

# 海南自由贸易港优化营商环境条例

**Regulations of Hainan Free Trade Port on  
Optimizing the Business Environment**

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# 海南自由贸易港优化营商环境条例

(2021年9月29日海南省第六届人民代表大会常务委员会第三十次会议通过)

**第一条** 为营造法治化、国际化、便利化的营商环境，激发市场主体活力，建设高水平的中国特色自由贸易港，根据《中华人民共和国海南自由贸易港法》《优化营商环境条例》等有关法律、法规，结合海南自由贸易港实际，制定本条例。

**第二条** 省和市、县、自治县人民政府应当加强对优化营商环境工作的组织领导，明确营商环境改革引领性目标和营商环境建设年度目标，建立健全优化营商环境统筹推进工作机制，统筹协调深化营商环境改革工作。政府主要负责人是优化营商环境的第一责任人。

省和市、县、自治县人民政府优化营商环境工作主管部门负责组织、指导、督促、协调和推进优化营商环境日常工作，组织开展营商环境考核和监督管理工作。

省和市、县、自治县人民政府工业和信息化、自然资源和规划、商务、市场监督管理、金融监督管理等有关部门依据职责负责优化营商环境相关工作。

**第三条** 省人民政府参照国际国内营商环境评价指标体系，以市场主体满意度为导向，按照横向可对比、纵向可考核的要求，编制海南自由贸易港营商环境评价指标体系并组织实施。

# Regulations of Hainan Free Trade Port on Optimizing the Business Environment

(Adopted at the 30th Session of the Standing Committee of the 6th Hainan Provincial People's Congress on September 29, 2021)

**Article 1** These Regulations are enacted pursuant to the Hainan Free Trade Port Law of the People's Republic of China, Regulations on Optimizing the Business Environment and other applicable laws and regulations, and based on actual circumstances in the Hainan Free Trade Port to create a law-based, international and convenient business environment, stimulate the vitality of market entities, and establish a high-end free trade port with Chinese characteristics.

**Article 2** The provincial, city, county, and autonomous county people's governments shall improve organization and leadership in optimizing the business environment, specify the leading business environment reform objectives and the annual business environment development objectives, implement and optimize a working system for streamlining the optimization of the overall business environment, and coordinate and improve the business environment reform. The government program director shall be the primary person directly responsible for the optimization of the business environment.

Provincial, city, county, and autonomous county people's government agencies tasked with optimizing the business environment shall be responsible for organizing, guiding, overseeing, coordinating, and implementing daily business environment optimization work, and organizing the assessment, oversight, and administration of the business environment.

The provincial, city, county, and autonomous county's people's government agencies, such as those responsible for industry and information technology, natural resources and planning, commerce, market regulation, financial oversight, and administration, shall be responsible for optimizing the business environment based on their individual authorities and duties.

**Article 3** The provincial people's government shall prepare and implement the Free Trade Port evaluation metrics system based on international and domestic business environment evaluation metrics systems, horizontally comparable and vertically assessable requirements, and market entity satisfaction.

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政府及有关部门应当根据营商环境评价结果，及时制定或者调整优化营商环境政策措施。省人民政府对未达到国家和本省要求的优化营商环境目标或者在全省营商环境评价中排名靠后的市、县、自治县人民政府及有关部门主要负责人实行约谈，督促其优化营商环境。

**第四条** 政府及有关部门应当适应国际经济贸易规则发展和全球经济治理体系改革新趋势，以贸易投资自由化便利化为重点，在标准对接、信息共享、人员交流和执法协同等方面加强营商环境国际交流。

制定有关贸易、投资等相关管理活动的法规、规章、行政规范性文件，应当评估是否符合我国参加的国际协议，加强与国际通行规则对接融合。

**第五条** 单位和个人应当树立人人都是营商环境的理念，积极参与营商环境建设，共同营造开放包容、互利合作、诚实守信、文明和谐、重商护商的社会氛围。

政府及有关部门应当按照构建亲清新型政商关系的要求，增强主动服务市场主体意识，建立有事必应、无事不扰的经营便利政策制度，健全畅通有效的政企沟通机制，依法为市场主体解决生产经营中遇到的困难和问题，保障市场主体正常开展生产经营活动。

政府部门工作人员应当规范政商交往行为，勤勉尽责，依法履职，严格遵守纪律，清正廉洁，不得利用职务之便为本人或者他人谋取私利，不得干扰市场主体正常生产经营活动，不得增加市场主体负担。

省和市、县、自治县人民政府应当建立营商环境考核督察制度和营商环境政务切身体验、专业观察监督制度，通过专项督察、日常督导等方式加强对优化营商环境工作的监督检查，公开曝光营商环境反面典型案例。

The government and its agencies shall promptly issue or amend policies and guidelines to optimize the business environment based on the evaluation results. The provincial people's government may discuss regulation with those directly in charge of city, county, or autonomous county people's governments or their agencies that fail to meet the national or provincial business environment optimization requirements or rank low in the provincial business environment assessment, and encourage them to optimize the business environment.

**Article 4** The government and its agencies shall adapt to emerging international economic and trade rules and global economic governance system reform trends, focus on the liberalization and facilitation of trade and investment, and improve international business environment communication in standards sharing, information sharing, employee exchange, and law enforcement coordination.

The issuance of any trade, investment, or related administrative activity regulations, rules, or administrative normative documents shall be assessed to ensure they conform to the international agreements to which China is a party and improve awareness and integration with internationally accepted rules.

**Article 5** Entities and individuals shall raise awareness that everyone is a part of the business environment, actively participate in the development of the business environment, and jointly create a social atmosphere of openness, inclusiveness, mutual collaboration, honesty and trustworthiness, civilization and harmony, and valuing and protecting business.

The government and its agencies shall improve market entity service awareness, implement a policy system for business facilitation responsive to market entity needs, improve the free and effective communication between government and business, solve difficulties in production and operation for market entities pursuant to law, and ensure market entities' regular production and operation based on the requirements of developing a cordial and transparent relationship between government and market entities.

