

NPC

NATIONAL PEOPLE'S CONGRESS OF CHINA



ISSUE 1

Let Us Work Together for a Better Future



A Portrait of Modern China

Property Law: A Major Milestone

Getting to Know the Chinese System of People's Congresses

Chairman Wu Bangguo (eighth from left) poses with Vice-Chairpersons of the NPC Standing Committee (from left to right), Han Qide, Lu Yongxiang, Raidi, Jiang Zhenghua, Cheng Siwei, He Luli, Li Tieying, Wang Zhaoguo, Ismail Amat, Ding Shisun, Xu Jialu, Gu Xiulian, Sheng Huaren, Uyunqing and Fu Tieshan, in a group photo.







Wu Bangguo, chairman of the Standing Committee of the 10th National People's Congress.



FOREWORD

The *NPC* is now available. It will open an important new window on China for more global friends to know about the Chinese system of people's congresses and the nation's effort in building a more democratic legal system and a democratic political system with Chinese characteristics.

Political systems in different countries share a number of common identities. Political systems in each country personify its own characteristics due to unique history of that nation as well as national culture and social conditions. We need to communicate with each other, enhance mutual understanding, embrace universal brotherhood and draw upon experiences from each other.

We hope the publication of *NPC* will help parliament members and people from all walks of life in various countries better understand China's evolving democratic political system and promote friendship, exchanges and co-operation between the National People's Congress of China and its worldwide counterparts.



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Wu Bangguo, chairman of the NPC Standing Committee, makes a speech at the China-Greece Trade and Economic Cooperation Forum, on May 23, 2006.

Yao Dawei

Let Us Work Together for a Better Future

**Address by Chairman Wu Bangguo
of the Standing Committee of National People's Congress
of the People's Republic of China
at the China-Greece Trade and Economic Cooperation Forum
Athens, May 23, 2006**

Ladies and Gentlemen, Dear Friends,

Talking about China, one would first think of its vast land, large population and the ancient Great Wall. However, today, I would like to talk about a new China heading toward modernization and its achievements in the past 28 years since the adop-

tion of reform and opening-up policy.

China is a fast-growing country. Development is China's top priority. Toward the end of the 1970s, Mr. Deng Xiaoping initiated the policy of reform and opening-up to the outside world that has led to the growth of the overall national strength,





The night scenery is splendid in Lujiazui of Shanghai's Pudong New Area. The development of Pudong is an epitome of the city's fast progress as well as of the nation's reform and opening up policies. Skyscrapers mushroomed in Lujiazui Finance and Trade Zone, which homes to 123 financial institutions from home and abroad, 21 headquarters of transnational companies as well as eight national financial markets. *Liu Zhaoming*



A container freighter anchors at Tianjin Port on May 1, 2007. The freight throughput of the port soars up with the rapid development of the Tianjin Bonded Area, surpassing 100 million tons during January and April, 2007. *Hu Ming*

and rising living standard. From 1978 to 2005, China's GDP grew from US\$216.5 billion to US\$2.23 trillion with an average annual increase of 9.6%, and per capita GDP from US\$226 to US\$1,707, a jump of nearly 7 times. The grain output rose from 300 million tons to 480 million tons, enough to feed nearly 22% of the world's population. The mileage of highways jumped from zero to 41,000 kilometers, ranking the second in the world. In 2005, the handling capacity of harbors reached 4.9 billion tons of goods and 75.8 million TEUs of international containers, both ranking the first in the world. The average annual income of urban and rural residents increased by 5.1 times and 5.2 times respectively. With regard to housing, urban residents' per capita floor space rose from 6.7 square meters to 25 square



All the 279 families of Tengtou Village in Fenghua of Zhejiang Province dwell in newly-decorated villas. To mark its eco-friendly effort, the village was elected to the rank of Global 500 Roll of Honor. The life of more than 800 million farmers in China's rural area got improved with the economic development of nation.

Xing Yongchun



meters, and that of rural residents from 8.1 square meters to 29.7 square meters. More and more Chinese families could afford cars, as shown in the 2005's sale volume of 3.13 million cars. The life expectancy of the Chinese people has doubled from 35 years in 1949 to 72 years at present, higher than the average level of middle-income countries. The nine-year compulsory education has been basically realized across the country. Illiteracy among the young has been largely wiped out. University enrolment surged from 860,000 in 1978 to 15.62 million in 2005. Internet users topped 100 million. Fixed-line telephone and mobile phone users totaled 743 million. The rural population living in poverty decreased from 250 million to 23.65 million. According to the World Bank, the number of people who had got rid of poverty in China over the past 20

years accounted for 75% of that of all developing countries.

China is an open country. Opening up to the outside world is one of China's fundamental policies. Mr. Deng Xiaoping once said, "No country can develop in self-seclusion." Five special economic zones have been set up in China since 1980, namely, Shenzhen, Zhuhai, Shantou, Xiamen and Hainan. In 1984, fourteen more coastal cities including Shanghai, Tianjin and Guangzhou were opened. After 1985, the Yangtze River Delta, the Pearl River Delta, the Southern Fujian Delta, the Shandong Peninsula, the Liaodong Peninsula, Hebei Province and Guangxi Zhuang Autonomous Region were designated as open economic zones, forming an economic development belt along China's coastal line. In 1990, the Chinese Government decided to build the Pudong New Area in Shanghai and open it together with other cities along the Yangtze River to foreign investors, forming an open economic belt headed by Pudong along the Yangtze River. Since 1992, a number of border cities and all provincial capitals as well as capital cities of autonomous regions in the hinterland have been opened. So far 54 economic and technological development zones, 53 high and new technology development zones, 14 border economic cooperation zones, 12 tourist and vacation zones, 57 export processing zones, 15 bonded zones and 253 first-class ports have been approved by the Chinese Government. A structure of open areas along the seas, rivers and borders, and in the hinterland has taken shape, embracing cooperation with many countries on a wide range and at all levels. On December 11, 2001, China became a full member of WTO, marking a new stage of its opening-up. Over the past 28 years, China's total trade volume edged up from US\$20.6 billion to US\$1.42 trillion with an annual increase of more than 17%, making China the world's third largest country in terms of foreign trade. Last year, the import volume alone reached US\$660 billion, while its average annual

growth topped 16%. The paid-in foreign direct investment (FDI) added up to more than US\$620 billion, putting China at the top of developing countries in terms of FDI over the past 13 years. Foreign exchange reserves climbed from US\$167 million in 1978 to US\$870 billion at present, ranking the first in the world. Over



An exhibition booth showcases LCD screen TVs and plasma TVs manufactured by Changhong in the 8th Appliance World Expo -- Beijing 2006 on July 12. A number of environmental-friendly and energy saving products debuted on the exposition. China sees a rosy future in its electric appliance consumption.

Lao Luo

550,000 foreign-invested companies have settled in China. A majority of the Fortune 500 companies have their investments in China. Some transnational corporations have even relocated their Asia-Pacific headquarters or R&D centers to China. More than 50 countries have recognized China's full market economy status. Prior to its opening-up, China had merely 7 international airlinks connecting it with 10 countries. Now, 233 international airlinks are connecting China closely with other parts of the world. Foreign tourists coming to China increased from around 1.8 million in 1978 to 120 million in 2005, and the number of Chinese nationals going abroad amounted to more than 31



million. China contributed more than 10% to the global economic growth, and more than 12% to the global trade growth.

China is a democratic state under the rule of law. Rule of law is the basic principle for governance in my country. With the founding of the People's Republic in 1949, the Chinese people stood up and, for the first time in history, became masters of their own country. A salient feature of this new era is seen in the Constitution of the PRC which clearly stipulates that "all power in the People's Republic of China belongs to the people". A complete set of systems, institutions and mechanisms have been put in place since 1949 in line with our basic national conditions to help secure and defend the rights of the people. China adopts a political system of People's Congress, which affords the Chinese people a firm control over the future of the country. People's congresses at all levels are democratically elected, responsible to the people and subject to their supervision. All citizens over 18 years of age, except for those deprived of political rights by law, are entitled to vote and stand for election. Eligible voters account for over 99% of all Chinese citizens above 18 and over 90% of them turned out to vote in previous elections. Administrative regions at all levels have their own people's congresses encompassing over 2.8 million deputies throughout the country. These deputies, who come from all walks of life and are therefore highly representative, make important decisions on behalf of the people on both national and local levels. They enjoy legal immunity for the expression of their views at the sessions of the people's congresses and special protection for their personal freedom. Each ethnic group, no matter how small, has its own deputies to the National People's Congress. State power in China is exercised by people's congresses in a unified way, and all administrative, judicial and procuratorial organs of the State are formed by the people's congresses to which they are responsible and by which they are super-

vised. With regard to the political parties, China follows a system of multiparty cooperation and political consultation under the leadership of the Communist Party of China (CPC). The CPC is the party in power and exercises central leadership. The other democratic parties, though not in power, are not in the opposition, but in participation. Thorough consultations are conducted between the CPC and the other democratic parties whenever there is an important policy decision to take. There are regular mechanisms for consultation and other ways of soliciting opinions as well. At present, there are eight democratic parties in China, their total membership adding up to over 600,000. Among these people, 176,000 are deputies to people's congresses at various levels, and 32,000 are officials at or above the county level. The close cooperation between the CPC and the eight democratic parties can be best described as long-term coexistence and mutual supervision, treating each other with all sincerity and sharing weal and woe. Such close partnership was forged in the course of national liberation and democratic revolution. A system of local self-government has been put in place as local committees are set up in both administrative villages in the countryside and urban communities. Through these committees, villagers and urban residents can exercise their rights to democratic election, democratic decision-making, democratic management and democratic supervision in accordance with law and manage affairs bearing on their own interest. Mr. Deng Xiaoping once pointed out that China needed a stronger legal system to better protect people's democracy. When democracy is institutionalized and incorporated into law, it will be immune to changes of leadership, their views or their focus of attention.

