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# 中华人民共和国公共文化服务保障法

# Law of the People's Republic of China on Safeguarding the Public Cultural Services

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《中华人民共和国公共文化服务保障法》已由中华人民共和国第十二届全国人民代表大会常务委员会第二十五次会议于2016年12月25日通过，现予公布，自2017年3月1日起施行。

The Law of the People's Republic of China on Safeguarding the Public Cultural Services, adopted at the 25th Session of the Standing Committee of the 12th National People's Congress of the People's Republic of China on December 25, 2016, is hereby promulgated for implementation as of March 1, 2017.

中华人民共和国主席 习近平

President Xi Jinping

2016年12月25日

December 25, 2016

中华人民共和国公共文化服务保障法

Law of the People's Republic of China on Safeguarding the Public Cultural Services

（2016年12月25日第十二届全国人民代表大会常务委员会第二十五次会议通过）

(Adopted at the 25th Session of the Standing Committee of the 12th National People's Congress on December 25, 2016)

第一章 总 则

Chapter 1 General Provisions

第一条   为了加强公共文化服务体系建设，丰富人民群众精神文化生活，传承中华优秀传统文化，弘扬社会主义核心价值观，增强文化自信，促进中国特色社会主义文化繁荣发展，提高全民族文明素质，制定本法。

Article 1 The Law is formulated in order to strengthen the construction of the public cultural service system, enrich the spiritual and cultural life of the masses, inherit the excellent traditional Chinese culture, promote the socialist core values, enhance cultural confidence, promote the prosperous development of socialist culture with Chinese characteristics and enhance the civilization quality of the whole nation.

第二条   本法所称公共文化服务，是指由政府主导、社会力量参与，以满足公民基本文化需求为主要目的而提供的公共文化设施、文化产品、文化活动以及其他相关服务。

Article 2 For the purpose of this Law, public cultural services refer to the public cultural facilities, cultural products, cultural activities and other related services provided primarily for meeting the basic cultural needs of citizens under the guidance of the government and participation of social forces.

第三条   公共文化服务应当坚持社会主义先进文化前进方向，坚持以人民为中心，坚持以社会主义核心价值观为引领；应当按照“百花齐放、百家争鸣”的方针，支持优秀公共文化产品的创作生产，丰富公共文化服务内容。

Article 3 Public cultural services shall stick to the orientation of socialist advanced culture, the people-focused policy, and the leadership of socialist core values; and shall support the creation of excellent public cultural products and enrich the contents of Public cultural services according to the policy of letting hundreds of sounds out.

第四条   县级以上人民政府应当将公共文化服务纳入本级国民经济和社会发展规划，按照公益性、基本性、均等性、便利性的要求，加强公共文化设施建设，完善公共文化服务体系，提高公共文化服务效能。

Article 4 People's governments at or above the county level shall include public cultural services into the plan for national economy and social development made by each level, and strengthen the construction of public cultural facilities, perfect the system of public cultural services and improve the efficiency of public cultural services according to requirements on public benefits, fundamentality, equality and convenience.

第五条   国务院根据公民基本文化需求和经济社会发展水平，制定并调整国家基本公共文化服务指导标准。

Article 5 The State Council shall be responsible for formulating and adjusting the national standard on the guidance of basic public cultural services according to the basic cultural needs of citizens and the level of economic and social development.

省、自治区、直辖市人民政府根据国家基本公共文化服务指导标准，结合当地实际需求、财政能力和文化特色，制定并调整本行政区域的基本公共文化服务实施标准。

People's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate and adjust the local standards on the implementation of basic public cultural services for their respective jurisdiction according to the national standard on the guidance of basic public cultural services together with local demands, financial capabilities and cultural characteristics.

第六条   国务院建立公共文化服务综合协调机制，指导、协调、推动全国公共文化服务工作。国务院文化主管部门承担综合协调具体职责。

Article 6 The State Council shall set up the mechanism for integrated coordination of public cultural services, guide, coordinate and promote the public cultural services across the whole nation. The competent department of culture under the State Council shall undertake the specific responsibilities of comprehensive coordination.

地方各级人民政府应当加强对公共文化服务的统筹协调，推动实现共建共享。

Local people's governments at all levels shall strengthen their planning and coordination for public cultural services and promote the realization of joint development and sharing thereof.