Government staffs shall follow best practices to build relationships with business operators, instill a strong work ethic and sense of responsibility, perform their authorities and duties as required by law, strictly abide by disciplinary rules, develop personal integrity, avoid abusing their positions to seek personal gains for themselves or others, not interfere with market entity regular production and operations, and not increase the burden on market entities.

The provincial, city, county, and autonomous county people's governments shall implement a business environment assessment and oversight system, a business environment practical experience system, and a professional observation and oversight system, improve business environment optimization oversight and review through specific oversight and daily inspections, and publish examples of bad business environment optimization.

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**第六条** 县级以上人民政府应当通过设立投诉平台等方式受理市场主体对营商环境问题的投诉、举报，按照统一受理、按责转办、限时办结、跟踪督办的原则，依法依规对投诉、举报事项进行处理，能够解决的应当即时处理，暂时不能解决的，应当提出具体解决方案。处理结果应当及时向投诉、举报人反馈，并依法为投诉、举报人保密。

优化营商环境工作主管部门应当对投诉、举报的重点问题组织专项核查。

对市场主体投诉反映的共性、普遍性问题，政府及有关部门应当建立解决问题的长效机制。

**第七条** 政府及有关部门应当推进和落实贸易自由化便利化措施，逐步减少企业资质、配额、数量、许可等管理措施。

政府及有关部门应当落实海南自由贸易港跨境服务贸易负面清单管理制度，对清单外事项按照境内外一致原则实施管理，并推进扩大跨境服务贸易对外开放领域。

政府及有关部门应当推进服务贸易创新发展，在服务贸易管理体制、促进机制、发展模式、监管制度等方面先行先试。对在海南自由贸易港注册登记且仅在海南自由贸易港从事商业特许经营活动的特许人不进行商业特许经营备案。

**第八条** 政府及有关部门应当高标准建设国际贸易“单一窗口”和口岸基础设施，不断丰富和拓展国际贸易“单一窗口”地方特色功能应用，实行口岸收费项目目录清单公示制度，规范口岸合规收费，并逐步推进简并港口收费项目，降低港口收费标准，减少贸易合规成本。

**Article 6** The people's governments at or above the county level shall accept complaints and reports on business environment issues filed by market entities by creating complaint platforms and resolving such complaints and reports in a standardized manner, escalating them to the competent agency based on the division of responsibility, resolve them within the specified time limit, and follow up on the results as required by law. Those complaints and reports that can be resolved shall be resolved immediately, and specific solutions shall be brought up for those that cannot be resolved temporarily. The results shall be kept confidential pursuant to law and promptly announced to the complaints and informants.

The competent agency in charge of optimizing the business environment shall organize specific inspections of the main complaint and report issues.

The government and its agencies shall set up a long-term effective system to resolve common issues reported by market entities.

**Article 7** The government and its agencies shall improve and implement trade liberalization and facilitation measures, and reduce administrative measures on enterprise qualification, quota, quantity, and license step by step.

The government and its agencies shall create a negative list for cross-border trade in services in the Free Trade Port, treat the items not on the list equally for domestic and foreign entities, and improve the opening up of cross-border trade in services.

The government and its agencies shall improve trade in services innovation and development and conduct trial reforms in government administration, optimization, development methods, and trade in services oversight systems. Concession operators registered in the Free Trade Port and only involved in commercial concessions within the Free Trade Port may be exempted from commercial concessions filing.

**Article 8** The government and its agencies shall set up a Single Portal system for international trade and port infrastructure construction following high standards, continue to boost and expand local innovation for the Single Portal, and implement a system to publish the list of port charges, standardize port charges, simplify and consolidate port charges step by step, and lower port charge standards and compliance costs.

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海关应当落实通关便利化政策，精简监管证件和随附单证，简化货物流转流程和手续，提升通关效率。除依法需要检验检疫或者实行许可证件管理的货物外，货物进入海南自由贸易港，海关按照有关规定径予放行。

政府及有关部门加强推进海南自由贸易港与其他国家和地区的动植物疫情信息共享，探索认可海南自由贸易港与其他国家和地区间动植物检疫措施的等效性。

**第九条** 政府及有关部门应当推进和落实海南自由贸易港外商投资准入负面清单、海南自由贸易港放宽市场准入特别清单管理制度，全面推行极简审批投资制度，推行市场准入承诺即入制，提升市场主体准入准营便利度。

**第十条** 政府及有关部门应当高标准建设国际投资“单一窗口”，对投资咨询、代办服务、设立公司、外汇登记、银行开户、项目建设及其他事项办理等投资全链条，提供全流程服务。

**第十一条** 政府采购和政府投资工程招标投标等公共资源交易活动，应当公开透明、公平公正，保障各类市场主体依法平等参与，不得违规设置不合理条件，或者以其他任何形式排斥、限制潜在投标人或者供应商。

政府及有关部门应当优化招标投标流程，逐步推行招标投标全流程电子化。招标人、招标代理机构不得因使用电子招标投标方式，额外向投标人收取费用或者不合理地增加潜在投标人参与投标的难度。

投标人应当保证投标的工程项目、商品和服务质量符合规定，不得以相互串标、低于成本报价等违法违规方式参与竞标，扰乱招标投标市场秩序。



Customs authorities shall implement the policies to facilitate customs clearance, simplify or remove certificates and documents required for customs administration, simplify goods transfer procedures and improve customs clearance efficiency. Customs shall release goods into the Free Trade Port as required except for goods requiring inspection and quarantine or those subject to license administration pursuant to law.

The government and its agencies shall improve animal and plant epidemic information sharing between the Free Trade Port and other countries and areas, and explore mutual animal and plant quarantine recognition measures between the Free Trade Port and other countries and areas.

**Article 9** The government and its agencies shall improve and implement the Free Trade Port foreign investment access negative list, relax Free Trade Port market access list system, fully implement a simplified investment approval system, implement a market access permission system through commitment, and improve ease of access for market entities entering the market.

