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Administration of Entertainment Venues Provisions
娱乐场所管理办法

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Order of the Ministry of Culture
(No. 55)
The Measures for the Administration of Entertainment Venues, as deliberated and adopted at the executive meeting of the Ministry of Culture on January 25, 2013, are hereby issued, and shall come into force on March 11, 2013.
Minister: Cai Wu
February 4, 2013
Measures for the Administration of Entertainment Venues

文化部令
（第 55 号）

《娱乐场所管理办法》已于 2013 年 1 月 25 日经文化部部务会议审议通过，现予发布，自 2013 年 3 月 11 日起施行。
部长 蔡 武
2013 年 2 月 4 日
娱乐场所管理办法

Chapter I General Provisions

Article 1 To strengthen the administration of the business operations of entertainment venues, maintain the healthy development thereof, and meet the cultural and entertainment consumption needs of the general public, these Measures are made pursuant to the Regulation on the Administration of Entertainment Venues (hereinafter referred to as "the Regulation").

第一章 总则

第一条 为了加强娱乐场所经营活动管理，维护娱乐场所健康发展，满足人民群众文化娱乐消费需求，根据《*娱乐场所管理条例*》（以下简称《*条例*》），制定本办法。

Article 2 For the purpose of this Regulation, the term "entertainment venues" refers to for-profit singing, dancing, and amusement places open to the general public for the self-entertainment of consumers. Singing and dancing places refer to business premises where accompaniment and songs on-demand services are provided or business premises where dancing music and dancing floors are provided; amusement places refer to business premises where game and amusement services are provided through game and amusement devices.

Other venues concurrently providing the above-mentioned entertainment services shall be governed by these Measures.

第二条 《*条例*》所称娱乐场所，是指杂康模蚬诳拧⑾颜咦杂樽岳值母栉琛⑮我盏瘸：8 栉栌槔殖：侵柑峁┌樽嘁衾帧 8. 枨悴シ™务或者提供舞蹈音乐、跳舞场地服务的经营场所；游艺娱乐场所是指通过游戏游艺设备提供游戏游艺服务的经营场所。

其他场所兼营以上娱乐服务的，适用本办法。

Article 3 The state encourages the spread of the nation's outstanding cultural and artistic entertainment, providing healthy and instructive cultural and entertainment services, and adopting chain and brand-based operation modes.

第三条 国家鼓励娱乐场所传播民族优秀文化艺术，提供面向大众的、健康有益的文化娱乐内容和服务；鼓励娱乐场所实行连锁化、品牌化经营。

Article 4 The administrative departments of culture of the people's governments at or above the county level are responsible for the supervision and administration of the business operations of entertainment venues within their respective regions, regulating the contents of cultural products provided by entertainment venues, and providing guidance for the local industry associations of entertainment venues.

第四条 县级以上人民政府文化主管部门负责所在地娱乐场所经营活动的监管，负责娱乐场所提供的文化产品的内容监管，负责指导所在地娱乐场所行业协会工作。

Article 5 The industry associations of entertainment venues shall, according to the relevant provisions of the state and their articles of association, make code of conduct, strengthen self-discipline, and protect the legal rights and interests of the industry.

第五条 娱乐场所行业协会应当依照国家有关法规和协会章程的规定，制定行业规范，加强行业自律，维护行业合法权益。

Article 6 Entertainment venues may not be formed at any of the following places:
1. inside buildings with residential uses;
2. inside museums, libraries, or buildings verified as sites protected for historical and cultural value;
3. in residential quarters;
4. around elementary and middle schools as defined by the Education Law;
5. around hospitals which have obtained the Practicing License for Medical Institutions pursuant to the Regulation on the Administration of Medical Institutions and the detailed implementation rules thereof;
6. around the committees of the Communist Party of China at all levels and their departments, organs of people's congresses at all levels, people's governments at all levels and their departments, organs of political consultative conferences at all levels, organs of people's courts and people's procuratorates at all levels, and organs of democratic parties at all levels;
7. at stations, airports, or other densely-populated places;
8. at places below the first underground floor of buildings; and
9. at areas adjacent to the warehouses of hazardous chemicals. The distance from the warehouses of hazardous chemicals to them must conform to the Regulation on the Safety Management of Hazardous Chemicals.