第七条   国务院文化主管部门、新闻出版广电主管部门依照本法和国务院规定的职责负责全国的公共文化服务工作；国务院其他有关部门在各自职责范围内负责相关公共文化服务工作。

Article 7 Competent culture authority under the State Council and competent authority for press, publication, radio, film and television shall be responsible for the national public cultural services according to the responsibilities stated by the Law and provisions of the State Council. Other relevant departments under the State Council shall take charge of relevant public cultural services within their respective jurisdiction.

县级以上地方人民政府文化、新闻出版广电主管部门根据其职责负责本行政区域内的公共文化服务工作；县级以上地方人民政府其他有关部门在各自职责范围内负责相关公共文化服务工作。

Competent authorities for culture, press, publication, radio, film and television under the local people's governments above the county level shall take the responsibilities for the public cultural services within their own jurisdiction according to their respective responsibilities; other relevant departments under the local people's governments above the county level shall take charge of relevant public cultural services within their respective jurisdiction.

第八条   国家扶助革命老区、民族地区、边疆地区、贫困地区的公共文化服务，促进公共文化服务均衡协调发展。

Article 8 The State assists the old revolutionary base areas, minority areas, border areas and poverty-stricken areas in their public cultural services so as to achieve the balanced and coordinated development of public cultural services.

第九条   各级人民政府应当根据未成年人、老年人、残疾人和流动人口等群体的特点与需求，提供相应的公共文化服务。

Article 9 People's governments at all levels shall work hard to provide relevant public cultural services according to the characteristics and needs of the juveniles, the elderly, the disabled, the floating population and other groups of people.

第十条   国家鼓励和支持公共文化服务与学校教育相结合，充分发挥公共文化服务的社会教育功能，提高青少年思想道德和科学文化素质。

Article 10 The State encourages and supports the integration of public cultural services with school education in order to bring the social educational functions of public cultural services into full play and to enhance the ideological, moral, scientific and cultural quality of adolescents.

第十一条   国家鼓励和支持发挥科技在公共文化服务中的作用，推动运用现代信息技术和传播技术，提高公众的科学素养和公共文化服务水平。

Article 11 The State encourages and supports to play the role of science and technology in public cultural services, to promote the use of modern information technologies and communication technologies and to improve the scientific literacy of the public and the level of public cultural services.

第十二条   国家鼓励和支持在公共文化服务领域开展国际合作与交流。

Article 12 The State encourages and supports international cooperation and exchanges in the field of public cultural services.

第十三条   国家鼓励和支持公民、法人和其他组织参与公共文化服务。

Article 13 The State encourages and supports citizens, legal persons and other organizations to participate in public cultural services.

对在公共文化服务中作出突出贡献的公民、法人和其他组织，依法给予表彰和奖励。

Citizens, legal persons and other organizations that have made outstanding contributions to public cultural services shall be commended and awarded according to law.

第二章 公共文化设施建设与管理

Chapter 2 Construction and Management of Public Cultural Facilities

第十四条   本法所称公共文化设施是指用于提供公共文化服务的建筑物、场地和设备，主要包括图书馆、博物馆、文化馆（站）、美术馆、科技馆、纪念馆、体育场馆、工人文化宫、青少年宫、妇女儿童活动中心、老年人活动中心、乡镇（街道）和村（社区）基层综合性文化服务中心、农家（职工）书屋、公共阅报栏（屏）、广播电视播出传输覆盖设施、公共数字文化服务点等。

Article 14 For the purpose of this Law, public cultural facilities refer to buildings, venues and equipment used for providing public cultural services, mainly including libraries, museums, cultural centers (stations), art galleries, science and technology museums, memorial halls, stadiums, workers' cultural palaces, youth palaces, activity centers for women and children, activity centers for the elderly, comprehensive cultural service centers at the grass-roots level in towns (sub-districts) and villages (communities), farmers' (workers') bookstores, public bulletin boards (screens), radio and television transmission coverage facilities, public digital cultural service centers, etc.

县级以上地方人民政府应当将本行政区域内的公共文化设施目录及有关信息予以公布。

People's governments above the county level shall publish the catalogue of public cultural facilities and relevant information within their respective administrative regions.

第十五条   县级以上地方人民政府应当将公共文化设施建设纳入本级城乡规划，根据国家基本公共文化服务指导标准、省级基本公共文化服务实施标准，结合当地经济社会发展水平、人口状况、环境条件、文化特色，合理确定公共文化设施的种类、数量、规模以及布局，形成场馆服务、流动服务和数字服务相结合的公共文化设施网络。

Article 15 People's governments above the county level shall include the construction of public cultural facilities into their urban and rural planning and, according to the national standard on the guidance of basic public cultural services and the provincial standards on the implementation of basic public cultural services, determine the types, quantities, scale and layout of public cultural facilities properly, taking the local economic and social development, population, environmental conditions and cultural characteristics into consideration, and form the network of public cultural facilities which combines the stadium services, mobile services and digital services.