**Article 10** The government and its agencies shall set up a high standard international investment Single Portal system and provide services for all investment procedures, including investment consultation, agency services, incorporation, foreign exchange registration, bank account opening, project construction, and other matters.

**Article 11** Public resource transactions, such as those for government procurement, bidding, and tendering for government-invested projects, shall be open, transparent, fair, and just, and all kinds of market entities shall be guaranteed equal participation pursuant to law. Unreasonable conditions in violation of regulations shall not be set and potential bidders or suppliers shall not be excluded or restricted in any way.

The government and its agencies shall optimize the bidding process and gradually implement electronic bidding. The bid solicitor and bid agency shall not charge extra fees to bidders or unreasonably increase the difficulty for potential bidders to participate in bidding due to the use of electronic bid solicitation and bidding.

Bidders shall warrant that the quality of the projects, goods, and services they bid for meet the requirements and shall not submit bids in violation of the law or commit acts that disturb the bid solicitation and bidding market order, such as bid-rigging or quoting prices below cost prices.

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政府及有关部门应当推进公共资源交易全过程在线实时监管，推进市场主体履约行为信用评价和行政处罚结果在公共资源交易过程中的运用，加大打击串通投标、骗取中标、以行贿谋取中标等违法行为。

**第十二条** 对政府性基金、涉企行政事业性收费、涉企保证金以及实行政府定价的经营服务性收费实行目录清单管理，并向社会公开。禁止擅自收费、越权收费、超标准收费和重复收费。

省人民政府根据发展需要，依照有关规定减少收费项目，降低收费标准，减轻市场主体负担。

**第十三条** 政府及有关部门应当制定和完善促进引导金融服务实体经济政策措施，建立健全地方财政扶持中小微企业发展机制和对各类金融机构的激励机制。完善财政扶持产业发展方式，通过政府投资基金、贷款风险补偿、融资担保等方式为中小微企业融资提供支持。推广“评价增信+金融服务”等有利于中小微企业融资的服务管理模式。

省和市、县、自治县人民政府应当推进企业信用信息服务平台、金融综合服务平台等公共信息平台互联互通，为市场主体提供涉企信用信息服务、融资对接服务等综合金融服务。

**第十四条** 政府及有关部门应当建立科学合理的人才引进、认定、使用和待遇保障机制，实行以薪酬水平为主要指标的人才评价标准，依托海南自由贸易港人才服务“单一窗口”，实行更加开放便利的人才、停居留、出境入境和工作签证政策。

**第十五条** 人力资源社会保障部门应当为市场主体提供用工指导、政策咨询、劳动关系协调等服务和指导。鼓励和支持企业组织职工开展各种形式的职业技能培训。

The government and its agencies shall improve online real-time supervision of public resource transactions process, improve the implementation of credit evaluation and administrative penalty results for market entity performance, and step up efforts to crack down on legal violations such as bid-rigging, false bidding, and bribery.

**Article 12** Government funding, administrative charges for non-profits over market entities, commercial deposits, and operating service fees subject to government pricing shall also be administered as a list and publicly announced. Any unauthorized charges, *ultra vires* charges, charges over-standard, or duplicate charges are prohibited.

Based on development needs, the provincial people’s government may reduce the fees and charges, lower fees and standards, and reduce the burden on market entities pursuant to applicable regulations.

**Article 13** The government and its agencies shall implement and optimize policies and measures to lead financial services into the real economy, and set up and optimize local financial support systems for the development of medium, small, and micro businesses and incentive systems for different types of financial institutions. Financial support for industrial development shall be improved to provide support for micro, small and medium businesses through government investment funds, loan loss compensation, and financial guarantees. Credit support financial services and other financing services that benefit micro, small and medium businesses shall be encouraged.

The provincial, city, county, and autonomous county people’s governments shall encourage the integration of public information platforms such as business credit report service platform and comprehensive financial service platform, and provide comprehensive financial services such as business credit report, and financial institution connections for market entities.

**Article 14** The government and its agencies shall create a scientific and reasonable system to ensure the introduction, identification, employment, and treatment of skilled employees, implement skilled employee evaluation standards using salary levels as the main metrics, and create a “Single Portal” for skilled employee services in the Free Trade Port, implement more open and facilitation policies for skilled employees and their permission of stay, residence, exit and entry, and work visas.

**Article 15** Human resources and social security agencies shall provide employment guidelines, policy advice, employment relations coordination, and other services for market entities. Businesses shall be encouraged and receive support to conduct different forms of vocational training.

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支持劳动者通过临时性、非全日制、季节性、弹性工作等灵活多样形式实现就业，为劳动者提供社会保障卡一卡通服务。

用人单位因生产经营特点不能实行国家规定的标准工时制度且符合特殊工时制度实行范围，经集体协商实行不定时或者综合计算工时工作制度的，可以实行告知承诺制。

**第十六条** 政府及有关部门与市场主体签订招商引资、战略合作等合同协议，应当坚持平等协商、依法依规、互利共赢、务实审慎原则并考虑财政支付能力，不得违反国家、海南自由贸易港有关规定承诺优惠条件。

对招商引资过程中以合同协议以外的方式承诺的投资政策和优惠条件，应当依照法定权限和规定程序以书面的形式作出。

**第十七条** 政府及有关部门应当履行向市场主体依法作出的政策承诺、依法签订的合同以及司法机关作出的生效裁决，不得擅自变更政策承诺或者合同；不得以政府换届、相关责任人调整等为由不履行；行政区划调整、机构或者职能调整的，由承接相应职责的政府及有关部门负责履行；对未依照规定履行承诺、合同或者不履行生效裁决的，应当限期解决。

因国家利益、社会公共利益需要改变政策承诺、合同约定的，应当依照法定权限和程序进行，并依法对市场主体因此受到的损失予以补偿。因政府及有关部门违法违规失信行为给市场主体合法权益造成损失的，应当予以赔偿。

县级以上人民政府应当对本级人民政府部门和下级人民政府的政务履约守诺情况进行考核，建立政务失信责任追究制度，按照规定对政务失信行为予以惩戒。

The unemployed workforce shall receive support to find temporary, part-time, seasonal, and flexible employment, and obtain an integrated social security card.