The distance between entertainment venues and schools, hospitals and organs, and the measuring methods thereof shall be determined by the administrative departments of culture of the people's governments at the provincial level.

第六条 娱乐场所不得设立在下列地点：
（一）房屋用途中含有住宅的建筑内；
（二）博物馆、图书馆和被核定为文物保护单位的建筑物内；
（三）居民住宅区；
（四）教育法规定的中小学校周围；
（五）依照《*医疗机构管理条例*》及实施细则规定取得《*医疗机构执业许可证*》的医院周围；
（六）各级中国共产党委员会及其所属各工作部门、各级人民代表大会机关、各级人民政府及其所属各工作部门、各级政治协商会议机关、各级人民法院、检察院机关、各级民主党派机关周围；
（七）车站、机场等人群密集的场所；
（八）建筑物地下一层以下（不含地下一层）；
（九）与危险化学品仓库毗连的区域，与危险化学品仓库的距离必须符合《*危险化学品安全管理条例*》的有关规定。

娱乐场所与学校、医院、机关距离及其测量方法由省级人民政府文化主管部门规定。

Article 7 To form entertainment venues, the following conditions

第七条 设立娱乐场所，应当符合以

shall be satisfied:
1. There are facilities and devices matching the business operations, and the contents of the cultural products provided thereby conform with provisions on the production, publication, and import of cultural products;
2. For a singing or dancing place, the per capita usable floor area is not less than 1.5 square meters (not applicable to rural areas), and for an amusement place, the usable floor area is not less than 200 square meters which does not include working places, warehouses, and other areas not used for business operations;
3. The state provisions on public security administration, fire safety and ambient noise shall be conformed with; and
4. Other conditions as set forth by laws, regulations and rules.

下条件：
（一）有与其经营活动相适应的设施设备，提供的文化产品内容应当符合文化产品生产、出版、进口的规定；
（二）歌舞娱乐场所消费者人均占有使用面积不得低于 1.5 平方米（农村地区除外），游艺娱乐场所的使用面积不少于 200 平方米，使用面积不包括办公、仓储等非营业性区域；
（三）符合国家治安管理、消防安全、环境噪声等相关规定；
（四）法律、法规和规章规定的其他条件。

Article 8 The administrative departments of culture of the people's governments at the provincial level shall be responsible for deciding the standards for minimum usable floor area of entertainment venues formed in rural areas and, in light of local situations, making the approval standards for the minimum usable floor area and number of consumers of entertainment venues within their respective administrative regions, provided that such standards may not be lower than those mentioned in Item 2 of Article 7 of these Measures.

The administrative departments of culture of the people's governments at the provincial level shall make plans on the total quantity and layout of amusement places within their respective administrative regions and announce such plans to the general public.

第八条 省级人民政府文化主管部门负责制定农村地区设立娱乐场所最低使用面积标准；结合本地区实际，制定本行政区域内娱乐场所最低使用面积、消费者数量的核定标准，但不得低于本办法第七条第（二）项规定的标准。

省级人民政府文化主管部门负责制定本行政区域内游艺娱乐场所总量与布局规划，并向社会公布。

Article 9 An application for forming an entertainment venue shall be submitted to the administrative department of culture of the local people's government at the county level; an application for forming an entertainment venue of Sino-foreign equity joint venture or contractual joint venture shall be submitted to the administrative department of culture of the local people's government at the provincial level which may authorize the local administrative department of culture at or above the county level to make a field inspection.

第九条 设立娱乐场所，应当向所在地县级人民政府文化主管部门提出申请；设立中外合资经营、中外合作经营娱乐场所，应当向所在地省级人民政府文化主管部门提出申请，省级人民政府文化主管部门可以委托所在地县级以上文化主管部门进行实地检查。

Article 10, An applicant may submit an establishment preparation consultation application to the administrative department of culture, before applying for forming an entertainment venue, which is responsible for providing administrative guidance to the applicant and the examination and approval of such application.