公共文化设施的选址，应当征求公众意见，符合公共文化设施的功能和特点，有利于发挥其作用。

Locations for public cultural facilities shall be subject to public opinions, suitable for their functions and characteristics and favorable to fulfill their uses.

第十六条   公共文化设施的建设用地，应当符合土地利用总体规划和城乡规划，并依照法定程序审批。

Article 16 The construction lands for public cultural facilities shall be in line with overall planning of land use and urban and rural planning and be approved according to legal procedures.

任何单位和个人不得侵占公共文化设施建设用地或者擅自改变其用途。因特殊情况需要调整公共文化设施建设用地的，应当重新确定建设用地。调整后的公共文化设施建设用地不得少于原有面积。

No entity or individual may encroach on the construction lands for public cultural facilities or change the uses of such lands without approval. Where it is necessary to adjust the construction lands for public cultural facilities due to special circumstances, the construction lands shall be re-determined. The construction lands for public cultural facilities, after the adjustment, shall be larger in size.

新建、改建、扩建居民住宅区，应当按照有关规定、标准，规划和建设配套的公共文化设施。

Supporting public cultural facilities shall be planned and constructed for new construction, reconstruction and extension of residential areas according to relevant provisions and standards.

第十七条   公共文化设施的设计和建设，应当符合实用、安全、科学、美观、环保、节约的要求和国家规定的标准，并配置无障碍设施设备。

Article 17 Public cultural facilities shall be designed and constructed in line with the national standards and such requirements as being practical, safe, scientific, aesthetic, environmentally friendly and energy saving and also be equipped with barrier-free facilities and equipment.

第十八条   地方各级人民政府可以采取新建、改建、扩建、合建、租赁、利用现有公共设施等多种方式，加强乡镇（街道）、村（社区）基层综合性文化服务中心建设，推动基层有关公共设施的统一管理、综合利用，并保障其正常运行。

Article 18 Local people's governments at all levels shall strengthen the construction of grassroots comprehensive cultural service centers in all rural areas and towns (sub-districts) or villages (communities) via different methods, such as building or jointly building new public facilities or rebuilding, extending, renting or making use of the existing public facilities, so as to promote the unified administration and comprehensive utilization of relevant grassroots public facilities and safeguard their normal operations.

第十九条   任何单位和个人不得擅自拆除公共文化设施，不得擅自改变公共文化设施的功能、用途或者妨碍其正常运行，不得侵占、挪用公共文化设施，不得将公共文化设施用于与公共文化服务无关的商业经营活动。

Article 19 Any entity or individual shall not dismantle public cultural facilities, or change their functions and uses or obstruct their normal operation without approval, and shall not encroach on and misappropriate any public cultural facility, nor use any public cultural facility for business activities irrelevant to public cultural services.

因城乡建设确需拆除公共文化设施，或者改变其功能、用途的，应当依照有关法律、行政法规的规定重建、改建，并坚持先建设后拆除或者建设拆除同时进行的原则。重建、改建的公共文化设施的设施配置标准、建筑面积等不得降低。

Where it is indeed necessary to dismantle public cultural facilities or change their functions and uses due to urban and rural constructions, re-constructions shall be carried out in accordance with relevant laws and administrative regulations as well as the principle of construction first and dismantlement second or construction and dismantlement carried out simultaneously. Public cultural facilities that are rebuilt or rebuilt shall not have lower equipment standards or construction areas.

第二十条   公共文化设施管理单位应当按照国家规定的标准，配置和更新必需的服务内容和设备，加强公共文化设施经常性维护管理工作，保障公共文化设施的正常使用和运转。

Article 20 Administrations of public cultural facilities shall provide and update the necessary services and equipment according to the national standards to strengthen regular maintenance and management of public cultural facilities and safeguard the normal use and operation of public cultural facilities.

第二十一条   公共文化设施管理单位应当建立健全管理制度和服务规范，建立公共文化设施资产统计报告制度和公共文化服务开展情况的年报制度。

Article 21 Administrations of public cultural facilities shall establish and improve their administrative systems and service regulations, and set up a system respectively for statistics report on assets concerning public cultural facilities and annual report on the implementation of public cultural services.