Employers unable to implement the national standard work hours system due to production and operation needs and implement alternative work schedules instead may implement acknowledgement after joint negotiations to request a flexible work schedule or compressed work schedule.

**Article 16** The government and its agencies shall abide by the principles of mutual negotiations, legal and regulatory compliance, mutual benefit, and prudence, and shall consider financial payment capabilities when signing investment incentive and strategic partnership agreements with market entities, and shall not violate the preferential conditions promised by the state and the Free Trade Port.

Investment policies and preferential conditions promised by means other than contracts during the investment attraction shall be made in writing based on statutory authority and specified procedures.

**Article 17** The government and its agencies shall fulfill the policy commitments made to market entities, the contracts, and the effective rulings made by the judicial branch, and shall not change policy commitments or contracts without authorization; shall not withhold performance due to government transitions or job transfer of accountable employees; the government and their agencies who assume the power shall perform the original power if there is an adjustment of administrative areas, institutes, or functions and responsibilities; those who fail to fulfill their commitments, contracts, or effective rulings as required shall resolve them within the time limit provided.

Any policy commitment or contractual amendments shall be made based on statutory authority and procedures and the market entities shall be indemnified against any resulting losses pursuant to law if it is necessary to change the policy commitments and contractual provisions due to national interests and public interests. Market entities shall be eligible for indemnification against losses suffered and infringement upon their legal rights due to illegal acts or acts conducted in bad faith by the government or its agencies.

The people's governments at or above the county level shall assess the performance and compliance of government agencies at the appropriate and lower levels, set up an accountability system for administrative service violations, and issue penalties for such violations as necessary.

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**第十八条** 国家机关、事业单位不得违约拖欠市场主体的货物、工程、服务等账款，不得在合同未作约定的情况下以等待竣工验收批复、决算审计等为由，拒绝或者迟延支付市场主体账款。

省和市、县、自治县人民政府及其有关部门应当加大对国家机关、事业单位拖欠市场主体账款的清理力度，并通过加强预算管理、跟踪审计、绩效考核、严格责任追究等措施，防止和纠正拖欠市场主体账款的行为。

**第十九条** 省人民政府应当以市场主体需求为导向，依法采取直接取消审批、审批改为备案等方式，持续减少行政许可事项，实行与海南自由贸易港相适应的最简权力清单管理制度。

地方性法规、政府规章原则上不再新设行政许可，但涉及国家安全、社会稳定、生态保护红线、重大公共利益等国家实行准入管理的事项除外。

**第二十条** 在海南自由贸易港推行行政审批告知承诺制度，但直接涉及公共安全、生态环境保护和直接关系人身健康、生命财产安全的以及依法应当当场作出行政审批决定的行政审批事项除外。实行告知承诺制的具体事项，由政府审批改革主管部门会同有关部门研究后报本级人民政府批准。

对于适用告知承诺制的事项，审批部门一次性告知申请人审批条件和需要提交的材料，申请人自愿签署告知承诺书并按要求提交材料的，审批部门应当直接作出行政许可决定，并依法对申请人履行承诺情况进行监督检查。申请人未履行承诺的，审批部门应当责令其限期整改；整改后仍未满足条件的，应当撤销行政许可决定，按照有关规定予以信用惩戒。

省人民政府政务服务管理机构应当组织编制告知承诺制办事指南、告知承诺书格式文本，并通过相关服务场所、政府网站和全省一体化在线政务服务平台等渠道公布，方便申请人查阅、索取或者下载。

**Article 18** State agencies and public institutions shall not delay payment for market entity goods, projects, or services, and shall not refuse or delay such payment on the grounds of waiting for final approval or final accounts auditing in the absence of contractual provisions.

The provincial, city, county, and autonomous county people's governments and their agencies shall improve efforts to settle any late payments owed by national agencies and public institutions to market entities, and prevent and correct late payments by improving budget management, tracking audit, performance appraisals, implementing strict accountability, and other measures.

**Article 19** Guided by market entity requirements, the provincial people's government shall continuously relax administrative licensing matters by directly canceling reviews and approvals or changing the approval into filing requirements, and implement a minimalist authority list administration system suitable for the Free Trade Port.

In principle, no new administrative licenses shall be added to local regulations or government rules, except for those involving national security, social stability, ecological conservation boundary, major public interests, or other areas subject to national access administration.

**Article 20** An administrative approval acknowledgment shall be implemented in the Free Trade Port, except for those matters directly related to public safety, ecological environment protection, personal health, life and property safety, or administrative approval decisions that shall be made on the spot pursuant to law. Specific matters subject to acknowledgment shall be reported to the people's government at the appropriate level for approval after being jointly analyzed by the competent government approval report department and other agencies.

The approval agency shall inform those requesting items subject to acknowledgment of the approval requirements and materials to be submitted in one go. The approval agency shall directly make an administrative licensing decision and oversee and inspect the requester's performance of the commitments pursuant to law if the requester voluntarily signs the acknowledgment and submits the required materials. If the requester fails to fulfill their commitment, the approval agency shall require them to correct such within a time limit. The administrative licensing decision shall be revoked and a credit penalty shall be imposed pursuant to applicable law if the requester still fails to meet the requirements after correction.

The administrative agency responsible for the provincial people's government administrative services shall organize the preparation of the acknowledgment guidelines and the model version, and announce such in service locations, government websites, and the provincial integrated online administrative service platform to help the requesters with any questions, requests, or downloads.