To date, more than 220 laws, over 670 administrative regulations and more than 8,000 local regulations and over 600 autonomous regulations and separate regulations have been adopted and are still in





Mountains of containers are piled on the Tianjin Container Port on April 9, 2007. The number of container sea routes of the port reached to 100 in the first quarter of 2007, when another six new lines were opened. The freight throughput of Tianjin Port is expected to reach 280 million tons this year, including 7.1 million standard containers.

Hu Zhiqiang



effect. A Chinese socialist legal framework with the Constitution at its center has taken shape, providing legal basis for major aspects of the political, economic and civil activities of the country and protection for the freedom and rights of the people in China. The Constitution unequivocally provides for the respect and protection of human rights and freedom of religious belief. China has so far acceded to 21 international instruments on human rights. There are special provisions in the Constitution and other legal

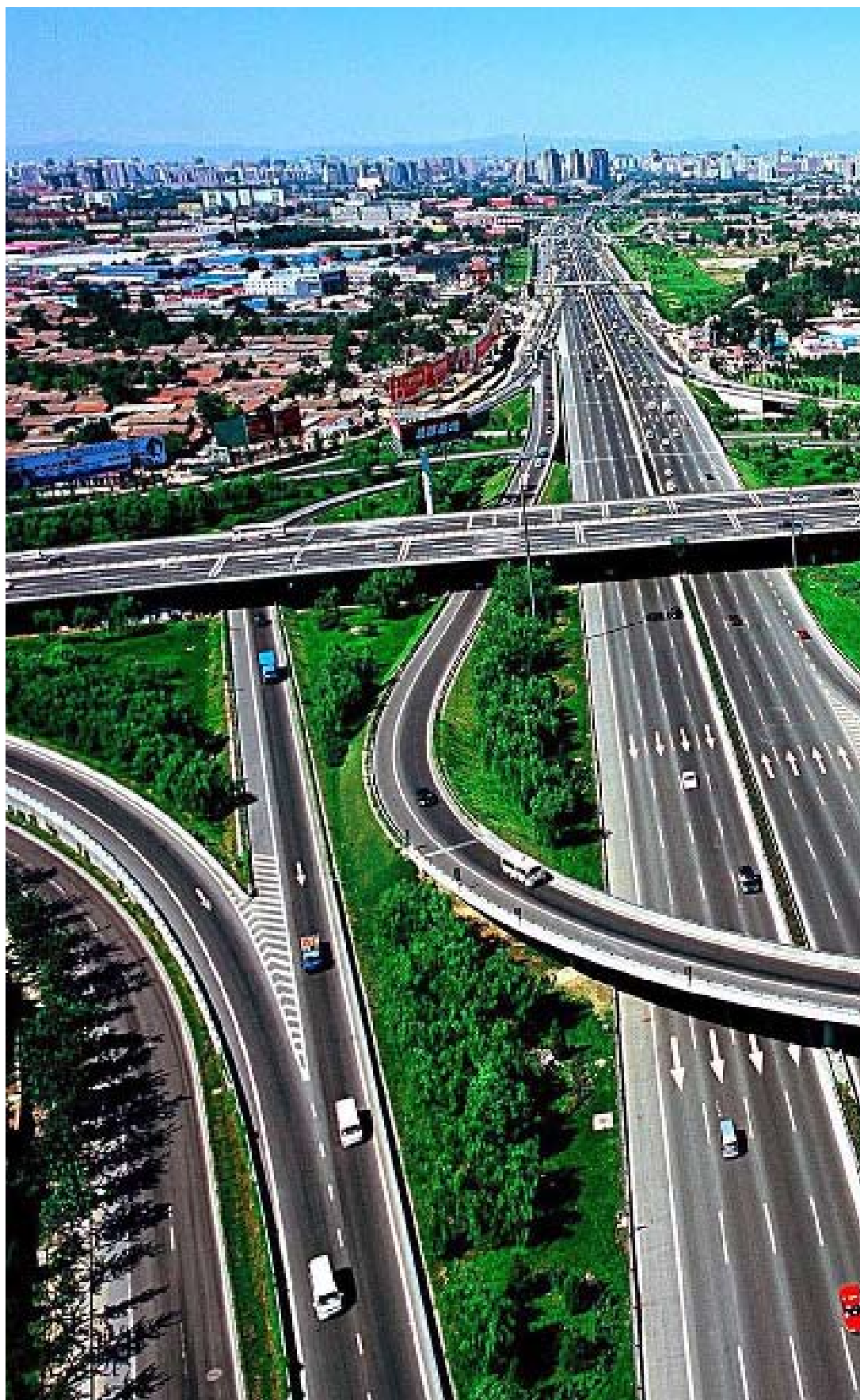


Twenty-eight foreign seamen of a Greek freighter, together with inspectors from neighboring Zhoushan Frontier Defense Checkpoint, make yu-anxiao dumplings (glutinous rice ball) on February 8, 2006 to meet the traditional Lantern Festival in Zhoushan Port, Zhejiang Province. Falling on the 15th day of the first month of the Lunar Year, the Lantern Festival takes place under a full moon, and marks the end of Chinese New Year festivities.

Huang Xutang

documents for protecting the rights and interests of women, children, the elderly and the disabled. To enhance knowledge of law among the general public, we have carried out a five-year education program for four times in a row. Not long ago, the National People's Congress adopted a resolution on the implementation of the fifth five-year education program. This work has helped the people to understand better the importance of the rule of law.

China is the largest developing coun-



The Majialou Crossroad in the Beijing-Kaifeng Expressway from a bird's-eye view. China has built 1.81 million kilometers of highway, 21 times more than the mileage when the New China was founded in 1949. *Xinhua*



try with a huge population, poor economic foundation and imbalance in regional development. China still has a long way to go before it achieves modernization, a task that calls for unremitting efforts of many generations. Last March, the Fourth Session of the Tenth National People's Congress passed China's development plan for the next five years. According to this plan, China's average annual GDP growth is set at 7.5% over the next five years and by 2010 the per capita GDP will double that of the year 2000 while energy consumption per unit GDP will be 20% lower than that of the end of 2005. All this will be achieved through improved industrial mix, better economic performance and higher energy efficiency. To realize our goal, we need to follow a scientific outlook of development in promoting economic and social development. We will continue to boost domestic demand, follow a new model of industrialization, speed up economic restructuring and transform the pattern of economic growth. We also need to enhance capacity for independent innovation, deepen reform, open up further to the outside world and promote coordinated development across the country. These efforts are geared to building China into a harmonious society and putting China's economic and social development on a scientific track.

As a member of the international community, China is committed to a path of peaceful development. China's growth is closely linked with the growth in other parts of the world. It is fair to say that a moderately prosperous life for the 1.3 billion Chinese is in itself a major contribution to peace, development and stability of the entire world. China's growth has also brought about important opportunities for Greece and other countries. My country's political stability and harmonious social environment, rich labor resources and huge market potential have made itself an ideal place for mutually beneficial trade and economic cooperation with the rest of the world. ■



Deputies press their voting machines when attending the 5th Session of the 10th NPC at the Great Hall of the People. The annual session was held on March 5-16, 2007 in Beijing.

Mao Jianjun

A Portrait of Modern China

By Zhu Zhe and Wu Jiao

March is the month when winter gives way to spring, but in China it's also the time for the biggest yearly political event: the annual session of the National People's Congress (NPC), the country's top legislature.

About 3,000 deputies to the NPC gather in the Great Hall of the People in Beijing to discuss everything from the economy to social issues, education to defense, science and technology to law and order, and the people at the grassroots to top leaders.

This year's NPC session began on March 5 and lasted 12 days, two days more than last year's. Apart from the regular agenda, such as reviewing the national budget report, the central government's work report, the report on the plan for national economic and social development, the work report of NPC Standing Committee and the reports of the Supreme People's Court and the Supreme People's Procuratorate, the NPC session this year also passed the Property Law and the Corporate Income Tax Law.

► Social concerns

But the subject that drew the most attention of the NPC deputies was society.

In fact, the NPC has always paid enough attention to social concerns. But rising complaints over social issues prompted the NPC to pay extra attention to it. Such complaints have increased because of the further opening-up of the economy and the transitional stage that the country's development and reforms have reached.

An online national poll conducted recently by sina.com, one of China's most popular websites, showed social issues such as tax, school, college

A scheme to provide basic medical care to rural residents, which had been running as a pilot program for the past few years, would be expanded to cover at least 80 percent of the counties.

and university fees, healthcare, property prices and loose food safety supervision were the most important issues people wanted the NPC to address. Surveys conducted by the media and other leading websites, too, show social issues were the topmost concern of the public.

These complaints haven't gone unheard by the legislators, for *minsheng*, literally meaning "people's livelihood", was the most frequently used word at this year's session. And to the joy of many, a large part of the Government Work Report delivered by Premier Wen Jiabao was devoted to issues directly concerning the well being of the common people.

Wen promised a hefty rise in the spending on education, healthcare, social security and other areas of social concern to ensure that "all the people share the fruits of reform and development". Wen said the government would have a minimum cost of living allowance system in place this year for all rural residents. A scheme to provide basic medical care to rural residents, which had been running as a pilot program for the past few years, would be expanded to cover at least 80 percent of the counties.

Steps will also be taken this year to increase the incomes both of urban and rural residents, especially those in the lower-income bracket.