第二十二条   公共文化设施管理单位应当建立健全安全管理制度，开展公共文化设施及公众活动的安全评价，依法配备安全保护设备和人员，保障公共文化设施和公众活动安全。

Article 22 Administrations of public cultural facilities shall establish and improve the safety management system, carry out the safety evaluation of public cultural facilities and public activities, and provide safety protection equipment and personnel according to the law to ensure the safety of public cultural facilities and public activities.

第二十三条   各级人民政府应当建立有公众参与的公共文化设施使用效能考核评价制度，公共文化设施管理单位应当根据评价结果改进工作，提高服务质量。

Article 23 People's governments at all levels shall establish an evaluation system participated by the general public for the performance of public cultural facilities, and administrations of public cultural facilities shall improve their work based on the evaluation results for higher qualities of their services.

第二十四条   国家推动公共图书馆、博物馆、文化馆等公共文化设施管理单位根据其功能定位建立健全法人治理结构，吸收有关方面代表、专业人士和公众参与管理。

Article 24 The State encourages establishing and improving the corporate governance structure for management of such public cultural facilities as public libraries, museums and cultural centers based on their functions via absorbing relevant representatives, professionals and the public to participate in the management work.

第二十五条   国家鼓励和支持公民、法人和其他组织兴建、捐建或者与政府部门合作建设公共文化设施，鼓励公民、法人和其他组织依法参与公共文化设施的运营和管理。

Article 25 The State encourages and supports citizens, legal persons and other organizations to construct, donate or construct in cooperation with governmental departments public cultural facilities, and encourages citizens, legal persons and other organizations to participate in the operation and management of public cultural facilities in accordance with the law.

第二十六条   公众在使用公共文化设施时，应当遵守公共秩序，爱护公共设施，不得损坏公共设施设备和物品。

Article 26 When using public cultural facilities, the public shall abide by public order, take good care of public facilities and shall not damage equipment or articles of public facilities.

第三章 公共文化服务提供

Chapter 3 Provision of Public Cultural Services

第二十七条   各级人民政府应当充分利用公共文化设施，促进优秀公共文化产品的提供和传播，支持开展全民阅读、全民普法、全民健身、全民科普和艺术普及、优秀传统文化传承活动。

Article 27 People's governments at all levels shall make full use of public cultural facilities to promote the supply and spread of excellent public cultural products, give support to the implementation of nationwide reading, legal education, fitness program and scientific education, the popularization of art and the inheritance activities for the splendid traditional culture.

第二十八条   设区的市级、县级地方人民政府应当根据国家基本公共文化服务指导标准和省、自治区、直辖市基本公共文化服务实施标准，结合当地实际，制定公布本行政区域公共文化服务目录并组织实施。

Article 28 Local people's governments at the level of city divided into districts and the county level shall formulate, issue and organize the implementation of the catalogue of public cultural services for their respective jurisdiction according to the local realities and the national standard on the guidance of basic public cultural services together with the local standards of provinces, autonomous regions and municipalities directly under the Central Government on the implementation of basic public cultural services.

第二十九条   公益性文化单位应当完善服务项目、丰富服务内容，创造条件向公众提供免费或者优惠的文艺演出、陈列展览、电影放映、广播电视节目收听收看、阅读服务、艺术培训等，并为公众开展文化活动提供支持和帮助。

Article 29 Non-profit cultural entities shall improve and enrich their services, create conditions for providing artistic performances, shows and exhibitions, films, radio, television programs, reading services, artistic training for free or at a preferential price, and support and assist the public to carry out cultural activities.

国家鼓励经营性文化单位提供免费或者优惠的公共文化产品和文化活动。

The State encourages for-profit cultural entities to provide public cultural products and cultural activities for free or at a preferential price.

第三十条   基层综合性文化服务中心应当加强资源整合，建立完善公共文化服务网络，充分发挥统筹服务功能，为公众提供书报阅读、影视观赏、戏曲表演、普法教育、艺术普及、科学普及、广播播送、互联网上网和群众性文化体育活动等公共文化服务，并根据其功能特点，因地制宜提供其他公共服务。

Article 30 Grassroots comprehensive cultural service centers shall strengthen the integration of various resources, establish sound networks of public cultural services, maximize their functions to provide unified services, and provide diversified public cultural services to the public, including newspapers and books, appreciation of films and television programs, traditional opera performances, legal education, art popularization, science popularization, radio broadcast, internet, mass cultural and sports activities. Besides, they shall provide other public services according to their functional characteristics and the local circumstances.