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**第二十一条** 行政审批实行容缺受理制的，申请人提交的主要申报材料齐全且符合法定形式，非关键性申报材料有欠缺或者存在瑕疵但不影响实质性审核的，经其书面承诺在办理部门作出办理结果前补齐或者补正的，办理部门应当先予受理并进行审查。

申请人在规定时限内补齐容缺容错材料，经审查符合法定要求的，办理部门应当依法作出决定；申请人未按承诺时限补齐所有容缺容错材料的，办理部门应当撤销申请事项并退回其申报材料。在办理过程中有失信行为的，失信年度内不再对其实施容缺受理。

**第二十二条** 政府有关部门应当持续完善全省统一的工程建设项目审批管理制度，统一审批体系、审批标准和信息平台，精简工程项目全流程涉及的行政许可、技术审查、中介服务、市政公用服务等事项，优化审批流程，推动构建“拿地即开工”的建设项目管理机制，并加强事中事后监管。

**第二十三条** 供水、供电、供气、通信网络等企事业单位应当推行报装申请全流程网上办理，简化办理流程，精简申报材料，压缩办理时限，全面推行电子账单、电子发票；不得将建设工程规划许可证和建筑工程施工许可证作为办理水、电、气、网络的前置条件。鼓励供水、供电、供气、通信网络等企事业单位为市场主体提供全程代办服务。

**第二十四条** 政府及有关部门应当以市场主体满意度为检验标准，以市场主体办事“零跑动”为目标，推进政务服务事项网上办、掌上办、就近办、全省通办、跨省通办等，提高政务服务便利度。

政府及有关部门应当建立健全服务市场主体和投资项目服务推进机制，强化跟踪服务，及时解决市场主体经营和投资项目建设中的重大问题，为企业提供全流程服务。



**Article 21** The main request materials submitted by the requester shall be complete and conform to the statutory format if the administrative approval is subject to defect system approval, and the processing agency shall preliminarily accept and consider any deficient or flawed non-critical request materials that do not affect the substantive consideration and are promised in writing to be supplied or corrected before the processing agency issues their results.

Where the requester submits or corrects defective materials within the time limit provided and such materials meet statutory requirements after review, the processing agency shall issue a decision pursuant to law; if the requester fails to do so, the processing agency shall revoke the request and return the request materials. The processing agency will not accept additional submissions for the same year if the requester conducts any untrustworthy acts.

**Article 22** The agencies shall continuously improve the integrated approval administration system for provincial construction projects, standardize the approval system, approval standards, and information platform, streamline administrative licensing, technical consideration, intermediary services, municipal public services, and other matters involved in the overall project process, optimize the approval process, improve the construction project administration system, that is, “begin construction once the land is granted”, and improve oversight both during and after the process.

**Article 23** Market entities and public institutions such as water supply, power supply, gas supply, and communication network providers shall conduct online installation request processing, simplify the procedures, streamline the request materials, reduce the processing time, and fully implement electronic bills and tax receipts. Planning permits and construction permits shall not be used as prerequisites for water, electricity, gas, or network provision. Market entities and public institutions such as water supply, power supply, gas supply, and communication network providers shall be encouraged to provide market entities with agency services for the entire process.

**Article 24** The government and its agencies shall make market entity satisfaction their target, set market entity “effortlessness” as the goal, and encourage online, portable, close-by, and provincial and inter-provincial integrated administrative services to improve the ease of administrative services.

The government and its agencies shall set up and optimize the service awareness for market entities and investment projects, improve tracking services, resolve major issues in market entity and investment project operations in a timely manner, and provide full-process services for enterprises.

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政府及有关部门应当推进相对集中行政许可权改革，实行一枚印章管审批、一件事一次办、证照联办等便利化审批方式，提升审批效能。

省人民政府政务服务管理机构应当统筹推进全省统一的政务服务标准化建设，实现政务服务事项无差别受理、同标准办理；按照统一标准、统一培训、统一组织考核的管理模式，加强和规范对全省政务服务工作人员的管理和培训。

县级以上人民政府政务服务大厅推行综合窗口服务，实行综合受理、分类办理、统一出件。服务窗口应当健全一次告知、首问负责、限时办结等服务制度，完善预约、全程帮办、联办以及错时、延时服务等工作机制。

**第二十五条** 政府及有关部门应当运用人工智能、大数据、区块链、移动互联网等现代信息技术，加强数据共享与融合，持续优化营商环境中各种公共资源的配置效率和运行状态，推行智能化监管与服务。

政府及有关部门应当依托全省一体化在线政务服务平台，推动全省各政务信息系统整合对接，促进政务服务跨地区、跨部门、跨层级数据共享和业务协同。

政府及有关部门依职能产生的电子证照、电子证明文件、加盖有效电子印章或者数字签名的电子材料等电子证照数据，应当及时共享至电子证照系统。电子证照可以通过依政府职能共享、实人授权使用、社会公示等方式运用。电子证照与纸质证照具有同等法律效力。在全省一体化在线政务服务平台办理政务服务事项，原则上不再要求提交纸质证照。

The government and its agencies shall encourage the reform of centralized administrative licensing authority, implement facilitative approvals, such as setting up a single government agency for all approvals, and one-stop services, and issue business licenses and other certificates at the same time to improve approval efficiency.

The provincial people's government administrative service agency shall coordinate the development of integrated provincial administrative service standardization and achieve non-discriminatory acceptance and standardized administration of administrative services, improve and standardize provincial administrative service official administration and training following a centralized standard, centralized training, and centralized organization and assessment administration method.

The people's governments at or above the county level shall set up the integrated service desks for acceptance, a division of labor, and standardized submission services at their administrative offices. The service desk shall improve the one-time notification service system, and the first government staff who receives the inquiry shall be responsible for resolving it, and the administration shall be completed with a specific time, and improve the appointment, full-time assistant, contact office, out-of-business hour and extended service working systems.

**Article 25** The government and its agencies shall use modern information technology such as artificial intelligence, big data, blockchain, and mobile internet to develop data sharing and integration, continuously optimize the allocation efficiency and operating conditions for different public resources in the business environment, and encourage electronic supervision and services.

The government and its agencies shall use the Province's integrated online administrative service platform, improve the integration and interconnection of provincial government information systems, and improve cross-regional, inter-agency, and cross-level data sharing and administrative service collaboration.

Electronic license data such as electronic licenses, electronic certificates, and electronic materials stamped with valid electronic seals or digital signatures generated by competent government agencies based on their functions shall be promptly uploaded to the electronic license system. The electronic license may be shared based on government functions, license holder authorization after identification verification, or by public announcement. Electronic licenses and paper licenses shall have the same legal effect, and it is no longer necessary to submit paper certificates when managing administrative services on the provincial integrated online administrative service platform.