The premier stressed that the country would make education a strategic priority. The fee-abolition scheme, now confined to the rural areas, would



Citizens in Hangzhou, capital of Zhejiang Province, pass by an advertisement of a real estate exhibition, on March 6, 2007. On March 5, Premier Wen Jiabao, when delivering a government work report in the 5th Session of 10th NPC, pointed efforts should be made to ensure especially the construction of commercial housing for the mass of the people.

Huang Zhengsheng

be expanded to cover the entire country this year. Also, students majoring in education from teachers' colleges would get free education.

In addition, the NPC for the first time accorded equal importance to social affairs with economic matters in legislation. "While continuing to improve economic legislation, we must also enact laws on social programs to provide a solid legal foundation for a harmonious society," NPC Standing Committee Chairman Wu Bangguo said, presenting a work report.

The legislative agenda for 2007 reflects the change, too. About half of the 20 draft laws or amendments discussed this year touched on social problems, including labor contracts, social welfare, employment, food safety, the environment and public response to emergencies.

Zheng Gongcheng, a NPC deputy and profes-

sor in Renmin University of China, perhaps summarised China's leaders' goal when he said that too much time and money had gone into China's economic growth and reforms, and "the key task for the government this year should be to let everyone share the success of the country".

Another NPC deputy, Gao Baoyu, explained what the social problems could mean in the long run. Gao said the ability to deal with the emerging social problems would directly affect the country's long-term development. "The conflict between what the public demands and what can be offered to resolve social issues is becoming one of the most serious problems in China."

Sun Shujun, a NPC deputy from Northeast China's Liaoning Province, praised the many deputies who had raised suggestions on the problems direct-

Premier Wen Jiabao picks up questions raised by reporters from home and abroad at a press conference in Beijing on March 16, 2007, when the 5th Session of 10th NPC came to an end at the Great Hall of the People. *Liu Xin*



In addition, the NPC for the first time accorded equal importance to social affairs with economic matters in legislation.

ly affecting the public. “We’re glad to see that our efforts have paid off,” she said. “The government report contains a lot of details and the government will accelerate its programme to reform the shantytowns in Liaoning.”

The NPC reviewed the key social issues, the success achieved in tackling them and how they can be ultimately be resolved.



A reporter interviews Zhang Chunxian, who is the secretary of the Hunan Provincial Committee of the Communist Party of China (CPC), on March 6, 2007. Delegation from Hunan deliberated the government work report made by Premier Wen Jiabao.

Sheng Jiapeng

► Employment

Despite the rapid economic growth, more than 84 million urban residents in China survive on government dole and lack of jobs in rural areas forces people to migrate to cities. This summer a staggering number of 4.95 million students, 820,000 more than 2006, will graduate from institutions of higher learning, and about 1.4 million of them are unlikely to find jobs befitting their degrees. So great is the demand for new jobs in China that it has to create about 13 million openings every year to prevent unemployment from rising.

Solution: The central government has allocated 23.4 billion yuan (\$3.03 billion) for employment and re-employment programs. The specific goal this year is to create at least 9 million new jobs and relocate about 5 million laid-off workers. Also, the government proposes to control the registered unemployment rate below 4.6 percent in the urban areas, and “basically” solve the employment problem by 2020.

► Social security

Only a small percentage of the Chinese population is covered by the country’s social security system. The vast majority of the rural poor have no social security, only 13 million of the 800 million



Pupils from a village in Zhejiang Province are on their way to home. According to the government work report made by Premier Wen Jiabao in the 5th Session of 10th NPC, about 150 million middle school students and pupils in rural areas would be exempted from tuitions and incidental expenses this year. Such a policy has benefited 52 million students around the nation after implementation. Zhang Heping

needy farmers get government dole, and about 22 million urban residents survive on handouts of 169 yuan (\$21.90) a month.

Solution: Last year, the central government spent 13.6 billion yuan (\$1.76 billion) on basic cost of living allowances for urban residents, that is, 2.4 billion yuan (\$336.7 million) more than 2005. The doles have benefited 15 million people in the rural areas of 25 provinces. The country has promised to build a social security system covering the rural and the urban areas that would include social aid, social insurance, social welfare and charity from all walks of life. But such a system needs time to be put in place. Also, the government is trying to include about 195 million workers in its pension scheme, 113 million in the unemployment security network and 170 million in the medical insurance system.

Food safety

Food safety scares, such as red Sudan dye in yolks of ducks' eggs, loose supervision and outdated food packing procedures, are the major hurdles the country has to overcome to have a secure food system.

Solution: Government bureaus have begun a series of food security inspection campaigns, tight-

ened supervision and extended it to cover all food production procedures and sales. The country's food security authorities have vowed to crack down on companies processing spurious food products and using known brands' labels.

Fight against corruption

The Communist Party of China (CPC) pulled up 97,260 of its members at various levels last year. That means 0.14 percent of the total members, including many high-ranking officials like Shanghai's former CPC chief Chen Liangyu and former National Bureau of Statistics Director Qiu Xiaohua, were punished for corruption and other crimes. Chen was the highest-ranking CPC official to be charged with corruption in a decade.

Solution: The central government has always considered the fight against corruption to be of utmost importance. Central anti-graft authority sources have said repeatedly that the government will establish special organs to fight corruption and make concerted efforts to enact detailed laws and regulations. Tasks such as improving the government's image and adjusting its functions, speeding up administrative management reform and setting up and perfecting an administrative accountability system will be the administration's key tasks this year.

Education

China's nine-year compulsory education system, which is supposed to be free and should cover the entire country, is yet to reach all rural areas. In cities, parents eager to get their wards admitted to top schools have to fork out extra money. Rising fees have come under public fire, as has the mismatch between what is being taught in many institutions and the demands of some newly created jobs.

Solution: The government will start a national scholarship and tuition-assistance system for undergraduate institutions, secondary vocational schools and vocational colleges this year. It will implement the State student loan policy scheme too to help children from poor families get proper education. Also, rural students across the country will get free nine-year compulsory education from this year. China exempted students in rural areas of

western China from paying the compulsory education fees last year, and the policy was extended to the rest of the country this year.

Healthcare

A 2006 national survey showed 48.9 percent of the Chinese didn't bother or couldn't afford to see a doctor when they fell ill, and 29.6 percent couldn't be admitted to a hospital despite having been advised by doctors to do so because the cost was too high. Medical costs are generally considered to be very high, with the public and some leaders calling for the expansion of the healthcare network and making it more affordable.

Solution: Minister of Health Gao Qiang has promised to change the country's healthcare system this year by increasing government investment, tightening professional supervision and cutting costs. The government will continue to extend

Medical costs are generally considered to be very high, with the public and some leaders calling for the expansion of the healthcare network and making it more affordable.

the healthcare network both in the rural and urban areas. By the end of this year, the rural cooperative medical care system is expected to cover at least 80 percent of the counties. Under the rural system, each farmer has to pay 10 yuan (\$1.30) a year into a medical fund, with the state and local governments each contributing the same amount. A person can use a certain percentage of the money for his treatment when he falls ill.

NPC Deputy Huang Xihua (left) speaks to two senior citizens on problems concerning the aged people in Nanhu Park in Huizhou, Guangdong Province, on February 28, 2007. Huang is also the vice-director of the Huizhou Bureau of Environmental Protection.

Song Xiujie





Yang Xixiu, a NPC deputy from Guizhou Province, attends the NPC annual session. Yang appealed the Central Government to enlarge investment into rural sanitation and improve the quality of medical personnel in its vast western area.

Qian Tong

Income gap

The income gap in China is widening. Statistics show that the richest 10 percent of the population now own more than 40 percent of all private assets, while the poorest 10 percent share less than 2 percent. The GINI Coefficient uses zero to indicate equal income distribution while 1 represents the largest income disparity. China's GINI Coefficient has reached 0.496, worse than that of even the United States. The gap has become especially stark in some regions, such as Northeast China's Heilongjiang Province where the per capita personal income in urban areas in 2005 was only half of that in Shanghai.

Solution: The government plans to improve the



proportion of industrial output to ensure better pay to urban workers. Also, it proposes to gradually raise the income level of the poor in the urban areas, increase the proportion of the middle-income group and coordinate the high-income group in the population. In other words, China will strengthen its supervision on employers in monopoly firms.

Pollution

Environmental degradation continues to exact a heavy toll and upset the everyday life of the people. According to the State Environmental Protection Administration (SEPA), 70 percent of China's rivers and lakes are polluted, and more than 300 million people have no access to clean water. Some

Zhou Yan, a doctor with the Shengli Township Hospital in Yongning County of Ningxia Hui Autonomous Region, distribute medicine to patients.
File photo



experts even refer to some settlements along the Huaihe River and near Taihu Lake in East China's Anhui and Jiangsu provinces as "cancer villages". Last year, SEPA received 600,000 complaints, 30 percent more than in 2005, on the environment. Apart from the weak environmental protection efforts, other factors that SEPA has been disabled with are a dearth of staff, funds and power.

Even though the administration shut down 163 projects that posed a threat to the environment cumulatively worth 770 billion yuan (\$99.70 billion) in 2006, the country flunked its first test to reduce major pollutants in the first phase of the 11th Five-Year Plan period (2006-10). In fact, sulphur dioxide emissions increased by nearly 463,000 tons last year. Worse still, about two environmental accidents took place every day last year.

China's GINI Coefficient has reached 0.496, worse than that of even the United States.