第十条 申请设立娱乐场所前，筹建人可以向负责审批的文化主管部门提交筹建咨询申请，文化主管部门应当为筹建人提供行政指导。

Article 11 To apply for forming an entertainment venue, the following documents shall be submitted:
1. an application form;
2. the notice for pre-approval of enterprise name or the business

第十一条 申请设立娱乐场所，应当提交以下文件：
（一）设立申请书；
（二）企业名称预先核准通知书或者

license;
3. organizational setup and bylaws;
4. identity certificates of investors, the to-be legal representative and the chief person in charge, and a written statement on the fact that it is not in any situation mentioned in Articles 4, 5 and 52 of the Regulation;
5, a certificate on the ownership of the business premise, or a lease contract or a letter of leasing intent if the premise is leased;
6. the geographic location of the business premise;
7. a plane chart on the internal structure of the business premise, for a singing or dancing place, the area and location of booths or rooms shall be specified, and for an amusement place, the game zone, the amusement zone, and the quantity and location of game and amusement devices shall be specified; and
8. approval documents issued by the firefighting and environmental protection departments.

To form a Sino-foreign equity or contractual joint venture entertainment venue, it is also required to submit the approval document issued by the administrative department of commerce.

营业执照；
（三）组织机构和章程；
（四）投资人、拟任法定代表人、主要负责人的身份证明以及无《条例》第四条、第五条、第五十二条规定情况的书面声明；
（五）房产权属证书，租赁场地经营的，还应当提交租赁合同或者租赁意向书；
（六）经营场所地理位置图；
（七）场所内部结构平面图，歌舞娱乐场所应当标明包厢、包间面积及位置，游艺娱乐场所应当标明游戏和游艺分区经营位置、游戏游艺设备数量及位置；
（八）消防、环境保护部门的批准文件。

申请设立中外合资、中外合作经营娱乐场所的，还应当提交商务主管部门的批准文件。

Article 12 After accepting an application for forming an entertainment venue, the administrative department of culture shall make a field inspection on the location, surrounding environment, and floor space of the venue. The application shall be published at a conspicuous place of the venue and the office of the administrative department of culture for 10 days and a hearing shall be organized by law if it meets the prescribed conditions.

第十二条 文化主管部门受理申请后，应当对设立场所的位置、周边环境、面积等进行实地检查。符合条件的，应当在设立场所、文化主管部门办公场所显著位置向社会公示 10 日，并依法组织听证。

Article 13 Administrative departments of culture shall make content examinations on the song-on-demand systems used by singing and dancing places and the game and amusement devices used by amusement places.

第十三条 文化主管部门应当对歌舞娱乐场所使用的歌曲点播系统和游艺娱乐场所使用的游戏游艺设备进行内容核查。

Article 14 Administrative departments of culture shall make administrative licensing decisions on the basis of the hearing results and the content examination results of cultural products. In the case of approval, they shall issue entertainment business operation permits to applicants; in the case of disapproval, they shall notify applicants and give reasons in writing.

第十四条 文化主管部门应当根据听证和文化产品内容核查结果作出行政许可决定。予以批准的，核发娱乐经营许可证；不予批准的，应当书面告知申请人并说明理由。

Article 15 Entertainment venues shall apply to the original license-issuing organs for reissuing permits to rebuild or enlarge their business premises, change venues, change investors or their investment proportion, or change any matter recorded in the entertainment business operation permits.

第十五条 娱乐场所改建、扩建营业场所或者变更场地的，变更投资人员、投资比例以及娱乐经营许可证载明事项的，应当向原发证机关申请重新核发娱乐经营许可证。

Article 16 When singing and dancing places need to use new song-on-demand systems or alter the old ones, or when amusement places need to use new game or amusement devices or alter the old ones, they shall report the situation to the original license-issuing organs for checkup.

第十六条 歌舞娱乐场所新增、变更歌曲点播系统，游艺娱乐场所新增、变更游戏游艺设备的，应当报原发证机关核查。

Article 17 An entertainment business operation permit is valid for two years. The operator of the entertainment venue concerned shall apply to the original license-issuing organ for issuing a new permit on the basis of the old permit, a duplicate of the business license for industry and commerce, and a business report of the entertainment venue at least 30 days before expiration. The original license-issuing organ shall make a decision of approval or disapproval according to the conditions for the formation of entertainment venues before the expiration of the permit. If it fails to make a decision within the prescribed time, it shall be deemed as approved.