第三十一条   公共文化设施应当根据其功能、特点，按照国家有关规定，向公众免费或者优惠开放。

Article 31 Public cultural facilities shall be open to the public for free or at a preferential price according to their functions and characteristics and the relevant provisions of the State.

公共文化设施开放收取费用的，应当每月定期向中小学生免费开放。

Public cultural facilities open for fee shall be accessible to primary and secondary school students free of charge on a regular basis every month.

公共文化设施开放或者提供培训服务等收取费用的，应当报经县级以上人民政府有关部门批准；收取的费用，应当用于公共文化设施的维护、管理和事业发展，不得挪作他用。

Where public cultural facilities are open or provide training services for fee, approval from the relevant departments under the people's governments at or above the county level shall be obtained; the fees collected shall be used for the maintenance, management and undertaking development of public cultural facilities and may not be misappropriated.

公共文化设施管理单位应当公示服务项目和开放时间；临时停止开放的，应当及时公告。

Administrations of public cultural facilities shall publish their services and opening hours, and shall announce any temporary close.

第三十二条   国家鼓励和支持机关、学校、企业事业单位的文化体育设施向公众开放。

Article 32 The State encourages and supports authorities, schools, enterprises and public institutions to make their cultural and sports facilities accessible to the public.

第三十三条   国家统筹规划公共数字文化建设，构建标准统一、互联互通的公共数字文化服务网络，建设公共文化信息资源库，实现基层网络服务共建共享。

Article 33 The State makes the overall planning for the construction of public digital culture, build up the standardized, unified and interacted network of public digital cultural services and establish the resource database of public cultural information in order to realize the joint development and sharing of grassroots network services.

国家支持开发数字文化产品，推动利用宽带互联网、移动互联网、广播电视网和卫星网络提供公共文化服务。

The State supports the development of digital cultural products and promotes the public cultural services provided via broadband Internet, mobile Internet, radio and television networks and satellite networks.

地方各级人民政府应当加强基层公共文化设施的数字化和网络建设，提高数字化和网络服务能力。

Local people's governments at all levels shall strengthen the digitalization and network construction of relevant grassroots public facilities for a better capability of digital and network services.

第三十四条   地方各级人民政府应当采取多种方式，因地制宜提供流动文化服务。

Article 34 Local people's governments at various levels shall provide floating cultural services through various methods according to the local realities.

第三十五条   国家重点增加农村地区图书、报刊、戏曲、电影、广播电视节目、网络信息内容、节庆活动、体育健身活动等公共文化产品供给，促进城乡公共文化服务均等化。

Article 35 The State shall specially increase the supply of public cultural products in rural areas, such as books, newspapers, traditional operas, films, radio and television programs, network information contents, festival activities and physical fitness activities, to promote the equalization of public cultural services between the urban and rural areas.

面向农村提供的图书、报刊、电影等公共文化产品应当符合农村特点和需求，提高针对性和时效性。

Public cultural products such as books, newspapers, periodicals and films provided to the rural areas shall conform to the characteristics and needs of rural areas, with improved pertinence and timeliness.

第三十六条   地方各级人民政府应当根据当地实际情况，在人员流动量较大的公共场所、务工人员较为集中的区域以及留守妇女儿童较为集中的农村地区，配备必要的设施，采取多种形式，提供便利可及的公共文化服务。

Article 36 According to local realities, local people's governments at all levels shall equip necessary facilities in public places with large population mobility, areas where migrant workers are relatively concentrated, and rural areas where left-behind women and children are relatively concentrated, and provide convenient and accessible public culture services in various ways.

第三十七条   国家鼓励公民主动参与公共文化服务，自主开展健康文明的群众性文化体育活动；地方各级人民政府应当给予必要的指导、支持和帮助。

Article 37 The State encourages citizens to have active participation in public cultural services, to organize healthy and civilized mass cultural sports activities; while people's governments at all levels shall give necessary guidance, support and assistance to such activities.

居民委员会、村民委员会应当根据居民的需求开展群众性文化体育活动，并协助当地人民政府有关部门开展公共文化服务相关工作。

Neighborhood committees and villager committees shall carry out mass cultural sports activities according to the needs of residents and assist relevant departments under the local people's governments in carrying out relevant work concerning public cultural services.