Several minority NPC deputies in ethnic clothes make a pose before entering the Great Hall of the People on March 8, 2007, when the second plenary meeting of the 5th Session of the 10th NPC was held.
Liu Xin

Solution: SEPA stopped a dozen key chemical projects initiated by State-owned enterprises at the beginning of this year. It has proposed extending to the whole country the practice of "Green GDP", a GDP accounting method that calculates the environment cost, too. Moreover, the central government has promised to fully implement a responsibility system to meet its energy-saving and environmental protection targets.

Democracy and transparency

ARD German Television chief reporter Christoph Lutgert was in China for the third time to cover the country's biggest annual political event. Compared to the earlier sessions, he said, the reporting process this year was more efficient simply because he only had to seek the permission of the people he wanted to interview. Previously, a journalist had to get the permission of the relevant media authorities to do so. "It has become more convenient to report from China," Lutgert said. "The country has become more open."

The Beijing bureau chief of Russia's Interfax News Agency, Gennady Krivosheev, who has lived in the capital for five years, too, said China had become more transparent. "I've successfully reported on several delegates' discussions," he said. "There's almost no obstacle. If your Chinese is okay, you



Students with the Beijing Normal University attend a class on March 9, 2007. Normal universities directly under the Ministry of Education are allowed to conduct free charge education among the students majored in teacher-training, according to the government work report delivered by Premier Wen Jiabao on March 5, 2007.

Li Shilei

can listen to anything and report it immediately, no problem!”

The rapid social and economic development and increased transparency have benefited foreign reporters in China. The NPC session in March was just one of the showcases. Compared with previous NPC sessions in the past decades, this year’s conference created many “firsts”.

Foreign reporters were able to contact and interview lawmakers and political advisors “directly”, thanks to a newly implemented regulation that grants them more freedom in reporting the events.

The NPC provided electronic application forms for journalists who wanted to cover the “two sessions”. They could download the forms from the press center website and submit them after filling them up properly.

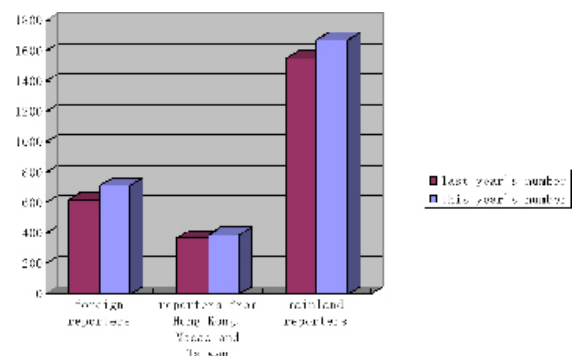
The NPC released a list in advance that gave the detailed backgrounds of its deputies and the addresses where they would stay in Beijing during the annual session.

The NPC designated a media coordinator for each delegation and published their contact numbers online to keep the reporters well informed.

The NPC lowered the language barrier by trans-

lating the work report of the NPC Standing Committee and the explanation of proposed laws into English.

Figures related



These efforts paid off, for NPC figures show that this year’s session attracted 715 foreign reporters, 96 more than last year. The number of reporters from Hong Kong, Macao and Taiwan, too, increased from last year’s 370 to 389, and those from the Chinese mainland rose from 1,552 to 1,674.

From March 4 to 16, 22 foreign printing media

organizations published 3,331 reports, focusing on China's foreign policies and economic and social development. International news agencies such as Reuters and the Associated Press had at least 30 stories on an average a day during the session.

On March 5, 347 TV stations in 96 countries and regions relayed the opening of the NPC session from China's Central TV Station, 17 more than last year. On March 16, the press conference of Premier Wen Jiabao attracted 346 TV stations from 95 countries and regions.

During the session, 31 of the 35 delegations had "open days", attracting more than 1,700 reporters. Delegations of Northwest China's Xinjiang Uygur Autonomous Region and Southwest China's Tibet Autonomous Region held group interviews.

Despite of the great strides, however, foreign reporters have called for even more transparency.

A resident reporter with Japan-based NHK television station said that he asked some deputies from the military delegation about Taiwan and the increase in China's defence budget but they walked away, refusing to say anything.

Hung Yee Man, of the News and Public Affairs Division of Asia Television Limited, said: "They often use excuses like 'I have a prior meeting.' So, we have to stop them and rush through the questions. It's not very easy to communicate with them."

But explaining his colleagues' attitude, a deputy from military delegation, who didn't want to be named, said that it is not always "convenient" to answer all questions, especially those linked closely to national security, foreign diplomacy or issues that can be classified as military secrets. "It's not appropriate for deputies to comment on some of these issues. Journalists should get the information they need from related authorities. If they want to report on these issues, they should refer to publicly available policies, not personal opinions.

"We are happy to give interviews. But we are also aware that some foreign media tend to distort what we say and use our words out of context. To put it plainly, we welcome the media, but with fear." He also said that sometimes the questions are too difficult to answer. They are so complex and cannot be adequately dealt with in rushed interviews during breaks in meetings.

Foreign reporters were able to contact and interview lawmakers and political advisors "directly", thanks to a newly implemented regulation that grants them more freedom in reporting the events.

► **Communication with the premier**

The increased transparency in China has not only benefited the foreign media, but also the common people for thanks to the Internet, they can communicate even with the premier with just the click of the mouse.

Before Premier Wen Jiabao's press conference on the last day of the NPC session, netizens across the country asked him 157,115 questions through various websites or online forums. One such netizen was Lao Lu, a farmer in Northwest China's Shaanxi Province, who asked the premier how the government planned to protect farmers' interests if some village officials sold their farmland for con-



NPC deputies from Anhui Province inspect Linhuai-gang Flood-Control Project on December 8, 2006.

Xiao Yuan



Despite gusts at 5-6 level, an industrial zone at suburb Beijing enjoys fine weather on May 17, 2007. Directed by the motto of "Green Olympics," Beijing has launched large-scale campaign to curb air pollution and harvested consecutive improvement of its air quality for the past nine years. The year 2007 sees more blue sky and white clouds than ever.

Zhang Aidong

struction projects in the name of "building a new countryside".

Farmers' rights is among the major public concerns, so are the rising medical bills. No wonder, nearly a third of the 3,500 questions on Hyperlink "<http://www.xinhuanet.com>" were on the steep cost of healthcare.

A shop-owner in East China's Shandong Province said he spent all his savings to undergo a heart surgery. But he still considered himself lucky because many low-income patients could only wait to die at home because they didn't have the money to pay for such an operation.

Some special groups, too, hoped the premier would help them out. Gays in Beijing wished the premier could help them from being discriminated against in society. Netizens were interested to know the addresses of the websites the premier surfed, and whether he'd like to join online chats.

Premier Wen took many by surprise by beginning his press conference with by talking about questions posted by netizens. He said he had paid great attention to netizens' suggestions on and concerns over social problems, such as healthcare for children. He told reporters that he had replied to a pupil's letter – in writing brush – and encouraged children to study hard and stay healthy. "We must understand one truth that all the government's rights are given by the people, we should rely on the people, work for people and try to be good servants."

Deputies play more important role

All the NPC deputies enjoy the power of supervising the central government, the Supreme People's Court and the Supreme People's Procuratorate and meet once a year to vote on important government policies. But what do they do during the rest of the year, and how can they become genuine "representatives of the people"?

In the past, being a NPC deputy was a great honour, rather than being an important supervisory post. Some of them were model workers, farmers and soldiers in frontier areas. But things have changed in recent years because the deputies have become increasingly aware of their functions.

The increased transparency in China has not only benefited the foreign media, but also the common people for thanks to the Internet, they can communicate even with the premier with just the click of the mouse.

Wang Lian, a deputy from Southwest China's Guizhou Province, said she had spent almost every minute of her spare time in the past year talking to people and visiting villages to study their life and livelihood. She asked the central government this year to increase its financial assistance to the western regions, and suggested some specific measures to ensure every girl in the ethnic minority areas get access to education. "I've been elected a people's representative, and I have to be responsible to the people," the 32-year-old deputy said.

Liu Dongrong, a deputy from Central China's Hunan Province, said the NPC session "is an annual examination" for the government. "We ignore our duty if we don't raise the problems" facing the people, Liu said.

Official figures show that during this year's session, the deputies at the NPC session submitted 6,091 proposals, 420 less than last year. But Wang Wanbin, vice secretary-general of the NPC Standing Committee, said: "Although we received fewer proposals this year, they were qualitatively much better." About 70 percent of the proposals were the results of investigations or fieldwork. "So these suggestions truly reflect the thoughts of the people," Wang said.

According to official data 1,874 deputies, or 63 percent of the total, took part in special investigations and studies last year, about 10 percentage points higher than in 2005.

The number of NPC deputies invited to NPC Standing Committee meetings held every two months as non-voting participants increased to 185 from 140 in the previous year. And the number of deputies who participated in law compliance inspections and legislation-related investigations rose from nearly 400 to more than 500.

These efforts have borne results, Wang said, because compared to previous years deputies this year raised fewer trivial issues. Instead, they raised more general issues and common problems.

The NPC has divided their proposals into 10 categories:

756 proposals fall in the development planning and micro control measures category. Their contents vary from the country's innovation strategy, reform of State-owned enterprises to work safety and energy conservation.

682 are on agriculture, forestry, fishing, animal husbandry and water conservation.

354 are on resources, power supply and telecommunication.

604 talk about finance, taxation and monetary policies.

117 are on tourism, logistics and the service industry.

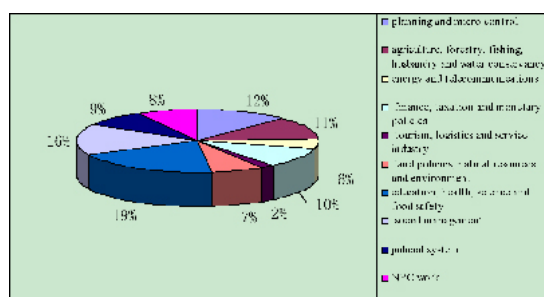
419 take up property prices, land policies, natural resources and environment protection.