第十七条 娱乐经营许可证有效期2年。娱乐经营许可证有效期届满30日前，娱乐场所经营者应当持许可证、工商营业执照副本以及营业情况报告到原发证机关申请换发许可证。原发证机关应当在有效期届满前按照设立条件做出是否准予延续的决定，逾期未做决定的，视为准予延续。

Article 18 Where an entertainment venue fails to renew its entertainment business operation permit upon expiration, the original license-issuing organ shall announce the nullification of the permit to the general public and send letters thereon to inform public security organs and administrative departments for industry and commerce.

第十八条 娱乐经营许可证有效期届满未延续的，由原发证机关向社会公告注销娱乐经营许可证，并函告公安机关、工商行政管理部门。

Article 19 The legal representative or chief person in charge of an entertainment venue is the first responsible person for maintaining the business order of the venue.

第十九条 娱乐场所法定代表人或者主要负责人是维护本场所经营秩序的第一责任人。

Article 20 Singing and dancing places shall abide by the following provisions:
1. not broadcasting or performing shows containing information forbidden under Article 13 of the Regulation;
2. not connecting their song-on-demand systems to any overseas song databases; and
3. not altering their song-on-demand systems without approval.

第二十条 歌舞娱乐场所经营应当符合以下规定：
（一）播放、表演的节目不得含有《条例》第十三条禁止内容；
（二）不得将场所使用的歌曲点播系统连接至境外曲库；
（三）不得擅自变更场所使用的歌曲点播系统。

Article 21 Amusement places shall abide by the following provisions:
1. not setting game or amusement devices which have not been subjected to the content examination of administrative departments of culture;
2. reporting their awards to the local administrative departments of culture at the county level when holding rewarding activities;
3. not altering game or amusement devices without approval;
4. separating the game zone from the amusement zone with a distinctive sign; and
5. forbidding underage persons from entering the game zone on days other than state statutory holidays.

第二十一条 游艺娱乐场所经营应当符合以下规定：
（一）不得设置未经文化主管部门内容核查的游戏游艺设备；
（二）进行有奖经营活动的，奖品目录应当报所在地县级文化主管部门备案；
（三）不得擅自变更游戏游艺设备；
（四）实行游戏、游艺分区经营，并有明显的分区标志；
（五）除国家法定节假日外，禁止未成年人进入游戏区。

Article 22 Entertainment venues may not provide sites for for-profit performances which have not been approved by administrative departments of culture.

To recruit foreigners for performances, entertainment venues shall abide by the Regulation on the Administration of Commercial Performances and the Detailed Rules for the Implementation of the Regulation on the Administration of Commercial Performance.

第二十二条 娱乐场所不得为未经文化主管部门批准的营业性演出活动提供场地。

娱乐场所招用外国人从事演出活动的，应当符合《*营业性演出管理条例*》及《*营业性演出管理条例实施细则*》的规定。

Article 23 Entertainment venues shall establish self-examination and patrol inspection systems for cultural products and assign special persons to manage cultural products and services provided in such venues. Patrol inspection situation shall be recorded in the business logs.

Entertainment venues shall stop consumers who use entertainment venues for violations of laws or regulations., or promptly report to administrative departments of culture or public security organs if unable to do so.

第二十三条 娱乐场所应当建立文化产品内容自审和巡查制度，确定专人负责管理在场所内提供的文化产品和服务。巡查情况应当记入营业日志。

消费者利用娱乐场所从事违法违规活动的，娱乐场所应当制止，制止无效的应当及时报告文化主管部门或者公安机关。

Article 24 Entertainment venues shall hang up their entertainment business operation permits or signs forbidding or restricting the entrance of underage persons at a conspicuous place. Such signs shall contain the “12318” tip-off hotline for the cultural market.

第二十四条 娱乐场所应当在显著位置悬挂娱乐经营许可证、未成年人禁入或者限入标志，标志应当注明“12318”文化市场举报电话。

Article 25 Entertainment venues shall be cooperative in the routine inspection and technical regulatory measures of administrative departments of culture.

第二十五条 娱乐场所应当配合文化主管部门的日常检查和技术监管措施。

Article 26 Administrative departments of culture shall establish credit files for entertainment venues. Such files shall record punishments imposed by administrative departments of culture, public security organs, and administrative departments for industry and commerce as well as information about the legal representatives, chief persons in charge and investors of

第二十六条 文化主管部门应当建立娱乐场所信用管理档案，记录被文化主管部门、公安机关、工商行政管理部门实施处罚的情况以及娱乐场所法定代表人、主要负责人、投资人等信

entertainment venues.