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**第二十六条** 对涉企法规、规章、行政规范性文件，制定机关或者实施机关应当加强宣传解读，根据企业所属行业、规模等主动精准推送政策信息。

政府及有关部门应当通过省政府门户网站、全省一体化在线政务服务平台及其移动客户端、自助终端等渠道及时公开惠企政策，并公布相关负责人及联系方式。省工业和信息化主管部门应当统筹有关部门及时梳理惠企政策、编制兑现事项清单和办事指南，通过全省一体化在线政务服务平台集中公布。

政府及有关部门应当将惠企政策兑现纳入全省一体化在线政务服务平台统一办理。在市场主体办理相关业务时，政务服务管理机构或者审批部门应当主动告知相关惠企政策，进行政策适用指导。

鼓励通过政府部门信息共享等方式，实现符合条件的企业免于申报直接享受惠企政策。对确需企业提出申请的惠企政策，应当合理设置并公开申请条件，简化申报手续，实现一次申报、全程网办、快速兑现。

**第二十七条** 不动产登记机关应当压缩不动产登记办理时限和优化不动产登记流程，加强与税务、公安、民政、社保等部门和金融机构等单位的信息共享，实施不动产登记、交易和缴税并行办理，提供不动产登记信息网上查询和现场自助查询服务。

推行不动产登记与水、电、气变更联动办理，由不动产登记部门统一受理，一次性收取全部材料并推送至供水、供电、供气等企事业单位并联办理相关业务。

**Article 26** Authorities enacting or implementing regulations, rules, or administrative normative documents for enterprise matters shall improve awareness and interpretation, and actively and accurately publish policy information based on the industry and enterprise scale.

The government and its agencies shall promptly announce beneficial policies for market entities through the provincial government portal, the Province's integrated online administrative service platform, mobile applications, self-service devices, and other channels, and announce the government staff directly in charge of such and their contact information. The provincial agency in charge of industry and information technology shall coordinate the relevant agencies to organize beneficial policies for market entities in a timely manner, prepare a list of completed items and guidelines, and announce them through the provincial integrated online administrative service platform.

The agencies shall include beneficial policies for market entities into the integrated provincial online administrative service platform for centralized administration. Where the market entities request services, the administrative service agency or approval agency shall take the initiative to inform market entities of the applicable beneficial policies and issue guidelines upon the implementation of such policies.

Eligible entities may be exempt from the declaration and directly enjoy preferential policies through information sharing among government agencies. Request requirements for market entities preferential policies that need to be requested shall be reasonably set and announced, and the announcement procedures shall be simplified to achieve a one-time declaration, whole-process online operation, and quick implementation.

**Article 27** The real estate registration agency shall reduce the registration time limit and optimize the registration process, encourage information sharing with tax, law enforcement, civil affairs, social security, and other agencies and financial institutions, implement parallel processing for real estate registration, transactions, and tax payment, and provide online and on-site real estate registration information self-service inquiry services.

Real estate registration, water, electricity, and gas utility charges shall be integrated and implemented, which shall be accepted by real estate registration agencies, and all materials shall be collected at one time and delivered to water supply, power supply, gas supply, and other organizations and public institutions to manage related services in parallel.

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**第二十八条** 省人民政府及其有关部门应当结合实际情况和市场主体需求，依法推进省级行政管理权限调整由市、县、自治县人民政府及其有关部门和重点园区实施；重点园区所在地市、县、自治县人民政府及其有关部门依法将本级相关管理权限调整由重点园区实施。

调整审批权限的，应当同步调整优化监管层级，实现审批监管权责统一。原实施机关应当对承接机关加强业务培训指导，做好协调对接，强化事中事后监管，切实做到放管结合；承接机关应当周密组织承接工作，做到规范有序，防止出现管理真空。

政府及相关部门以适当的方式支持各类产业园区的管理运营单位设立一站式企业服务受理点，提供开办企业、项目建设、经营管理、人才服务、知识产权管理等政策咨询和代办服务。

**第二十九条** 政府有关部门应当按照“谁审批、谁监管，谁主管、谁监管”的原则，依法履行监管职责。因行政审批改革，直接取消审批、审批改为备案的，由原审批部门依法承担监管职责；实行告知承诺、优化审批服务的，由审批部门负责依法监管持证经营企业、查处无证经营行为。

实行相对集中行政许可权改革或者综合行政执法改革的市、县、自治县应当按照省人民政府有关规定，实现行业主管部门与行政执法机关之间监管职责明确、监管标准互通、监管信息互联、处理结果互认。

**Article 28** The provincial people’s government and its agencies shall, based on actual and market demands, improve the adjustment of provincial administrative authority to be implemented by the city, county, autonomous county people’s governments, and their agencies and zones as required by law. The people’s governments of the cities, counties, or autonomous counties where the zones are located and their agencies shall adjust the applicable administrative authority given to the zones at the appropriate level as required by law.

The oversight level shall be adjusted and optimized at the same time the approval authority is adjusted to achieve the standardization of the approval and oversight authorities and approval and oversight responsibilities. The original implementing agency shall improve service training for the performing agency, properly coordinate and integrate, improve oversight during and after the process, and effectively combine delegation of power with regulations. The performing agency shall carefully organize the work and improve standardization and order to prevent a lack of administration.

The government and its agencies shall support industrial park administration and operation entities to appropriately set up a one-stop service for businesses, and provide policy consultation and agency services, such as starting businesses, project development, operation and administration, and skilled employee services, and intellectual property administration.

**Article 29** The government and its agencies shall perform their supervisory duties based on the principle of “the government agency with jurisdiction or approval authority shall be the government agency responsible for supervision.” If the approval is directly canceled or changed to filing due to reform, the original approval agency shall assume the supervisory duties as required by law; where the acknowledgment is implemented to optimize the approval service, the approval agency shall be responsible for overseeing the licensed entities as required by law, and investigating and penalizing unlicensed business operations.