1,205 are on education, health, science and food safety.

948 discuss social management.

527 are on the judicial system such as courts and procuratorates.

488 talk about how the NPC can improve itself.



The NPC identified 10 "key proposals" this year for their importance and specifications, Wang said. They include proposals to accelerate healthcare reform, strengthen food safety supervision, better manage Internet cafes, construct more methane-generating pits in rural areas, better develop the

Several guests from Zimbabwe pick fruits in Lianqun Village in the city of Wuhu, Anhui Province, on May 30, 2007. The outstanding construction of the village has attracted more and more visitors.

Cheng Yibao



The proposals have been referred to 178 government departments and institutes that will study and process them.

iron and steel industry, reconstruct some old reservoirs, improve medium-low yield farmlands, establish the ecological compensation mechanism in Tibet, start construction of Daliushu Dam on the Yellow River, and make implementing regulations of the Judges Law and the Public Procurators Law.

Deputies' endeavours to raise the views of the people have got strong all-round support, with the NPC asking government departments to carefully discuss the proposals and let their opinions be known.

The proposals have been referred to 178 government departments and institutes that will study and process them. The Ministry of Finance, National Reform and Development Commission, Ministry of Education, Ministry of Health and the Ministry of Labor and Social Security have got the largest number of proposals.

This year's proposals are centered more around general issues, Wang said, making it more difficult for the departments to reply to them because "many of the issues need cooperation among several departments".

"But irrespective of the difficulties, we have to give the deputies and the public satisfactory answers," Wang said.

In 2005, the CPC Central Committee issued a document, calling for a bigger role for the NPC

A staff member surfs the website of China NPC on March 12, 2007. Thanks to the progress on electronic government administration, the website of China NPC initiated for the first time services zones for NPC deputies on March 2, 2007. Wang Ye



NPC deputies participate in the closing ceremony of the 5th Session of the 10th NPC on March 16, 2007 at the Great Hall of the People in Beijing.

Wu Zhiyi

deputies in the country's political life and to make it easier for them to perform their functions more effectively. In response, the NPC passed a rule in 2005 making it mandatory for all their proposals to be forwarded to relevant departments, which then would discuss them carefully and submit their replies.

According to official statistics, problems raised in 1,810, or 28 percent, of the proposals submitted last year had been solved or were being addressed. Also, solutions had been found or work plans drawn up for problems highlighted in 3,148 proposals. Both the figures were higher than the previous year.



The story of NPC deputies

Let's take some representatives to illustrate the life and work of the deputy in today's China.

Wang Ying looked extremely happy at the NPC session this year. She is a 40-year-old Bai minority doctor attached to a clinic in Southwest China's Yunnan Province. That itself is an achievement. But that's not the reason why she was happy. She was in high spirits because she had played a key role in setting up rural clinics across the province. As an NPC deputy for four years, Wang has conducted

research on medical resources and highlighted the lack of healthcare in Yunnan's remote areas.

"I'm glad to see the Health Ministry and NPC has listed my motions and taken steps to tackle the problem. Now rural clinics have been set up across the province," she said. The clinics set up through her efforts have benefited millions of rural residents. "A high-quality proposal or motion submitted by a deputy to the NPC should be for the good of the people, and the support of the country's top legislature and government bureaus is needed for their implementation."

Like Wang, more than 2,900 NPC deputies have tried their best during the past four years to fulfill

More than 2,900 NPC deputies have tried their best during the past four years to fulfill their role of supervising the functions of the government and judicial bodies, and to fight for the well being of the common people.

Staff members tidy up the proposals raised by the NPC deputies on March 27, 2007. Deputies handed up 5,523 proposals during the 5th Session of 10th NPC this year, which have been delivered to relevant departments by the General Office of NPC Standing Committee.



Deputies of the 5th Session of 10th NPC from Shanghai attend a plenary session at the Shanghai Hall of the Great Hall of the People on March 7, 2007. They deliberated the government work report made by Premier Wen Jiabao.

Liu Xin



their role of supervising the functions of the government and judicial bodies, and to fight for the well being of the common people. Examples of the good job they have done are too many to be listed.

For instance, Li Zhuqi, a NPC deputy from Beijing, completed his mission of supervising a government body with success. "It's sacred to be an NPC deputy, and above all, we have the power (to bring about a change)," Li said. What might have made Li emphasize his "power" is the country's first regulation on management of natural science foundation, which was implemented last year thanks to his colleagues' unrelenting efforts. "Through my years of work with the foundation, I know the loopholes in its management have jeopardized the sacredness of

academic research and wasted tax-payers' money," Li said. "So it was time to bring an end to all that."

Through rounds of discussion with and valuable advice from fellow deputies, Li prepared a "supervision rule", and submitted it to the NPC in 2004. The paper detailed every process of the foundation's operation. "The new regulation issued by the foundation last year contained a large part of my suggestions and would help prevent corruption in the academic field."

While Li fights against corruption in academia, NPC deputy Wu Haiying's struggle is to bring water to the arid central part of his Ningxia Hui Autonomous Region. A scholar with the Ningxia Social Sciences Academy, Wu found to his horror that about 10 Ningxia counties got less than 150 mm rainfall a year.

"Last June, I was shocked to know that some families still had to drink water stored in September 2005, when the area got its last rainfall," Wu said. An average rural family spends about one-third of its annual income to buy water, which could be as expensive as 60 yuan (\$7.80) a barrel. Pained by the suffering of the people, Wu proposed a series of measures to overcome the water shortage. Important among them are adhering to water-saving agriculture and building water facilities, work on which will begin later this year. "I'm lucky to be a NPC deputy because a piece of my advice can become a policy and help many people," Wu said.

Mao Fengmei, a village leader from Northeast China's Liaoning Province, shares Wu's feelings. Mao, too, believes in contributing his share to help improve the country's rural policies so that farmers could lead a better life. At the turn of the millennium, when the country proposed that farmers grow more cash crops to raise their income, Mao suggested the government first lift the tax on the special agricultural products. "The suggestion won a thunderous applause. People without rural experience won't be able to speak for the millions of farmers and come up with such a suggestion," Mao said.

But being an NPC deputy is a very demanding job. They not only have to come up with suggestions to help the people across the country, but also have to keep abreast of the latest happenings. Wu appropriately surmised a deputy's work: "The NPC job is demanding, and we have to keep teaching ourselves to better fulfil our role." ■



A group of minority NPC deputies wearing colorful ethnic costumes make a pose before the Great Hall of the People. The annual NPC session was held on March 5-16, 2007 in Beijing.

Liu Xin

NPC deputies listen to the explanation on the draft property law delivered by Wang Zhaoguo, vice-chairman of NPC on March 8. *Mao Jianjun*



Property Law: A Major Milestone

By Meng Na and Xu Lingui

With 2,799 votes in favor, 52 against and 37 abstention, China's Property Law which used to be controversial was finally overwhelmingly adopted on March 16. Whether for its legislative process or for its content, the Property Law is a major milestone along China's legislative history.

The Property Law is a basic civil law that serves to regulate property relationship and adjust civil relationship stemming from the attribution and use of property, said Wang Zhaoguo, vice chairman of the NPC Standing Committee.

The 247-article law, which is due to come into effect on October 1, stipulates that "the property of the State, the collective, the individual and others is protected by law, and no units or individuals may infringe upon it".

This is the first time that equal protection for State and private properties has been enshrined in a Chinese law, which analysts say marks a significant step in the country's efforts to further economic reform and boost social harmony.

Xu Xianming, NPC deputy and president of the China University of Political Science and Law, said, "The Property Law is an acknowledgement of the numerous systems of ownership existing since the country's reform and opening up and is conducive to allowing people to fully enjoy the fruits of reform and development and encourages the creation of wealth."

Since the reform and opening up, the economy has been developing rapidly, living standards have continued to improve and private property has been increasing with each passing day.

The concept of improving the protection of private property was first brought up at the 16th National Congress of the Communist Party of China held in November 2002. In March 2004, the NPC adopted a major amendment to the Chinese Consti-



tution, stating that people's lawful private property is inviolable.

"Effective protection of private property of citizens is not only stipulated by the Constitution and is what the Party stands for, but is also the general aspiration and urgent demand of the people," said Professor Yang Lixin, of the school of law of the Remin University of China.

► Private entrepreneurs, citizens lighten up

Wang Jing, an owner of a Beijing-based high-tech enterprise said, "Protecting private assets with

Wang Zhaoguo, vice-chairman of the Standing Committee of 10th NPC, makes a report on the draft property law.

Mao Jianjun



NPC deputies applaud the adoption of the draft property law, which will come into effect on October 1.

Mao Jianjun

the law will enhance a private entrepreneur's sense of security and spark their enthusiasm to invest in business. The Property Law will boost the country's private economy in a long run."

The private sector now accounts for more than 57 percent of all enterprises in China and employs 64 million people.

"The law is a milestone in a country where a generation ago the individual's property rights suffered violation," Wang said.

Liang Kang, a Beijing citizen who teaches computing in a university and moved into his new apartment last year, said the Property Law provided a basis on which house owners can protect their rights and interests.

"The law says the right to use the land on which commodity housing is built is automatically re-

newed after the expiration of a 70-year period. I am now free from the worry that my house will be confiscated in 70 years," Liang said.

The Property Law stipulates, "Individual persons shall be entitled to enjoy ownership of such immovable and movable assets as their lawful incomes, houses, articles for daily use, means of production and raw materials.