息。

Article 27 Administrative departments of culture shall organize the staff members of the departments as well as the first responsible persons and full-time content management staff members of entertainment venues to attend policy and law training on a regular basis.

第二十七条 文化主管部门应当定期组织文化主管部门工作人员、娱乐场所第一责任人和内容管理专职人员进行政策法规培训。

Article 28 Where any operator, in violation of the Regulation, engages in the business operations of entertainment venues without approval, a punishment under Article 40 of the Regulation shall be imposed by the administrative department for industry and commerce and the administrative department of culture of the people's government at or above the county level.

第二十八条 违反《*条例*》规定，擅自从事娱乐场所经营活动的，由县级以上人民政府工商行政管理部门、文化主管部门依照《*条例*》第四十条予以处罚。

Article 29 Where any singing or dancing place violates Paragraph 1 or 2 of Article 20 of these Measures, the administrative department of culture of the people's government at or above the county level shall punish it under Article 47 of the Regulation; if it violates Paragraph 3 of Article 20 of these Measures, the administrative department of culture of the people's government at or above the county level shall punish it under Article 48 of the Regulation.

第二十九条 歌舞娱乐场所违反本办法第二十条第（一）、（二）项规定的，由县级以上人民政府文化主管部门依照《*条例*》第四十七条予以处罚；违反本办法第二十条第（三）项规定的，由县级以上人民政府文化主管部门依照《*条例*》第四十八条予以处罚。

Article 30 Where any amusement place violates Paragraph 1 or 2 of Article 21 of these Measures, the administrative department of culture of the people's government at or above the county level shall order it to correct and impose a fine of not more than 10,000 yuan but not less than 5,000 yuan upon it; if it violates Paragraph 3 of Article 21, under Article 48 of the Regulation; if it violates Paragraph 4 of Article 21 of these Measures, the punishment will be imposed under Article 50 of the Regulation; and if it violates Paragraph 5 of Article 21 of these Measures then punishment under Article 47 of the Regulation.

第三十条 游艺娱乐场所违反本办法第二十一条第（一）、（二）项规定的，由县级以上人民政府文化主管部门责令改正，并处 5000 元以上 1 万元以下的罚款；违反本办法第二十一条第（三）项规定的，由县级以上人民政府文化主管部门依照《*条例*》第四十八条予以处罚；违反本办法第二十一条第（四）项规定的，由县级以上人民政府文化主管部门依照《*条例*》第五十条予以处罚；违反本办法第二十一条第（五）项规定的，由县级以上人民政府文化主管部门依照《*条例*》第四十七条予以处罚。

Article 31 Where any entertainment venue violates Paragraph 1 of Article 22 of these Measures, the administrative department of culture of the people's government at or above the county level shall order it to correct and impose a fine of not more than 10,000 yuan but not less than 5,000 yuan upon it.

第三十一条 娱乐场所违反本办法第二十二条第一款规定的，由县级以上人民政府文化主管部门责令改正，并处 5000 元以上 1 万元以下罚款。

Article 32 Where any entertainment venue, in violation of Article 23 of these Measures, fails to timely take measures to stop a violation of laws or regulations and report it, the administrative department of culture of the people's government at or above the county level shall punish it under Article 49 of the Regulation.

第三十二条 ∮槔殖：：ㄔ幢景旆 ū 诙™十三条规定对违法违规行为未及时采取措施制止并依法报告的，由县级以上人民政府文化主管部门依照《条

*例》*第四十九条予以处罚。

Article 33 Where any entertainment venue violates Article 24 of these Measures, the administrative department of culture of the people's government at or above the county level shall order it to correct and give it a warning.

第三十三条 娱乐场所违反本办法第二十四条规定的，由县级以上人民政府文化主管部门责令改正，予以警告。

Article 34 Where any entertainment venue violates Article 25 of these Measures, the administrative department of culture of the people's government at or above the county level shall give it a warning and impose a fine of not more than 10,000 yuan but not less than 5,000 yuan upon it.

第三十四条 娱乐场所违反本办法第二十五条规定的，由县级以上人民政府文化主管部门予以警告，并处 5000 元以上 1 万元以下罚款。

Article 35 These Measures come into force on March 11, 2013.

第三十五条 本办法自 2013 年 3 月 11 日起施行。