

Notice of Shanghai Municipal People's Government on Promulgating the "Experimental Measures of Shanghai Municipality for Examination, Approval and Registration of the Establishment of Fixed Religious Activity Venues"

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Notice of Shanghai Municipal People's Government on Promulgating the "Experimental Measures of Shanghai Municipality for Examination, Approval and Registration of the Establishment of Fixed Religious Activity Venues"

(No. 5 [2007])

The people's governments of all districts and counties, all commissions, offices and bureaus of the Municipal Government:

The "Experimental Measures of Shanghai Municipality for Examination, Approval and Registration of the Establishment of Fixed Religious Activity Venues" are hereby promulgated. Please carefully implement the Measures.

Shanghai Municipal People's Government
February 8, 2007

Experimental Measures of Shanghai Municipality for Examination, Approval and Registration of the Establishment of Fixed Religious Activity Venues

(Promulgated by Shanghai Municipal People's Government by Decree No. 5 [2007] on February 8, 2007)

Article 1 (Basis of Legislation)

The present Measures are formulated in accordance with the "Regulation on Religious Affairs", the "Measures for the Examination, Approval and Registration of the Establishment of Religious Activity Venues", other relevant laws, regulations and rules, as well as in light of the actual situation of Shanghai.

Article 2 (Fixed Religious Activity Venues)

The term "fixed religious activity venue" as mentioned in the present Measures shall mean a lawfully established religious activity venue other than Buddhist temples, Daoist temples, mosques and churches.

The establishment of a fixed religious activity venue shall meet the conditions prescribed in Article 14 of the “Regulation on Religious Affairs”.

Article 3 (Preparation for Establishment)

A religious body that applies for preparation for the establishment of a fixed religious activity venue shall propose the scheme on establishment of the preparation team, and shall, after its application is approved, formally set up a preparation team to take charge of the preparation affairs. The preparation team shall be composed of the relevant persons of this religious body, the religious instructors or other personnel meeting the requirements of this religion who can preside over the religious activity, as well as 3 or more representatives of citizens believing in this religion at the locality where the venue is to be established.

Article 4 (Applicants)

For preparation for the establishment of a fixed religious activity venue, the religious body at the district or county where the venue is to be established shall file an application for preparation for the establishment to the religious affairs department of the district or county people’s government (hereinafter referred to as the district or county religious affairs department); if there is no religious body in the district or county where the venue is to be established, the application shall be filed by the relevant municipal religious body.

To apply for preparation for the establishment of a fixed religious activity venue, the applicant shall fill out the “Application Form for Preparation for the Establishment of the Religious Activity Venue”, and meanwhile submit the following materials:

- (1) the statement on relevant information on citizens believing in religion at the locality where the venue is to be established;
- (2) the basic information on the religious instructors or other personnel meeting the requirements of this religion who will preside over the religious activity, as well as their permanent residential belongingness, resident identity certificates and instructor identity certificates;
- (3) basic information on the members of the preparation team to be set up, their permanent residential belongingness and resident identity certificates (the religious instructors shall provide their instructor identity certificates, in addition);
- (4) necessary proof of funds;
- (5) feasibility statement on the locality or place where the venue is to be established; and
- (6) written opinions of the villagers’ committee or residents’ committee of the locality where the venue is to be established.

Article 5 (Examination and Approval of Preparation for Establishment)

The district or county religious affairs department shall, after accepting an application, solicit opinions from the township or town people’s government or the sub-district office at the locality where the venue is to be established if it intends to consent to the preparation for the establishment.

When necessary, the district or county religious affairs department may organize a hearing.

The district or county religious affairs department shall, within 30 days as of acceptance of the application, make a decision on approving or disapproving the application. If it approves the preparation for the establishment, it shall make a written approving decision, and report it to the religious affairs department of the Municipal People's Government for archival filing; while if it disapproves the preparation for the establishment, it shall make a written disapproving decision and explain the reason.

Article 6 (Preparation for the Establishment)

The affairs of preparation for the establishment of a fixed religious activity venue shall be finished within the approved time limit for the preparation. The preparation team shall timely report the information on the preparation in writing to the religious affairs department of the district or county where the venue is to be established.

