The Past and Future of China’s Administrative Reform

——Retrospect and Prospect of Administrative Reform under the Reigning Government

Wang Yukai

The reigning government has had high regard for administrative reforms and made a series of experimentation while speeding up the founding of socialist market economic system since the 16th NCCPC（National Congress of Communist Party of China）. Some of these reforms have been pushed ahead in totality, and some have been launched through comprehensive reform tests such as Shenzhen district and Binhai new area. Lessons and experience from the reforms not only enable us to have a general understanding of how the administrative reform of the reigning government is moving on but also give instructions for furthering the coming administrative reform.

1. The Past Five Years of Government Reforms Has Contributed A Lot.

Since the reigning government was formed in 2003, reforms focusing on administrative management system and government construction have been conducted. There are five reforms on administrative management system and five on government construction. Five emphases on administrative management system are as follows:

The first is reforms of government institutions. Reforms of government institutions carried out by the reigning government are aimed at some protruding issues. The intention was to realize further transformation of the government functions, to perfect the configuration of government institutions, to adjust the division of functions of government institutions, to improve management level, and to form an administrative system featuring standardized behaviors, coordinated operations, fairness and transparency, honesty and high efficiency. The following five protruding problems were expected to be solved. An institution in charge of the state-owned assets was established for purpose of strengthening management on the state-owned assets; the macro-control system is perfected to attain relatively centralized power of macro-control; financial risks were to be prevented by perfecting the financial regulation system; management over business and trade was to be reinforced by carrying forward the reform of circulation system and practicing the combination
between foreign trade and domestic trade; management over food and production safety by perfecting the institutions related to food and production safety.

Secondly, to enhance the government functions of social management and public service has been taken as the priority of the transformation of government functions. Transformation of government functions has ever since been the core issue of China’s administrative reform. The reigning government has attached great importance to finding solutions for the overlap of functions between government agencies, multi-leadership and so on. Notably, since the health incident by SARS in 2003, governments of all levels has paid much more attention to social management and public service, and they has put social management and public service functions in a more significant position while the public health system and kinds of emergency management systems have been constructed.

Thirdly, reforms on the administrative examination and approval system have been strengthened. Deepening reforms on the administrative examination and approval system is a very important part of administrative reforms and the prerequisite of transforming the government functions. On the base of reforms on the administrative examination and approval system conducted by the previous government, the reigning government has continued the cause. Statistically, a great number of administrative examination and approval items have been cancelled or regulated during the past few years. The number of the administrative examination and approval items cancelled or adjusted by the State Council has already surpassed 1,800.

Fourthly, reforms on towns and tests on integration of urban and rural areas have been progressed. China started reforms on towns early in 2000. Besides keeping on reducing and integrating towns, the reigning government has considered reforms on towns as a solution to a long-standing problem in China—the dual social structure between urban and rural areas. In purpose of implementing strategies of constructing a new socialist countryside advanced by the Central Committee of the Party, the reigning government has selected some areas such as Chongqing and Chengdu for reform tests, which has provided experience for dealing with the dual social structure between urban and rural areas and realizing urbanization. Although this reform has not been going on for long, it is far-reaching.

Fifthly, pilot reforms on province directly administering county have been initiated. Since the reform of replacing districts with cities in 1982, most of the counties have been under the jurisdiction of cities. Drawbacks of this management model, however, have already been exposed gradually nowadays. In order to intensify the vital role of
county (cities at county level in administrative division) in economic and social development, the Central Committee of the Party has made experiments on the financial system reform of province administering county in some areas to accumulate experience for the reform of province administering county directly in the future.

A series of significant measures have been taken to push forward administration in accordance with the law. They are:

Firstly, on March 22nd, 2004, the State Council lay down and issued “Program for Comprehensively Implementing Government Administration in Accordance with the Law”, clarifying the guiding ideology, specific goals, fundamental principles and requirements, major tasks and steps for comprehensively implementing government administration in the following ten years. The formulation and implementation of “Program for Comprehensively Implementing Government Administration in Accordance with the Law” is a landmark in the history of government law construction, manifesting that administration in accordance with the law has stepped onto a new stage.

Secondly, government legislation has been facilitated, focusing on enhancing the quality of institutional construction. When keeping on reinforcing economic regulation and market supervision, the government has attached greater importance to legislation on social management, public service and matters concerning benefits of the common people. From 2003 to July of 2007, the government totally submitted 33 legislation proposals to the Standing Committee of the National People's Congress, and enacted 125 administrative regulations. Among them were 52 laws and regulations on economic regulation and market supervision, and 106 on social management and public service.¹

Thirdly, systems, mechanisms and laws of emergency management have been perfected to improve the capacity of preventing and responding to emergency. “National Emergency Response Program for Public Incidents”, 25 specific emergency response programs and 80 department emergency programs have been formulated. Meanwhile, such administrative regulations as “Regulations on Preparedness for and Response to Emergent Public Health Hazards” and “Statute on meeting great animal epidemic emergency” have been laid out. Legislation proposals such as “Prevention and cure law for infectious disease of People's Republic of China” (revised draft) and