The cities, counties, and autonomous counties that implement a reform for centralized administrative licensing or comprehensive administrative law enforcement authority shall specify the regulatory authorities and responsibilities, the exchange of regulatory standards, the integration of regulatory information, and the mutual recognition of processing results between the competent industry and administrative law enforcement agencies pursuant to applicable provincial people’s government regulations.

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**第三十条** 省政府有关部门应当对本省法规、规章等设定的行政处罚、行政检查等监管事项进行梳理，形成监管事项目录清单，报省政府批准后按照统一标准接入“互联网+监管”系统。

对直接涉及公共安全和人民群众生命健康等特殊行业、重点领域，建立重点监管清单，实行重点监管；对其他行业和领域，推行“双随机、一公开”监管，健全随机抽查系统，完善相关细则，确保公平监管；健全跨部门综合监管制度，推进常态化跨部门联合抽查；根据企业信用风险分类结果实施差异化监管措施，实行守信激励、失信惩戒；对新技术、新产业、新业态、新模式等实行包容审慎监管。

**第三十一条** 行政执法机关应当按照有关规定落实行政执法公示、行政执法全过程记录和重大行政执法决定法制审核制度，通过考核、定期报告、协调指导、执法数据共享等方式，推进行政执法严格、规范、公正、文明。

政府及有关部门应当依法规范、细化量化行政处罚等行政执法自由裁量权标准，确定执法的依据和裁量范围、种类和幅度，统一执法标准和尺度。

**第三十二条** 行政执法机关和司法机关应当坚持依法保护、平等保护、全面保护的原则，公正高效办理涉及市场主体的各类案件，依法处置扰乱市场主体生产经营活动秩序或者侵害生产经营者人身安全、财产安全等违法行为，防止各类案件超期办理，严格区分经济纠纷与犯罪，严格区分民事责任、行政责任与刑事责任。



**Article 30** The provincial government agencies shall organize regulatory matters such as administrative penalties and administrative inspections provided by provincial regulations and rules, and create a list of regulatory matters to be uploaded to the Plus Internet Oversight system after approval from the provincial government.

A list of main oversight and substantive oversight matters for specific industries and main areas directly related to public safety and personal life and health shall be created and implemented. An oversight model using randomly selected inspectors to randomly inspect selected entities and requiring the prompt release of results shall be implemented for other industries and areas, and the random inspection system and rules shall be improved to ensure fair oversight. A comprehensive inter-agency oversight system and standardized inter-agency joint spot checks shall be encouraged. Differentiated oversight measures taking business credit risk classification results, incentives for the honesty, and penalties imposed for violations shall be implemented. Comprehensive and prudent oversight shall be applied to new technologies, new industries, new business forms, and new models.

**Article 31** Administrative law enforcement agencies shall conduct administrative law enforcement awareness, record administrative law enforcement, review and approve major administrative law enforcement decisions as necessary, and encourage strict, standardized, fair, and civilized administrative law enforcement through assessments, regular reports, coordination and guidance, and law enforcement data sharing.

The government and its agencies shall standardize and refine administrative law enforcement discretion, such as in administrative penalties, as required by law, determine the basis of law enforcement and the scope, types, and coverage of discretion, and standardize law enforcement standards and coverage.

**Article 32** Administrative law enforcement agencies and judicial agencies shall abide by the principles of lawful protection, equal protection, and comprehensive protection, resolve all cases involving commercial enterprises fairly and efficiently, resolve violations that disturb commercial entity production and business activity order, or put producer or operator personal or property safety at risk, resolve all cases within the statute of limitation, strictly distinguish between economic disputes and crimes, and also among civil liability, administrative liability and criminal liability.

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行政执法机关和司法机关依法慎重实施查封、扣押、冻结等强制措施；依法需要采取上述强制措施的，不得超标的、超范围查封、扣押、冻结涉案财物，并应当采取措施减轻对市场主体正常生产经营的影响。

**第三十三条** 制定、修改、废止与市场主体生产经营活动密切相关的法规、规章、行政规范性文件，应当坚持市场主体需求导向，充分听取相关市场主体、行业协会商会的意见，依照法定权限和程序作出，并保持连续性和相对稳定性。与外商投资密切相关的法规、规章、行政规范性文件，制定机关应当提供相应的外文译本或者摘要。

因形势变化或者公共利益需要调整的，应当结合实际设置合理过渡期，为市场主体预留必要的适应调整时间。但因保障国家安全、重大公共利益、海南自由贸易港建设的需要，或者公布后不立即施行将有碍施行的除外。

省和市、县、自治县人民政府应当建立涉企政策的综合协调审查机制，避免政策冲突、不协调或者政策叠加对市场主体正常生产经营活动造成不利影响。

**第三十四条** 对与市场主体生产经营活动密切相关的法规、规章、行政规范性文件，制定机关或者实施机关应当定期组织开展评估和清理。发现侵害市场主体合法权益或者存在合法性问题的，应当及时修改或者废止。

市场主体认为法规、规章、行政规范性文件侵害其合法权益或者存在合法性问题的，可以依法向备案审查机关书面提出审查建议。备案审查机关应当按照规定处理并反馈处理结果。

Administrative law enforcement agencies and judicial agencies shall carefully implement compulsory measures such as sealing off, seizure and freezing as required by law. Any assets subject to the above methods as provided by law shall not be sealed off, seized, or frozen beyond the specified limit or scope, and precautions shall be taken to reduce the impact on the market entities' regular production and operations.

**Article 33** Regulations, rules, and administrative normative documents closely related to market entity production and operation shall favor the market entities, take the opinions of the market entities, industry association, and chambers of commerce into full consideration, and ensure they conform to statutory authority and procedures, and maintain continuity and stability when being issued, amended, or revoked. The enacting agency shall provide the appropriate foreign language translations or abstracts for foreign investment regulations, rules, and administrative normative documents.