Where a fixed religious activity venue needs to be newly built, rebuilt or expanded in the process of preparation for the establishment, it shall apply for going through the procedures for approval in accordance with relevant provisions of the state and this Municipality.

The religious affairs department of the district or county where the venue is to be established shall supervise and inspect the progress of the preparation for the establishment.

Article 7 (Venue Management Organization)

Before a fixed religious activity venue is registered, the preparation team shall hold a democratic negotiation to recommend a venue management team to be formed. The management team shall be composed of the religious instructors or other personnel meeting the requirements of this religion who preside over the religious activity, as well as 3 or more representatives of citizens believing in religion of the place where the venue is to be established.

Article 8 (Applying for Registration)

After a fixed religious activity venue has finished the preparation work, the venue management team shall take charge of applying to the local district or county religious affairs department for registration.

To apply for registration of a fixed religious activity venue, the applicant shall fill out the "Application Form for Registration of the Religious Activity Venue", and meanwhile submit the following materials:

- (1) statement on democratic negotiation for setting up the management team;
- (2) permanent residential belongingness and resident identity certificates of the members of the management team;
- (3) permanent residential belongingness, resident identity certificates and instructor identity

certificates of the religious instructors or other personnel meeting the requirements of this religion who preside over the religious activity;

(4) self-management rules and bylaws on accounting affairs, security, fire prevention, and epidemic prevention, etc.;

(5) relevant certificates on the venue buildings; (if a building is newly built, the applicant shall provide the completion-based conformity certificates issued by the planning, construction and fire control departments; if a building is rebuilt or expanded, the applicant shall provide the certificate for the ownership or use right of the building and the certificate of conformity through fire safety inspection; if a building is rented, the applicant shall provide the certificate of conformity through fire safety inspection) and the certificate on use right of one year or more; and

(6) statement of lawful sources of funds.

Article 9 (Registration)

The district or county religious affairs department shall, within 30 days as of receipt of the application, check the fixed religious activity venue's management team and management bylaws, etc., register the venue and issue the "Registration Certificate for the Religious Activity Venue" if it is qualified.

The "Registration Certificate for the Religious Activity Venue" shall not be altered, assigned or lent. If the certificate is lost, the venue concerned shall apply for a made-up one.

Article 10 (Modification Registration)

Where a fixed religious activity venue is merged, divided, terminated or modifies its address, name or any other registered content, it shall go to the original registration administrative authority to go through corresponding procedures for modification registration.

Where the applicant applies for registration upon strength of a rented premise and needs to renew the renting after expiry of the lease period, it shall go through the procedures for archival filing in the original registration organ.

Where a fixed religious activity venue needs to be modified into a Buddhist temple, Daoist temple, mosque or church, it shall, in accordance with relevant regulations and rules, go through the procedures of examination for approval and those of modification registration.

Article 11 (Supervision and Inspection)

The district or county religious affairs department shall supervise and inspect the fixed religious activity venues' abidance of laws, regulations and rules.

The district or county religious affairs department may lawfully entrust the involved sub-district office or the involved town or township people's government at the locality where the venue is established to supervise and inspect the fixed religious activity venues' abidance of laws,

regulations and rules.

Article 12 (Management of Venues)

The religious body concerned shall hold teaching instructions for fixed religious activity venues, and coordinate relevant teaching activities.

The management team shall improve and fulfill all rules and bylaws on fixed religious activity venues, urge the participants to the religious activity to abide by relevant laws, regulations and rules of the state, and accept the supervision and inspections of the relevant department.

Article 13 (Accounting Management)

Where a fixed religious activity venue is unable to conduct accounting management independently, a religious body, Buddhist temple, Daoist temple, mosque or church may guide and help it manage the accounting affairs.

Where a fixed religious activity venue is nullified or terminated, it shall have its properties liquidated. The properties remaining after the liquidation shall be used for the undertakings conforming to the tenet of the fixed religious activity venue.

Article 14 (Date of Entry into Force)

The present Measures shall come into force on May 1, 2007.