¹ Cao Kangtai, The new progress of China’s Administration in Accordance to the law since 16th NPC, Qiushi, Sept, 2007.
“Animal Epidemic Prevention Law of the People’s Republic of China” and Law of the People's Republic of China on Emergency Responses are submitted to the Standing Committee of the National People's Congress.²

Fourthly, “Administrative License Law of The People's Republic of China” has been implemented to facilitate transformation of government functions and innovation of administrative model. According to the disposition of the State Council, governments and departments at all levels have cleaned up the approval items, the bases, and the executive bodies. According to statistics, in 31 provinces, autonomous regions and province-level municipalities and 28 constituent ministries and commissions of the State Council, 25797 administrative approval items have been cleaned up (8666 cancelled and 1841 adjusted), 25554 bases have been cleaned up (3981 abolished and 2493 modified), and 2389 administrative approval bodies have been cleaned up (1932 left, 302 cancelled and 71 adjusted). This year, the State Council Leading Group on the Reform of Approval System is determined to make another clearance on the administrative approval items of the ministries and commissions of the State Council.³

Fifthly, reforms of administrative enforcement of law have been pushed forward to regulate administrative enforcement of law. In addition to 82 pilot cities with relatively centralized administrative punishment power authorized by the State Council, 190 municipal governments and 804 county governments have launched the activities of relatively centralizing administrative punishment power while 183 municipal governments and 830 county governments have made experiments on comprehensive administrative law enforcement. Fields practicing relatively centralized administrative punishment power and comprehensive administrative law enforcement have expanded from urban management to culture, tourism, mine safety, agriculture, forestry, water resources and transportation. This has integrated scattered enforcement forces, cut down the number of the civil servants, enhanced the performance of law-enforcement, and greatly reduced multi-enforcement, buck-passing and disturbance to the people in law enforcement.⁴

Sixthly, the system of law enforcement responsibility has been initiated to guarantee the proper implementation of laws and regulations. “Several Opinions of the State

² Cao Kangtai, The new progress of China’s Administration in Accordance to the law since 16th NPC, Qiushi, Sept, 2007.
³ Cao Kangtai, The new progress of China’s Administration in Accordance to the law since 16th NPC, Qiushi, Sept, 2007.
⁴ Cao Kangtai, The new progress of China’s Administration in Accordance to the law since 16th NPC, Qiushi, Sept, 2007.
Council on Pushing Forward the Administrative Law Enforcement Responsibility System” was promulgated by the General Office of the State Council on July 9th, 2005. Governments and departments at all levels have lawfully defined their law enforcement responsibilities, scientifically set law enforcement posts, established appraisal system and a system investigating and affixing responsibility for misjudged cases, and positively probed approaches on performance appraisal of administrative law enforcement.

Seventhly, administrative reconsideration has been strengthened to solve administrative disputes. In recent years, under the demands of the State Council and the “Administrative Reconsideration Law”, governments and departments at all levels have been continuously improving the coordinated systems and detailed procedures of administrative reconsideration. They has made great effort to enhance the quality and efficiency of administrative reconsideration, enabling administrative reconsideration to play a vital part in solving administrative disputes, building closer links between the government and the people, easing social contradictions, maintaining social stability and harmony.

Eighthly, administrative regulations and rules have been comprehensively cleared up to specify the legal bases of administration in accordance with the law.

Ninthly, administration in accordance with the law of the grass-root governments has been pushed forward to speed up building the government under the rule of law.

Achievements:

An outstanding character of the reigning State Council advancing administration in accordance with the law is comprehensive promotion. Governments and their departments are required to permeate administration in accordance with the law with all fields and links as a principle on their own initiative to improve the capacity of administration in accordance with the law.

It is mainly manifested as follows: Administrative organs have universally raised their consciousness of administration in accordance with the law and administration in accordance with the law has already been the basic principle of working for most administrative organs; institutional construction has been obviously ameliorated; scientification and democratization of government decision-making have been evidently improved; government functions have been increasingly transformed and
the administrative model has evolved continuously. For instance, more and more governments provide service for the grass –root organizations and people by means of administrative service centers; administrative enforcement of law is improving because of the proper system on administrative enforcement of law, normalized procedures and consolidated supervision over enforcement of law.


Since its formulation, the reigning government has made great attempt in administrative reforms undoubtedly deserving praise and the achievement is obvious. However, these reforms are complex and difficult. So, problems in the management of the government should not be underestimated.

Actually, the lagged transformation of government functions, excess of administrative approval items, weakness in social management and public service, vagueness in functions, ineffective coordination between departments, backwardness of management models, incomplete settlement of those issues in relation to the benefits of the people, striking formalism, bureaucracy, fraud and deception, extravagance and waste, weak sense of certain civil servants in administration in accordance with the law, and grave corruption in some areas and units, are all protruding problems in public governance of China. They attract universal concern of the society and strengthening government reforms is the distinct voice of the society.