"Lawful deposits and investments of individual persons and the gains derived from their investments shall be protected by law.

"In accordance with the provisions of law, the State protects the rights of individual persons to inheritance and their other lawful rights and interests.

"The lawful property of individual persons shall be protected by law, and illegally taking posses-

sion, looting and destruction of such property by any unit or individuals prohibited.”

Protection to State assets strengthened

While private entrepreneurs are struggling to protect their lawful earnings, critics said poor management in State firms was eroding State assets despite China’s economic boom.

In light of the loss of State-owned property, the law expressly stipulates, “The property owned by the State shall be protected by law, and illegal possession, looting, illegal sharing, withholding or destruction of such property by any unit or individual is prohibited.”

It said “Any unit or individual that, in violation of the provisions on management of State-owned property, causes loss of State-owned property by transferring it at a low price, illegally sharing it in conspiracy with another person, placing a charge over it without authorization, or by other means in the course of restructure of the enterprise, merger or division of the enterprise, or affiliated transaction, shall bear legal liability according to law.”

In light of the problems existing in the supervision of State-owned property, it stipulates that where in performing their duties of administration of and supervision over State-owned property, the authorities and their staff members “cause the loss of State-owned property due to their abuse of power or dereliction of duty, they shall bear legal liability according to law.”

Peng Zhenqiu, NPC deputy from Shanghai Municipality, believed the detailed provisions on State assets protection will be conducive to preventing the loss of State assets.

Protecting farmer’s land

While land expropriation has become the main subject of Chinese farmers’ mass petitions, the Property Law is believed to give farmers a helping hand to safeguard their rights.

The law stipulates specific provisions on land expropriation and ensuring compensation, which can be cited to defend farmers’ interests, said NPC depu-

Having undergone seven readings in 13 years, there has been longer deliberation of this civil law than of any other in the history of NPC legislation.

ty Yao Tian’an from Jiaozuo city, Henan Province.

As a result of rapid industrialization and urbanization, Chinese farmers are losing their land, but are seldom sufficiently compensated, though the central government has repeatedly underlined the protection of arable land and farmers’ rights.

Almost 200,000 hectares of rural land were taken from farmers every year for industrial purposes, and more than 65 percent of “massive incidents”, or petitions and protests that involve a large group of people, in rural areas are attributed to land expropriation.

In addition to provisions on tight control over land expropriation for industrial and construction use, the Property Law stipulates that farmers must be compensated for lost land and farming losses, subsidized for resettlement and insured for social security.

In view of the fact that in reality compensation for expropriation is not duly paid and that such compensation are misappropriated, the property law expressly stipulates, “No unit or individual shall embezzle, misappropriate, illegally share, withhold or pay in default, compensation for expropriation or other fees.

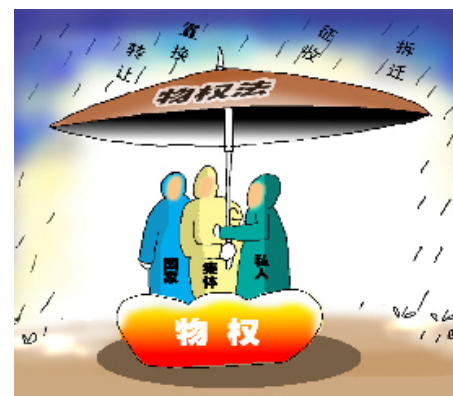
“Any unit or individual that violates this stipulation shall bear legal liability in accordance with law.”

Marathon Legislative Process

China’s legal system reform embarked on the fast track in the wake of economic reforms led by Deng Xiaoping in 1978. In 1986, the country promulgated its closest form of a civil code – the General Principles of the Civil Law – which contains a 13-article section entitled Property Ownership and Related Ownership Rights to deal with property rights, even only in brief.

The newly-adopted Property Law protects the rights of the nation, the collective and individual persons.

Xie Zhengjun



But its stipulations were found to be increasingly limited as the market-oriented reform deepened. The idea of a property law was brewing among China's lawmakers who were urged to create a new set of laws compatible with a market economy.

Wang Jiafu, a prominent law professor, said property law is so important that people cannot possibly have a decent life without a well-founded property rights protection system.

Preparation for the drafting of the property law started in 1993.

In March 1998, Professor Liang Huixing, with

The Property Law is adopted with 2,799 votes in favor, 52 against and 37 abstentions on the morning of March 16, 2007.
Wang Hui

A total of 11,543 opinions were collected in 40 days.

the Chinese Academy of Social Sciences, and Professor Wang Liming, with the Renmin University of China, were named to lead two research teams, each of which was entrusted to prepare a draft of the property law.

The two drafts, submitted to the NPC in 1999 and in 2000, were later combined and became the original source of the landmark legislation.

"China has pledged to establish a Chinese-style socialist legal system by 2020. The goal can never be reached without a property law," Wang Liming said.

As part of the draft civil code, the draft property law was submitted to the Standing Committee of the ninth NPC for the first review in 2002 after nearly 10 years of preparation.

In March 2004, the right of private ownership was enshrined in the Constitution, speeding up the progress of property law drafting.

But the draft underwent a major revision before it was submitted to the NPC Standing Committee for a third reading in June 2005. It was revised to better meet the particular demands of Chinese society, abandoning some of the concepts and stipulations that were not appropriate for China. The version banned urban Chinese from buying houses designated to farmers living in the countryside, a measure to ensure farmers can at least have a home especially in difficult times.

In a rare case, the top legislature a month later released the full text of the property bill to the general public for their suggestions. A total of 11,543 opinions were collected in 40 days.

In response, lawmakers held forums, study sessions, conducted investigations, and visited law experts to better address the public concerns, which focused on issues such as whether the definitions of the public and the private can be more specific, whether rural houses can be mortgaged, and how to protect the rights of people whose houses are demolished in government land acquisition cases.

After being revised in the light of suggestions from the public, the draft law was submitted to the legislature in October 2005 for a fourth reading.



Wu Bangguo, China's top legislator, chaired the panel discussion of the law during the legislative session of the NPC Standing Committee.

In last August, the bill was submitted for a fifth reading after drafters added a clause saying equal protection should be afforded to both State and private property and added measures to prevent the loss of State assets due to poor management of State-owned firms.

After an unprecedented seven readings, the NPC Standing Committee decided in December 2006 to a vote at the Fifth Session of the 10th NPC, believing that the draft "represented a crystallization of the wisdom of the collective and was about to be mature".

Enacting the property law is necessitated by the demand to uphold the basic socialist economic system, to regulate the order of the socialist market economy and to safeguard the immediate interests of the people, Wang said.

► The importance of implementation

The enforcement of the Property Law is equally, if not more important than the legislation.

The Property Law legislative process was difficult. During this process, China's political, economic and social life has developed and the people's concepts of the rule of law and awareness of rights have awoken.

But the law is only a start in a more arduous journey to protect private property. No matter how difficult the legislative process is, legislation is not the ultimate goal. The goal is a comprehensive enforcement of the law and effective protection of property rights.

The implementation of the law is a systematic project that needs careful planning.

There were hot debates during the legislative process on different conceptions and knowledge of some of the law's principles. Now that the law has been passed, an education campaign is needed before it takes effect in October.

The Property Law concerns many institutional issues. Its implementation needs a supportive legal system, otherwise some principles will only remain on paper.

Xiao Yang, chief justice and president of the Su-



preme People's Court, said in late March that the judicial interpretations of the Property Law will be delivered "at an appropriate time," and will be designed to ensure that courts around the country fully understand its 247 articles.

Sun Xianzhong, a research fellow with the Chinese Academy of Social Sciences, said China had already seen an increase in the number of such cases involving property disputes in recent years.

"There is no doubt that the number of such cases will rise greatly," he said.

Sun said some articles of the Property Law are vague and courts will have difficulty applying it. Therefore, judicial interpretations are necessary to help courts better handle the cases.

There is tough work ahead and a long way to go for the correct and comprehensive enforcement of the Property Law. ■

Citizens watch a model housing project. The mass of people in China pay more and more attention to the protection and safety of property and self-interest. *Jing Wei*



Sheng Huaren, vice-chairman of the NPC Standing Committee.

Getting to Know the Chinese System of People's Congresses

– An Interview with Sheng Huaren, Vice-Chairman and Secretary-General of the Standing Committee of the National People's Congress (NPC)

By Xu Yan

Reporter: Mr. Sheng, according to your proposal, NPC (English) will be published in the near future after more than six months' preparation. Would you please say a few words to our readers?

Sheng: I would like to express my heartfelt greetings to the readers on behalf of Chairman Wu Bangguo, and the NPC Standing Committee. The publication of the magazine will be a meaningful event. Edited by the General Office of the Standing Committee of the NPC, the magazine aims at introducing the system of the people's congresses in China, its central and local functioning, domestic democracy and legal system developments. It has already attracted wide readership in China. The publication of the English version will hopefully open a window to the world, help international friends better understand the function of NPC and its Standing Committee, the system of the people's congresses and socialist construction of democracy and legal system. It will also help deepening communications and co-operation between NPC and

its overseas counterparts.

R: The system of the people's congresses composes the fundamental political institution of our country. How would you summarize its composition and function?

S: The system of the people's congresses, which provide an organizational form of political power, guarantees that common people govern the nation. We can approach it from the following aspects:

First, the Constitution specifies that in the People's Republic of China (PRC), the people, being the masters of the country, have all the State power in their hands. The NPC and the local people's congresses at different levels are the organs through which they exercise the State power. The NPC stands as the highest organ of State power while the local people's congresses are local organs of State power. The local people's congresses at different levels are constituted through democratic elections. They are responsible to the people and subject to their supervision.