国家机关、社会组织、企业事业单位应当结合自身特点和需要，组织开展群众性文化体育活动，丰富职工文化生活。

State organs, social organizations, enterprises and public institutions shall organize mass cultural and sports activities in combination with their own characteristics and needs, to enrich the cultural life of their employees.

第三十八条   地方各级人民政府应当加强面向在校学生的公共文化服务，支持学校开展适合在校学生特点的文化体育活动，促进德智体美教育。

Article 38 Local people's governments at all levels shall strengthen the public cultural services oriented to students at schools, support schools to carry out cultural and sports activities that are suitable to students at schools in order to promote the all-round education.

第三十九条   地方各级人民政府应当支持军队基层文化建设，丰富军营文化体育活动，加强军民文化融合。

Article 39 Local people's governments at all levels shall support the construction of army grassroots culture, enrich the cultural and sports activities of military camps and strengthen the civil-military cultural integration.

第四十条   国家加强民族语言文字文化产品的供给，加强优秀公共文化产品的民族语言文字译制及其在民族地区的传播，鼓励和扶助民族文化产品的创作生产，支持开展具有民族特色的群众性文化体育活动。

Article 40 The State enhances the supply of cultural products in a minority language, strengthens the spread of outstanding public cultural products within the minority areas via translating such products with such languages, encourages and assists the creation and production of ethnic cultural products and supports the development of mass cultural and sports activities with distinctive ethnic characteristics.

第四十一条   国务院和省、自治区、直辖市人民政府制定政府购买公共文化服务的指导性意见和目录。国务院有关部门和县级以上地方人民政府应当根据指导性意见和目录，结合实际情况，确定购买的具体项目和内容，及时向社会公布。

Article 41 The State Council and people's governments of provinces, autonomous regions and municipalities directly under the Central Government are responsible for making guiding opinions and catalogue for the procurement of public cultural services by governments. Relevant departments under the State Council and people's governments above the county level shall determine the specific services that they intend to purchase according to such guiding opinions and catalogue as well as the local realities and publish the same in a timely manner.

第四十二条   国家鼓励和支持公民、法人和其他组织通过兴办实体、资助项目、赞助活动、提供设施、捐赠产品等方式，参与提供公共文化服务。

Article 42 The State encourages and supports citizens, legal persons and other organizations to participate in providing public cultural services through such methods as setting up entities, giving financial aid to projects, sponsoring activities, providing appliances and donating products.

第四十三条   国家倡导和鼓励公民、法人和其他组织参与文化志愿服务。

Article 43 The State advocates and encourages citizens, legal persons and other organizations to participate in voluntary cultural services.

公共文化设施管理单位应当建立文化志愿服务机制，组织开展文化志愿服务活动。

The administration of a public cultural facility shall establish a cultural voluntary service mechanism and organize cultural voluntary service activities.

县级以上地方人民政府有关部门应当对文化志愿活动给予必要的指导和支持，并建立管理评价、教育培训和激励保障机制。

Relevant departments under the local people's governments at or above the county level shall give necessary guidance and support to such voluntary cultural services and establish the management assessment system, education and training system and incentive security system.

第四十四条   任何组织和个人不得利用公共文化设施、文化产品、文化活动以及其他相关服务，从事危害国家安全、损害社会公共利益和其他违反法律法规的活动。

Article 44 No organization or individual may use public cultural facilities, cultural products, cultural activities and other relevant services to engage in activities that endanger the national security, harm the public interests of the society and other activities that violate the laws and regulations.

第四章 保障措施

Chapter 4 Guarantee Measures

第四十五条   国务院和地方各级人民政府应当根据公共文化服务的事权和支出责任，将公共文化服务经费纳入本级预算，安排公共文化服务所需资金。

Article 45 The State Council and local people's governments at all levels shall include the fund for public cultural services into their respective budget and arrange the fund necessary for public cultural services according to the administrative powers and expenditure responsibilities regarding public cultural services.

第四十六条   国务院和省、自治区、直辖市人民政府应当增加投入，通过转移支付等方式，重点扶助革命老区、民族地区、边疆地区、贫困地区开展公共文化服务。

Article 46 The State Council and people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall increase their input and specially give assistance to old revolutionary base areas, minority areas, border areas and poverty-stricken areas for their public cultural services via such approaches as transfer payments.

国家鼓励和支持经济发达地区对革命老区、民族地区、边疆地区、贫困地区的公共文化服务提供援助。

The State encourages and supports economically developed regions to assist the old revolutionary base areas, minority areas, border areas and poverty-stricken areas in their public cultural services.