In some sense, the extent and intensity of reforms on the government itself and the whole administrative reform have already become or are becoming the determinant factor for the success of other reforms. This is probably why the Central Committee of the Party makes the judgment that implementation of administrative reform will turn to be the crux of comprehensively deepening reforms and broadening opening up. It is proved again that our government reform is facing a rigorous situation and society is still expecting much of the government reform.

3. Requirements Ensuring Success of This Administrative Reform

In light of disposition on the administrative reform by the 17th NCCPC, the objective of the coming administrative reform is to “build service- oriented government” and to bring about a system which matches powers with responsibilities, divides work in a rational way, fosters scientific decision-making, and ensures smooth enforcement and effective oversight through transforming functions, straightening out relations, optimizing the setup and raising efficiency.
In order to realize this goal, “Report of the 17th NCCPC” emphasizes that the government responsibility system must be amplified; social management and public service must be strengthened; ways to establish greater departments with integrated functions must be explored; the relationship between local departments directly under central government organs and local governments must be standardized; various organs for deliberation and coordination must be downsized and standardized; a master plan for the administrative reform must be worked out to push forward it.

When analyzing the master disposition of the administrative reform by the 17th NCCPC, the author deems that at least 3 requirements ensure the success of this administrative reform.

The first is to make a good master plan.

Lack of overall planning was the most serious problem in the previous administrative reform of China. We took stop-gap measures rather than find the root cause of the problem. The planning for the administrative reform was not authoritative or long-lasing. Consequently, there have been no relatively stable organization structure and power structure in our government, and an effective governance structure has not taken shape up to now.

For example, significant questions such as what is the proper number of the constituent institutions of the government, which areas they should concentrate on, and how they can be relatively legalized in good season have not been answered. Even profound analysis, demonstration and comparison in decision-making level are still missing. This brings the color of “rule of people” rather than “rule of law” to all previous administrative reforms.

As a result, one of requirements ensuring the success of this administrative reform is to make an overall planning for it, which clarifies the organizational structure of China’s administrative system, the general number of departments in charge of administrative affairs, social affairs, economic affairs, and the legal relationship among decision-making, executive and supervising departments. We should also take the administrative reform as a process and set the general target and phased targets of the modern government administration. We strive to reach the targets when an all-round well-off society is realized in China in 2020, which will undoubtedly have deep-going impacts on the future administrative reform. Otherwise, it will be fairly hard to achieve breakthrough in the reform.

The second is that the giant department reform must succeed. The giant department
reform has attracted attention from society. It has been widely reported in media. In the author’s view, we fail to have a proper understanding of the giant department reform. For instance, some people believe that the giant department reform means merging of government departments and they worry about a new wave of staff reduction. It is obviously incorrect.

In fact, the giant department model is popular in modern developed counties. It is right for China to choose the giant department system. The question lies in whether the giant department reform can be a success in this administrative reform.

Most importantly, we should make an overall planning to study the number of constituent institutions of the government, the fields which the giant department system should be applied to, disposition of decision-making, executive and supervising powers, the government operation pattern and so on. Then the giant department system should be carried out primarily in the fields of a considerable influence where there are protruding problems. In this sense, whether the comprehensive administrative reform succeeds or not is directly affected by the giant department reform.

The third is to make a breakthrough in restricting public power. The vigorous problem in China’s government management is that a quite effective mechanism of restricting public power has not been established so far. This explains the reason why some leaders of the party and government organizations even some high-ranking officials has corrupted these years. It has not only severely destroyed the government’s public credibility but also endangered the benefits of the country and people. Much attention has been paid to restricting public power in the past few administrative reforms. However, the overspreading corruption has raised doubts about the effect of the reform.

There are at the moment 3 key issues to be solved in the administrative reform:

Firstly, we should bring about a system which fosters scientific decision-making, and ensures smooth enforcement and effective oversight. This requires us to convert the traditional thinking mode and make great alteration in the government structure which is gradually to be legalized.

Secondly, we should find an effective way to control department interests and stop the generalization of interests of public sectors, including public service units. In the long run, approaches to restrict public power will not have been found unless the government departments give up scrambling interests with the people and unless
Impartial policy making and standardized action of the government come into being.

Thirdly, the political system reform should be carried out simultaneously to facilitate the construction of power restricting mechanism during the administrative reform. The administrative reform can not fight the battle alone. If we intend to restrict the power of the government from the political angel, we have to widen the rights of the people, regulate the power of the party, abolish the privilege and restrain the public power. If breakthroughs can not be acquired in these aspects, it will be fairly difficult to realize effective restriction on the power of the government through the administrative reform alone.

(The author is the member of the Advisory Committee for the State Informatization, P. R. China, Professor of China National School of Administration, and PhD advisor of school of government, Peking University.)