Second, the deputies to local people's

congresses at different levels emerge through democratic election, and are members of organs of State power. At the central level we have the NPC, while in province-level (provinces, autonomous regions and municipalities directly under the Central Government), city-level (cities divided into districts, and autonomous prefectures), county-level regions (cities not divided into districts, municipal districts, counties and autonomous counties), township-level regions (townships, autonomous township of ethnic minorities, and towns), we have local people's congresses. Hence, there are five levels of deputies to the people's congress. At the county and township levels, the deputies to the people's congresses are directly elected by their constituencies; at national, provincial and municipal levels, deputies are elected by the people's congress at the next lower level. People's congresses of all levels have a term of five years and hold a meeting annually. There are nearly 3,000 deputies to the NPC, representing 56 ethnic groups. Provinces, autonomous

regions and municipalities directly under the Central Government, special administrative regions and the PLA have their own deputies, who come from different walks of life and are progressive, innovative and forward thinking. At present, there are about 2,900,000 deputies to people's congresses at different levels in the country.

Third, the people's congresses exercise the State power collectively. All administrative, judicial and procuratorial organs of the State are created by, responsible for, reporting to and supervised by the people's congresses. Provided that the NPC should exercise the State power collectively, the dividing lines among administration, jurisdiction, and prosecution are clearly drawn, and every State organ performs its own job independently and legally. Our system of the people's congress fully differs from the bicameral parliaments and separation of executive, legislative, and judicial powers in some other countries.

Fourth, there is a standing committee as a permanent organ for every people's congress at and above county level. The Standing Committee of the NPC consists of the chairman, vice-chairman, secretary-general and members, who are elected by the NPC from its deputies. There are 175 members in the current Standing Committee of the NPC, which holds a meeting every two months and usually in the last 10 days of the even month. The meeting lasts about a week.

R: Since the NPC is an organ of State power, what sort of powers does it exercise in practice?

S: The Constitution lays down clearly the concrete power of the NPC and its Standing Committee. We can thus summarize it as four fields: legislation, supervision, making decisions on important matters, and appointment and dismissal of members of State organs. The Standing Committee is elected by the NPC to which it is responsible and by which it is supervised. That is

why the NPC and its Standing Committee have different scopes of power.

R: The NPC and its Standing Committee certainly have a wide range of power, but how do they exercise their power?

S: The NPC and its Standing Committee not only function as organs of State power, but also shoulder all sorts of duties prescribed by The Constitution, striving to cement close ties to common people. We can approach their functioning from the following aspects:

First, the NPC and its Standing Committee collectively exercise State power, decide on important matters and act according to democratic centralism strictly.

Second, there are nine special committees in the NPC: The Ethnic Affairs Committee (our country has 56 ethnic groups), The Law Committee, The Financial and Economic Affairs Committee, The Foreign Affairs Committee, The Agricultural and Rural Affairs Committee, The Inter-



Deputies attending the 1st Session of 1st NPC stand up to applaud the ratification of the Constitution of the People's Republic of China on September 20, 1954. The Constitution was the first of its kind in China.

Xinhua

nal and Judicial Affairs Committee, The Education, Science, Culture and Public Health Committee, The Environmental Protection and Resources Conservation Committee, and The Overseas Chinese Affairs Committee. Elected by the deputies to the NPC, these committees act as standing and specialized working organs, and mainly study, review and draw up relevant bills and draft resolutions. When the NPC is not in session, they are under the leadership of its Standing Committee.

Third, the Standing Committee of the NPC has its General Office, Legislative Affairs Commission, Budgetary Affairs Commission, Hong Kong Special Administrative Region Basic Law Committee, Macao Special Administrative Region

Basic Law Committee, etc. All the special committees of the NPC have their working bodies too. These permanent administrative offices serve as brainpower for the NPC, its Standing Committee or special committees and help guarantee their normal functioning according to laws. In order to maintain the continuity of work, the members of these working and administrative bodies don't alternate as the deputies to the NPC do. As Secretary-General, you see, I am both a member of the Standing Committee of the NPC and head of the administrative bodies.

Fourth, the working procedure provides essential guarantees for democracy. The NPC and its Standing Committee have formulated their rules of procedures;

all the special committees, administrative and working bodies also have their own working systems, thus normalizing, institutionalizing and routinizing all the jobs. This strongly safeguards the NPC and its Standing Committee's exercising of State power according to law.

R: The Communist Party of China is the ruling party in our country. How does the CPC realize its ruling? What is its relationship to the NPC?

S: The CPC is the unquestionable leader of Socialist China. There are several non-Communist parties in China, while we follow the leadership of the CPC, we emphasize cooperation among and participations of, the other parties. This practice comes from the experiences of revolutions

Local residents in Jiangkou Township in Yunyang of Chongqing Municipality attend a mobilization conference on the election of the deputies to the township people's congress on November 2, 2006.
Jiang Yiou



and developments of more than 50 years. It proves quite successful. The ruling of the CPC is realized through its leadership in the government. All the organs of political power, including the people's congress, government, judicial court, procuratorate, have to accept and follow the leadership of the CPC. Under the leadership of the CPC, we need to pursue and perfect the system of the people's congresses which is an important feature and advantage of the CPC's leading role in the national affairs. This is the Chinese socialist democracy, which has been warmly supported by the Chinese people.

R: More than 50 years have lapsed since the foundation of the system of the people's congresses. What advantages



A citizen casts a vote to elect deputies to the people's congresses at the county (district) or township level in the city of Chaohu, Anhui Province, on December 15, 2006. Three million residents in the city participated in the election, choosing 1,426 and 5,592 deputies to attend county and township people's congresses respectively. Xu Zhenhua

Time has proved that the system of the people's congress suits China in that it incarnates the socialist practice of our country and ensures the people as masters of the country.

does it claim?

S: The system of the people's congresses has experienced ups and downs in these 50 years, but we can say that on the whole, it is improving and shows rather great vitality and tremendous superiorities.

First, the system of the people's congresses underwrites common people's roles as masters of the country. Through the general democratic election, the deputies to people's congresses at different levels get together and exercise State power, which effectively guarantees the broad democracy, freedom and rights for the people from all over the country in democratic election, policy-making, manage-

ment and supervision, as conferred by the Constitution.

Second, the system of people's congresses motivates all Chinese people to devote to the socialist construction as the owners of the country, widely mobilizes the enthusiasm, go-aheadism and creativity of the public for socialist construction, unites people of different ethnicities as one and makes them work hard toward the national development target by rule and line under the leadership of the CPC.

Third, the system of people's congresses guarantees the coordinated and efficient work of State organs. As an organ of State power, the people's congress uniformly executes the national power, and ensures that the country organizes various undertakings effectively.

Fourth, the system of the people's congresses sustains the unification of our country and strengthens the brotherhood of 56 ethnic groups. Led by the Central Government, it has divided the central and local authorities, and given full play to the central and local enthusiasm. Minority habitats have autonomous governing, which harmonizes 56 ethnic groups in a strengthened socialist way.

Time has proved that the system of the people's congresses suits China in that it incarnates the socialist practice of our country and ensures the people as masters of the country. It is an important mission for every one of us to combine the people's sovereign and the rule by law under the leadership of the CPC and improve the system of the people's congresses over time.

R: Would you please say a few words at the end of the interview to our readers?

S: The system of the people's congresses is extremely rich in contents, and today I have but talked about it generally and superficially. We will elaborate on this system later. I hope that NPC could get better and help the overseas readers know more about China, find more common ground and deepen our friendship.

Thanks. ■



Legislative System, Legal System and Legislative Procedure of China

By Zhang Baoshan



I. Legislative System

As a unitary state, China is greatly unbalanced in economic and social development in different regions. Adapted to this situation, the Constitution and the Legislation Law of the People's Republic of China define a unified and tiered legislative system under the principle of "giving full scope to the initiative and enthusiasm of the local authorities under the unified leadership of the central authorities" and the precondition of centralized exercise of the legislative right by the highest organ of state power, so as to enable application of laws across the country and meet various needs in different regions:

(1) The National People's Congress (NPC) and its Standing Committee exercise the legislative power of the state. The NPC enacts and amends basic laws concerning criminal offences, civil affairs, the state organs and other matters. The standing committee of NPC enacts and amends laws with the exception of those which should be enacted by NPC, and makes, when NPC is not in session, partial supplements and amendments to laws enacted by NPC provided that they do not contravene the basic principles of these laws.

(2) The State Council, that is, the Central People's Government of the People's Republic of China, establishes adminis-

With 2,560 votes in favor, 89 against and 129 abstention, China's Legislation Law is adopted in the 3rd Session of the 9th NPC, which concluded on March 15, 2000. The law took effect on July 1, 2000.

Wang Linan

trative rules and regulations in accordance with the Constitution and the law.

(3) The people's congresses and their standing committees of provinces, autonomous regions and municipalities directly under the central government may establish local regulations without any discrepancy with the Constitution, laws and administrative rules and regulations. The people's congresses and their standing committees of large cities (including the city where the provincial people's government or the people's government of the autonomous region or the special economic zone is located and the large city approved by the State Council) may establish local regulations, based on the specific conditions and actual needs, without any discrepancy with the Constitution, laws, rules and administrative regulations and local regulations of the province or autonomous region, and report to the standing committee of the people's congress of the province or autonomous region.

(4) The people's congresses and their standing committees of the provinces and cities where special economic zones are located may establish laws and regulations under authorization of NPC and enforce them within the special economic zones.