第四十七条   免费或者优惠开放的公共文化设施，按照国家规定享受补助。

Article 47 Public cultural facilities that are open for free or at a preferential price may enjoy subsidies according to national provisions.

第四十八条   国家鼓励社会资本依法投入公共文化服务，拓宽公共文化服务资金来源渠道。

Article 48 The State encourages social capital legally invested in public cultural services, expanding the sources of funds for public cultural services.

第四十九条   国家采取政府购买服务等措施，支持公民、法人和其他组织参与提供公共文化服务。

Article 49 The State supports citizens, legal persons and other organizations to participate in public cultural services through government purchase and other methods.

第五十条   公民、法人和其他组织通过公益性社会团体或者县级以上人民政府及其部门，捐赠财产用于公共文化服务的，依法享受税收优惠。

Article 50 Citizens, legal persons and other organizations that donate properties for public cultural services through non-profit social groups or people's governments at or above the county level shall be entitled to tax preferences according to the law.

国家鼓励通过捐赠等方式设立公共文化服务基金，专门用于公共文化服务。

The State encourages the establishment of public cultural service funds dedicated to public cultural services by donation and other means.

第五十一条   地方各级人民政府应当按照公共文化设施的功能、任务和服务人口规模，合理设置公共文化服务岗位，配备相应专业人员。

Article 51 Local people's governments at all levels shall set positions for public cultural services reasonably with relevant professional staff according to the functions of public cultural facilities, targets and population served.

第五十二条   国家鼓励和支持文化专业人员、高校毕业生和志愿者到基层从事公共文化服务工作。

Article 52 The State encourages and supports cultural professionals, college graduates and volunteers to engage in public cultural services at the grassroots.

第五十三条   国家鼓励和支持公民、法人和其他组织依法成立公共文化服务领域的社会组织，推动公共文化服务社会化、专业化发展。

Article 53 The State encourages and supports citizens, legal persons and other organizations to establish social organizations in the field of public cultural services according to law so as to promote the socialized and professional development of public cultural services.

第五十四条   国家支持公共文化服务理论研究，加强多层次专业人才教育和培训。

Article 54 The State supports theoretical research on public cultural services and strengthens the education and training provided to multi-level professionals.

第五十五条   县级以上人民政府应当建立健全公共文化服务资金使用的监督和统计公告制度，加强绩效考评，确保资金用于公共文化服务。任何单位和个人不得侵占、挪用公共文化服务资金。

Article 55 People's governments at or above the county level shall establish a sound system regarding the supervision over the use of and the announcement of the statistics of funds for public cultural services, strengthen the performance evaluation, and ensure that funds are used for public cultural services. No entity or individual may encroach on or misappropriate funds for public cultural services.

审计机关应当依法加强对公共文化服务资金的审计监督。

Auditing authorities shall strengthen the auditing and supervision of the funds for public cultural services.

第五十六条   各级人民政府应当加强对公共文化服务工作的监督检查，建立反映公众文化需求的征询反馈制度和有公众参与的公共文化服务考核评价制度，并将考核评价结果作为确定补贴或者奖励的依据。

Article 56 People's governments at all levels shall strengthen the supervision and inspection of public cultural services, establish a feedback mechanism for collecting the cultural demands from the public and an assessment system participated by the general public for public cultural services, and take the assessment results as the basis for subsidies or awards.

第五十七条   各级人民政府及有关部门应当及时公开公共文化服务信息，主动接受社会监督。

Article 57 People's governments at various levels and the departments concerned thereof shall timely disclose information on public cultural services and take the initiative to accept social supervision.

新闻媒体应当积极开展公共文化服务的宣传报道，并加强舆论监督。

The news media shall report public cultural services actively and strengthen the supervision over such opinions.

第五章 法律责任

Chapter 5 Legal Liabilities

第五十八条   违反本法规定，地方各级人民政府和县级以上人民政府有关部门未履行公共文化服务保障职责的，由其上级机关或者监察机关责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 58 Where local people's governments at all levels and relevant departments under the people's governments above the county level fail to fulfill their obligations to safeguard public cultural services as required in this Law, their superior organs or supervisory organs shall order for rectification within a specified time limit. In case of any serious circumstances, the direct person in-charge and other direct responsible persons shall be given a punishment according to law.