A reasonable transition period shall be given based on actual circumstances, and the necessary adjustment time shall be set aside for market entities if the regulations, rules, and administrative normative documents above need to be amended due to the circumstances or for the public interest unless safeguarding national security, major public interests, and the construction of Free Trade Port, or the failure to implement the amendment immediately after the announcement would impair the implementation.

The provincial, city, county, and autonomous county people's governments shall set up a comprehensive coordination and consideration system for policies for market entities to avoid any adverse effects on regular market entity production and operations caused by policy conflicts, in coordination, or overlap.

**Article 34** Regulations, rules and administrative normative documents closely related to market entity production and operation shall be regularly evaluated and optimized by the enacting or implementing agencies, and shall be promptly amended or revoked if any legal issues or market entity rights infringement is discovered.

Market entities deeming that regulations, rules and administrative normative documents infringe upon their legal rights or have legal issues may submit a review recommendation in writing to the recording and review agency pursuant to law. The recording and review agency shall process the recommendation and issue its results as required.

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**第三十五条** 省和市、县、自治县人民政府应当推进建设覆盖城乡、便捷高效、均等普惠的公共法律服务体系，建立并完善省、市、县（区）、街道（乡镇）、社区（村）五级公共法律服务平台，为公众和市场主体提供专业化、高水平的公共法律服务。

省和市、县、自治县人民政府司法行政部门应当完善公共法律服务网络、实体、热线平台建设，推动和指导法律专业机构为市场主体提供法律咨询、合同审查等全链条的法律服务。

政府有关部门可以采取发布一般性的指导意见或者提出具体指导建议，制定、发布相关合同示范文本等方式指导市场主体依法合规经营。

**第三十六条** 鼓励和支持各地区、各部门结合实际情况，在海南自由贸易港法治框架内积极探索原创性、差异化的优化营商环境具体措施；对探索中出现失误或者偏差，符合规定条件的，可以予以免责或者减轻责任。

**第三十七条** 县级以上人民代表大会常务委员会应当通过听取和审议专项工作报告，组织执法检查，开展专题询问、质询、特定问题调查等方式，对本地区优化营商环境工作进行监督。

**第三十八条** 政府及有关部门不履行优化营商环境工作职责，有下列情形之一的，由其上级机关、主管部门或者优化营商环境工作主管部门责令改正；对直接负责的主管人员和其他直接责任人员依法给予处理；构成犯罪的，依法追究刑事责任：

（一）拒绝、推诿、拖延履行法定职责的；

（二）违反规定增加或者变相增加办事事项、办事环节、办事材料、办事时限的；

**Article 35** The provincial, city, county, and autonomous county people’s governments shall implement the development of a public legal service system that is inclusive, convenient, and efficient, covering urban and rural areas, and implement and improve a five-tier public legal service platform in the provinces, cities, counties (or districts), subdistricts (or towns/townships) and communities (or villages) to provide professional and high-quality public legal services for the public and market entities.

The provincial, city, county, and autonomous county people’s government judicial agencies shall improve the development of public legal service networks, entities and hotline platforms, and encourage and guide professional legal service providers to provide legal advice, contract reviews, and other full-chain legal services for market entities.

The agencies may guide market entities to operate in compliance with rules and regulations by issuing general guidelines or submitting specific recommendations and preparing or issuing model contracts.

**Article 36** All areas and agencies shall be encouraged to actively explore initiatives and differentiated measures to optimize the business environment under the rule of law in Hainan Free Trade Port and based on current conditions; any mistakes or deviations during the exploration under the specified conditions may be exempted or mitigated.

**Article 37** The standing committee of the people’s congress at or above the county level shall supervise business environment optimization work in the local area by listening to and considering the specific work report, organizing law enforcement inspections, conducting specific inquires, reviews, and investigations of specific issues.

**Article 38** If the government and its agencies fail to perform their duties during business environment optimization and any of the following circumstances occur, their superior agencies, competent agencies, or competent agencies responsible for the business environment optimization shall require them to correct such. The employee directly in charge and other directly liable employees shall be penalized pursuant to law, and shall be held criminally liable if a crime is committed:

- (a) refusing, avoiding, or delaying the performance of statutory duties;
- (b) violating the law to explicitly or implicitly increase the items to be processed, procedures, materials, or time limits;

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- (三) 擅自收费、越权收费、超标准收费和重复收费的；
  - (四) 不履行向市场主体依法作出的政策承诺以及依法订立的各类合同，或者不履行司法机关生效裁决的；
  - (五) 违约拖欠市场主体的货物、工程、服务等账款的；
  - (六) 违反规定不受理投诉、举报或者推诿、拖延办理投诉、举报事项，违规泄露投诉、举报人信息，以及对投诉、举报人打击报复的；
  - (七) 对市场主体故意刁难、吃拿卡要的；
  - (八) 没有法定依据实施行政检查、行政处罚、行政强制等行政行为，妨碍市场主体正常生产经营活动的；
  - (九) 其他损害营商环境或者侵害市场主体合法权益的行为。
- 司法机关工作人员违反本条例的，依照国家有关规定追究责任。

**第三十九条** 本条例自 2021 年 11 月 1 日起施行。

(c) charging unauthorized charges, *ultra vires* charges, over-standard charges, or repeat charges;

(d) failing to fulfill the policy commitments made to market entities and contracts made pursuant to law, or failing to perform the effective rulings issued by judicial agencies;

(e) delaying payments for market entity merchandise, projects, and services;

(f) not accepting complaints or reports of regulatory violations, or avoiding or delaying the resolution of complaints and reports, disclosing information about complaints and informants in violation of the law, or retaliating against complainants and informants;

(g) deliberately hindering market entities and asking for favors or bribes;

(h) implement administrative inspections, administrative penalties, administrative injunction and administrative enforcement, and other administrative acts without legal basis to hindering regular market entity production and business activities; or

(i) other acts that harm the business environment or infringe upon market entity rights.

Judicial agency employees in violation of these Regulations shall be investigated and receive penalties pursuant to applicable state regulations.

**Article 39** These Regulations shall enter into force as of November 1, 2021.