(5) The people's congresses of autonomous regions, autonomous prefectures and autonomous counties may establish autonomous regulations and separate regulations in accordance with the political, economic and cultural characteristics of local ethnicities and make variations to laws and administrative rules and regulations as appropriate. The autonomous regulations and separate regulations of the autonomous region shall be reported to NPC for approval before becoming effective, and the autonomous regulations and separate regulations of the autonomous prefecture or county shall be reported to the people's congress of the province, autonomous region or municipality directly under the central government for approval before becoming effective.

(6) Ministries and commissions of the

State Council, People's Bank of China, National Audit Office and organizations with administrative function directly under the State Council may formulate rules and regulations within their respective jurisdiction pursuant to laws, administrative rules and regulations, decisions and orders of the State Council. The people's governments of provinces, autonomous regions, municipalities directly under the central government and large cities may formulate rules and regulations pursuant to laws, administrative rules and regulations and local laws and regulations.

lations which may not contravene laws. The laws and administrative regulations have higher authorities than local rules and regulations which may not contravene the former. Similarly, the local rules and regulations have higher legal authorities than the local governmental regulations which may not contravene the former as well. On the other hand, the legislative supervision system is implemented. The administrative rules and regulations shall be reported to NPC Standing Committee for record, and the regulations shall be reported to the State Council for record.



A participant raises up his hand at a public hearing held on September 27, 2005 to discuss the salary reduction standard when collecting the individual income tax. The hearing was jointly organized by the NPC Law Committee, Financial and Economic Affairs Committee and the Legislative Affairs commission.

Cui Baolin and Ma Zengke

How such a tiered legislative system reflects and ensures the uniform legal system? The answer is in two aspects: On the one hand, the legal authorities of laws and regulations at different levels are defined. The Constitution has the supreme legal authority, and no laws and regulations may contravene it. Laws are of higher legal authority than administrative regu-

The Standing Committee of NPC may annul any administrative rules and regulations or local rules and regulations which contravene the Constitution or laws, and the State Council may amend or annul improper regulations.

II. Legal System

Each country has its unique legal re-



Reporters from Hong Kong interview Qiao Xiaoyang, vice-chairman of the NPC Law Committee, after a press conference on August 27, 2006 at the Great Hall of the People. During the conference, Qiao answered questions on the Law on Supervision by the Standing Committees of the People's Congresses at All levels, which was passed on the same day.
Sheng Jiapeng

gime due to different political system, economic system and cultural tradition. The legal regime of the People's Republic of China is a socialist system of law with Chinese characteristics, different from both the continental law system and Anglo-American law system.

The socialist system of law with Chinese characteristics consists of legislation in three tiers and seven branches. The first tier is the Constitution and the laws formulated by NPC and its Standing Committee, the second tier is administrative rules and regulations made by the State Council, and the third tier is local rules and regulations, autonomous regulations and separate regulations formulated by the local people's congresses and their standing committees. Such a tiered legal regime

accommodates the national situations of China. China is now in an economic transition period when the society is changing continuously, the local economic development levels vary a lot and a stable legal system is required. Therefore, for some local and emerging matters for which no conditions exist for formulation of laws, the administrative rules and regulations and local rules and regulations issued by the State Council may be adopted first and then transformed to laws after enforcement for a certain period of time and the conditions mature.

The seven legal branches consist of the Constitution and laws related to the Constitution, civil and commercial law, administrative law, economic law, social law, criminal law, and litigation and non-

litigation procedure law.

First, the Constitution and laws related to the Constitution. The Constitution is the fundamental law of the country. The Constitution defines the basic system and basic tasks of the state, basic rights and obligations of citizens and has the supreme legal authority. The laws related to the Constitution are the collection of all the legal norms supporting the Constitution and directly guaranteeing the enforcement of the Constitution and operation of the state power, mainly consist of laws in four aspects: (1) laws in relation to establishment, organization, duties and power and basic working system of state organs; (2) laws in relation to autonomous system of ethnic regions, special administrative regional system and self-government of

the grass-root mass ; (3) laws in relation to maintaining the state sovereignty, territorial integrity and national security; and (4) laws in relation to guaranteeing basic political rights of citizens.

The second is Civil and Commercial Law. As a collection of legal norms that regulate civil and commercial activities, it adjusts various legal relationships between natural persons, legal persons and other organizations at equal status, also referred to as horizontal relationships. China adopts a legislative mode of Unification of Civil Law and Commercial Law. The Civil Law is a traditional legal category that adjusts property relationships and personal relationships between natural persons, legal persons as well as natural persons and legal persons at equal status. The Commercial Law is a special part of the Civil Law progressively developed from fundamental principles of the Civil Law to meet needs of modern commercial activities, consisting of laws in relation to company, bankruptcy, securities, futures, insurance, commercial papers and maritime commerce.

The third is Administrative Law. It is the collection of legal norms that regulate administrative activities, including legal norms in respect of administrative bodies, administrative behaviors, administrative procedures, administrative supervision and national public servant system. The Administrative Law adjusts the legal relationships between administrative authorities and administrative relative persons (citizens, legal persons and other organizations) incurred from administrative activities, also referred to as vertical relationships. In such vertical legal relationships between administration and being administrated, the administrative bodies and the administrative relative persons are not at an equal status. The administrative acts are conducted by the administrative bodies at their sole discretion without equal negotiation between the two parties. To properly deal with the relationships between the two parties and ensure the

balance between the administrative power and the legal rights of the administrative relative persons, therefore, the Administrative Law adopts a fundamental principle of statutory power, statutory procedures, openness and fairness and effective supervision.

The fourth is Economic Law. It is the collection of legal norms that regulate legal relationships incurred from the State's intervention, administration and control of market economic activities in favor of the overall interests of the society. The Economic Law is a legal category gradually developed from the State's intervention of market activities, closely related to the Administrative Law and the Civil and Commercial Law. Usually the same Economic Law consists of two legal norms of different natures, including both horizontal and vertical legal relationships, and is thus relatively independent.

The fifth is the Social Law. It is the collection of legal relationships in terms of regulating labor relationship, social security, social welfare and guarantee of the rights and interests of special groups. The Social Law is a legal category gradually developed from the State's intervention of

social activities and regulating legal relationships between government and society as well as different parts of the society.

The sixth is the Criminal Law. It is the collection of legal norms that regulate crimes, criminal liabilities and criminal punishment. The Criminal Law is a traditional legal category and has two distinct features over other legal categories: the most extensive social relationships covered and the most rigorous enforceability.

The seventh is the Litigation and Non-litigation Procedure Laws. It is the collection of legal norms that regulate litigation and non-litigation activities resolving social disputes. The litigation system of China consists of criminal litigation, civil litigation and administrative litigation. The economic disputes may be resolved through either "going to court" under the civil litigation system or arbitration, a convenient non-litigation means.

III. Legislative Procedure

Pursuant to the Legislation Law, the legislative procedure of China consists of five steps, namely drafting of legislative bills, presentation of legislative bills, deliberation of legislative bills, voting on legislative bills and publication of legislative bills.

In accordance with the Constitution and laws, the Presidium, the Standing Committee of NPC, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, and special committees of NPC, a delegation or a group of thirty or more deputies may submit a legislative bill to NPC. The amendment to the Constitution must be presented by the Standing Committee of NPC or at least one fifth of the number of deputies to NPC. The legislative bill will, after review and discussion by the general meetings and group meetings of the delegations to NPC, be presented by the presidium to the general meeting of the plenary meeting of the session for voting, and will be publicized via the order of the President of China when





Staff with the Yongchuan Bureau of Agriculture in Chongqing Municipality participate in a on-the-spot publicity of the Law on Agricultural Product's Quality Safety on November 1, 2006. A total of 26 relevant departments from the city took part in the event.

Chen Shichuan

adopted by more than half of the deputies. The amendment to the Constitution requires an adoption by at least two thirds of the deputies before publication via announcement of NPC.

The Council of Chairmen, the State Council, the Central Military Commission, the Supreme People's Court, the Supreme People's Procuratorate, and special committees of NPC and a group of at least ten members of the Standing Committee of NPC may put forward a legislative bill to the Standing Committee of NPC. The legislative bill placed on the agenda of a session are usually reviewed and discussed at three meetings of the Standing Committee before being referred to voting. Some bills given consistent opinions may be voted on only after two reviews and discussions. Some bills with partial amendments given consistent opinions may be voted on after only one review and discussion. Some

bills still requiring study in major issues after three reviews and discussions may be further reviewed and discussed. For example, the Property Law issued recently are reviewed and discussed for seven times only at the Standing Committee of NPC. Upon review and discussion of a legislative bill, the Standing Committee of NPC may convene group meetings, joint-group Meetings and the general meeting to discuss the major issues of the legislative bill. The legislative bill will, after review and discussion at the meeting of the Standing Committee of NPC, be presented by the Chairman to the general meeting of the Standing Committee for voting, and be publicized via the order of the President of China when adopted by more than half of the members of the Standing Committee of NPC.

In addition, for full play of democracy and improved transparency of legislative tasks, China always maintains legislation

in an open fashion and has established some good practices, which has become indispensable procedures in law making. For example, during law-making, we will distribute the legislative bill to relevant departments and organizations to solicit opinions in writing; we also listen to opinions at symposia, expert panel meetings and hearings; we put forward the important bills which the public is most concerned to the entire nation's discussion for open opinions from every aspect, such as the Constitution, the General Principles of the Civil Law, the Contract Law, the Administrative Procedure Law, the Law of Organization of Villager Committee, the Basic Law of Hong Kong Special Administrative Region, the Basic Law of Macao Special Administrative Region and the Property Law. The legislative bills of the Labor Contract Law and the Employment Promotion Law remain under the entire nation's discussion. ■



NPC

national people's congress of china



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