第五十九条   违反本法规定，地方各级人民政府和县级以上人民政府有关部门，有下列行为之一的，由其上级机关或者监察机关责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分：

Article 59 Where local people's governments at all levels and relevant departments under the people's governments at or above the county level violate this Law with any of the following behaviors, their superior organs or supervisory organs shall order for rectification within a specified time limit. In case of any serious circumstances, the direct liable person in charge and other direct liable persons shall be punished in accordance with the law:

（一）侵占、挪用公共文化服务资金的；

1. Misappropriating funds for public cultural services;

（二）擅自拆除、侵占、挪用公共文化设施，或者改变其功能、用途，或者妨碍其正常运行的；

2. dismantling, occupying or using public cultural facilities, or changing their functions and uses without approval, or obstructing their normal operation;

（三）未依照本法规定重建公共文化设施的；

3. rebuilding public cultural facilities not in conformity with this Law;

（四）滥用职权、玩忽职守、徇私舞弊的。

(IV) abusing his power, neglecting his duties or practicing frauds for personal gains.

第六十条   违反本法规定，侵占公共文化设施的建设用地或者擅自改变其用途的，由县级以上地方人民政府土地主管部门、城乡规划主管部门依据各自职责责令限期改正；逾期不改正的，由作出决定的机关依法强制执行，或者依法申请人民法院强制执行。

Article 60 Where this Law is violated due to encroaching upon the construction lands for public cultural facilities or changing the uses of such lands, competent land authorities under the people's governments above the county level and competent authorities for urban and rural planning shall order for rectification within a specified time limit according to their own responsibilities. In case of failure to make rectification within the time limit, the authority making the decision may conduct compulsory enforcement according to law or apply for compulsory enforcement to a people's court according to law.

第六十一条   违反本法规定，公共文化设施管理单位有下列情形之一的，由其主管部门责令限期改正；造成严重后果的，对直接负责的主管人员和其他直接责任人员，依法给予处分：

Article 61 Where administrations of public cultural facilities violate this Law with any of the following behaviors, their competent authorities shall order for rectification within a specified time limit. In case of any serious consequences, the direct person in-charge and other direct responsible persons shall be given a punishment according to law,

（一）未按照规定对公众开放的；

1. failure to make such facilities accessible to the public as required;

（二）未公示服务项目、开放时间等事项的；

(II) failing to disclose such matters as service items and opening hours;

（三）未建立安全管理制度的；

(III) failing to establish a safety management system;

（四）因管理不善造成损失的。

(IV) Any losses resulted from poor management.

第六十二条   违反本法规定，公共文化设施管理单位有下列行为之一的，由其主管部门或者价格主管部门责令限期改正，没收违法所得，违法所得五千元以上的，并处违法所得两倍以上五倍以下罚款；没有违法所得或者违法所得五千元以下的，可以处一万元以下的罚款；对直接负责的主管人员和其他直接责任人员，依法给予处分：

Article 62 Where the administration of a public cultural facility commits any of the following acts in violation of this Law, the authorities in charge or pricing authorities may order it to make rectifications within a prescribed time limit, confiscate the illegal gains, and impose a fine of not less than two times but not more than five times the illegal gains if the illegal gains are more than 5,000 yuan; a fine of not more than 10,000 yuan may be imposed if there are no illegal gains or the illegal gains are less than 5,000 yuan; and the person directly in charge and other directly liable persons shall be punished according to law,

（一）开展与公共文化设施功能、用途不符的服务活动的；

1. carrying out any services that are irrelevant to the functions or uses of the public cultural facilities;

（二）对应当免费开放的公共文化设施收费或者变相收费的；

2. charging fees directly or in a disguised way for such public cultural facilities that should have been operated for free;

（三）收取费用未用于公共文化设施的维护、管理和事业发展，挪作他用的。

(III) not using fees collected for the maintenance, management and undertaking development of public cultural facilities but misappropriating such fees

第六十三条   违反本法规定，损害他人民事权益的，依法承担民事责任；构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 63 Persons who violate the provisions of this Law and harm the civil rights and interests of others shall bear civil liability pursuant to the law; where the case constitutes a violation of security administration, the public security bureau shall impose security administration punishment pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第六章 附 则

Chapter 6 Supplementary Provisions

第六十四条   境外自然人、法人和其他组织在中国境内从事公共文化服务的，应当符合相关法律、行政法规的规定。

Article 64 Overseas natural persons, legal persons and other organizations providing public cultural services within the territory of China shall abide by related laws and administrative regulations.

第六十五条   本法自2017年3月1日起施行。

Article 65 The Law shall come into force as of March 1, 2017.