banners, or other items be displayed?

China forbids the display of insulting slogans, banners, and similar items in sports venues, and forbids the display of any religious, political, or ethnic slogans or banners in Olympic stadiums.

Advertisements must be genuine and lawful and not misleading and deceitful. However, in Olympic stadiums, in the absence of permission from the International Olympic Committee and the Beijing Olympic Organizing Committee, any form of commercial advertising or any commercial advertising slogans, banners, or similar items are prohibited.

48. In cultural, sports, or other large-scale mass activities, what actions that disturb the order of the activities are forbidden?

- (1) Forcible entry into the venue;
- (2) Violation of regulations against setting off fireworks, firecracker or other similar materials in the venue;
- (3) Demonstrations, insulting slogans, banners and other similar materials;
- (4) Harassing referees, athletes or other crew members;
- (5) Throwing objects in the field and ignoring instructions to stop;
- (6) Other acts that disturb the order of large-scale mass activities

49. What if one's property or belongings are stolen?

In the event of a theft of property, the victim should promptly go in person to the local police station in the area where the property was stolen and file a report. The report proof or notification issued by the local police station should then be taken to the local entry and exit administration bureau or to the Beijing Municipal Public Security Bureau Entry and Exit Administration to handle the stolen property case.

50. How should one deal with a person who is drunk?

If a person who is drunk poses a threat to himself/herself, another person, or the general public, public security authorities should adhere to safety measures and restrain the person who is drunk until he/she is sober.

51. What are the Chinese laws on selling, possessing, and using narcotics?

The laws of China define narcotics as any addictive anesthetics and mind-controlling substances like opium, heroin, methamphetamines, morphine, marijuana, cocaine, and other drugs controlled by the Chinese government.. China prohibits smuggling, selling, shipping, manufacturing, illegally possessing, providing or forcing narcotics onto others, luring, abetting, tricking others to use narcotics, or injecting drugs.

52. Can guns be carried?

Guns and ammunition or crossbows, daggers, and other similar implements are controlled items, which cannot be carried without authorization. Anyone who carries any of the above-mentioned items without

authorization shall be subject to administrative sanctions or possibly subject to investigations and criminal responsibility.

53. How does China regulate pornographic activities?

China forbids obscene performances, prostitution and other forms of sexual services and forbids disseminating obscene materials or messages and organizing the broadcasting of obscene videos and engaging in promiscuous activities.

54. Are people allowed to set up and use radio telephones (stations)?

Units or individuals setting up and using radio telephones (stations) must submit a written application for the approval of setting up radio telephones (stations) and obtaining radio telephone license. If the use of the radio equipment in outdoor trips and travels adversely affects the normal operations of radio telephones (stations), the related administrative organ shall have the power to place it under investigation.

55. Are rallies, demonstrations, or protests permitted?

To hold a rally, demonstration, or protest, one must apply to do so at the Public Security Office in accordance with law. Without permission, one may not hold a demonstration or conduct any related activities.

Anyone who instigates or plans an illegal rally, demonstration, or protest and does not listen to orders to stop such activities, shall be administratively sanctioned or criminally punished in accordance with law.

56. How does China regulate the defacing of the Chinese national flag or national emblems of China?

If one intentionally burns, damages, inscribes, stains, stomps on, or uses other such methods of defacing the Chinese national flag or national emblems of China, in a public place, he/she shall bear criminal liability in accordance with law.

57. What specific guidelines should foreign media comply with when they conduct interviews in China while attending the Beijing Olympics and Olympic preparations?

Foreign media shall comply with “Service Guide for Foreign Media Coverage of the Beijing Olympic Games and the Preparatory Period” and other related laws and regulations when they conduct interviews in China while attending the Beijing Olympics and Olympic preparations.

## **Contact numbers and Government Websites**

### 1. Useful service numbers

- Fire: 119
- Police: 110
- Municipal First-Aid Center: 120
- Road accident report: 122
- Red Cross first aid desk: 999
- Directory assistance: 114
- Telephone repair: 112
- Forest fire report: 95119
- Weather forecast: 12121
- Maritime search and rescue hotline: 12395

## 2. Service numbers

- Beijing Municipal Government's Convenient Telephone Center: 12345
- Beijing Municipal Administration for Industry and Commerce Complaint Number: 12315
- Beijing Bureau of Quality and Technical Supervision: 12365
- Beijing Municipal Agency for Public Health Inspection Complaint Number: 12320
- Beijing Municipal Judicial Bureau 148 Legal Services Hotline: 12348
- Beijing Municipal Law-Enforcing Bureau of City Comprehensive Administration Hotline: 96310
- Beijing Municipal Exit and Entry Management Voice Enquiry Hotline: 26611266
- Beijing Municipal Exit and Entry Management Automated Enquiry Hotline: 84020101
- Beijing Consumers Association Complaint Line: 96315
- Beijing Municipal Tourism Enquiry Hotline: 95130828

## 3. Related Government Websites

- Official ticketing website for Beijing 2008 Olympic Games  
<http://www.tickets.beijing2008.com>
- Beijing Municipal Public Security Bureau  
<http://www.bjgaj.gov.cn>
- Beijing Municipal Law-Enforcing Bureau of City Comprehensive Administration  
<http://www.bjcg.gov.cn>
- Beijing Bureau of Quality and Technical Supervision  
<http://www.bjtsb.gov.cn>
- Beijing Entry-Exit Inspection and Quarantine  
<http://www.bjciq.gov.cn>
- Beijing Municipal Health Bureau  
<http://www.bjhb.gov.cn>
- Beijing Municipal Foreign Affairs Office  
<http://www.bjfao.gov.cn>