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**NPC witnesses
China's democratic
development**

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Wu Bangguo, chairman of the 11th NPC Standing Committee, chairs the 45th Chairmen's Council meeting of the committee at the Great Hall of the People on June 11, 2010. *Ma Zengke*





The 15th session of the 11th NPC Standing Committee is held on June 22-25, 2010 at the Great Hall of the People. Ma Zengke



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On March 5, 2010, the 3rd Session
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NPC witnesses China's democratic development

By Zhang Baoshan

Photographers cover the ongoing 3rd Session of the 11th NPC. Xinhua

To look at the development of democracy and legality in China, we may take the work and meetings of the National People's Congress (NPC) as a miniature of it, for which is operated in an open way, too.

In retrospect, the First Session of the Fourth NPC was held abnormally and secretly in 1975, with no media allowed to report, leaving people no right to know it at all.

After the Third Plenary Session of the Eleventh Central Committee of the Communist Party of China (1978), the NPC system was resumed and developed progressively, the meetings of NPC began to be opened to the public.

With the orderly promotion of Chinese democracy, the mysterious veil of the NPC has already been taken off gradually. The NPC is opening up, and getting closer to people's life. From the formulation and revision of laws to the supervision of the government, the court and the procuratorate, all issues concerning people's livelihood are involved in the work of the NPC, while openness and transparency become two features of it.

Looking back to the history of the NPC, we can all feel its opening-up tendency, for example, the soliciting of social-opinions on draft bills and the constant and in-depth report of special investigations, the normalization of press conference and the exploration of some new forms such as feature press conference and network interview, etc.

We can see that, no matter in or out session, the NPC makes people hear more from it with open mind, lets people understand more decisions made by it, helps them to know that the NPC is open and transparent instead of mysterious and closed-up.

Meanwhile, we can see that, in course of opening-up, the NPC is playing its functions entrusted by the Constitution and reflecting the rule by the people in a better



At the invitation of the press center of the 11th NPC Standing Committee 2nd Session, an online exchange is held between Internet users and six NPC delegates from grass-roots level, Xu Qiang, Zhu Xueqin, Hu Xiaoyan, Kang Houming, Bi Hongzhen and Wang Jing on the evening of March 10, 2009.

Yang Zongyou

"The title of the deputy to the NPC is a post, not a job, thus there is no salary."

way. The public has seen how the members of the NPC and its Standing Committee reflect people's voice in discussing State affairs, and how they supervise and solve the problems concerning people's livelihood.

In fact, in recent years, opening-up has become a highlight in the development of China's People's Congress system. The prosperity of political ecology can be considered as one of the markers of democratic society, including political opening and transparency and full respect to the will of the people.

NPC gives full play to the role of network

The establishment of on-line interview room is a highlight of the opening and transparency of the meetings of NPC. In recent

years, the will of the people on network receives unprecedented attention.

"Could you tell me whether you are paid or get some subsidy for the duty as a member to the NPC? If not, how do you solve the problem of expenditure for this duty? If yes, how much is the general figure, and whether it is enough to cover your duty?" Wang Ming, an Internet user of people.com, asked.

"NPC deputy is a part-time job instead of a full-time one, and I have no salary for it," Bi Hongzhen answered. She is a NPC deputy, coming from Bulimia Village of Baibiao Township, Pingliang, Gansu Province.

"The title of the deputy to the NPC is a post, not a job, thus there is no salary. Each collective inspection, law enforcement and inspection, and attendance to conference will be supported by financial funds," Wang Jing replied, who was also a NPC deputy, a bus driver from the 5th Company of Wuhan Transit Group in Hubei Province.

On March 10, 2009, the NPC was still in session. At 8 pm, six grass-roots deputies – Xu Qiang, Zhu Xueqin, Hu Xiaoyan, Kang Houming, Bi Hongzhen and Wang Jing, were answering the online questions pro-



NPC Standing Committee Chairman Wu Bangguo pays a visit to Anhui Conch Cement Co., Ltd in July 2009. Li Tao

posed by Internet friends. All participants were quite active and enthusiastic.

Netizens' questions covered how to cope with the challenge of international financial crisis, how to strengthen the work of legislation and supervision of the NPC, how to fulfill the duty of deputies, how to give full play to their functions, and how to further forward judicial fairness, etc. The views of the NPC deputies evoked a strong reaction in the whole country, making Internet a discussion room for common people to participate in the work of the NPC & CPPCC.

Unprecedented degree of openness

In China, there are more than 3,000 correspondents at home and abroad to cover the NPC session every year, and the figure is still on the rise. Up to now, new ideas have been constantly poured into the work of the NPC, which has brought up a lot of cases of "first time".

– Setting up the News Center webpage. On February 28, 2006, the website of the press center of the 4th Session of the 10th NPC was launched formally, on which

"We make every effort to arrange each interviews in a much more transparent way."

correspondents can apply for interview, or check residence information, get access to the schedule on the net. The on-line press center has provided a green pass for correspondents at home and abroad. During the session, this website was visited more than 2,200,000 times, which explained well why the reporters cordially called it "a press center on duty 24 hrs a day".

– Live broadcasting of Work Report of the Standing Committee of the NPC, delivered by Chairman Wu Bangguo. This event brought the public up to date on its work in the past year. This kind of broadcasting first appeared in 2006 and has been kept in use up to now.

– Large scale opening of group sessions. Except the PLA delegation, group sessions of the NPC are divided according to province distribution. In 2006, Tibet delegation and some others were opened to the public

for the first time, including 33 delegations, up to 35 group sessions were publicized to foreign correspondence.

– In 2007, during the 5th Session of the 10th NPC, the detailed information of each delegation residence was offered on internet. For the first time, foreign reporters were allowed to contact and interview deputies directly. It was also the first time to publish the phone numbers of the news liaison for each delegation. For the first time; meanwhile, an on-line system began to be adopted for interview application and contact. An English version of the Work Report of the Standing Committee of the NPC was offered for the first time.

– In 2007, also during the 5th Session of the 10th NPC a network live broadcasting of the review conference of Beijing and Shanghai delegations was realized, which will be carried out year on year.

– In 2008, offering free TV signal and photo service to the media. As a prime setting to understand the development of China's policy, People's congress system vividly explains the connotation of Chinese democracy with an open posture.

"We make every effort to arrange each interviews in a much more transparent way, offer more convenient and high-efficient service for reporters, contribute to a more harmonious and democratic report of the conference, in order to publicize the socialist democratic system in which people master one's own affairs," The director of Information Office of the General Office of the NPC Standing Committee said.

Performing deputy duties in openness

"Such a heavy ear of maize can only sell for 0.3 yuan. The central government should devote more efforts to direct subsidy, and grain price must be increased by 30

times,” Mao Fengmei said, who is a deputy to the NPC, working as the Party secretary of Dalishu Village, Fengcheng, Liaoning Province.

“I have some different views. To raise grain prices by 30 times? Certainly, it is out of the question. There are many methods to increase farmers’ income,” Zhao Xizhong disagreed, who is also a NPC deputy, working as Director of Youyi Grain Depot of Panjin.

In the afternoon of March 6 of 2009, at Liaoning group session, two deputies launched a fierce debate around the topic of increasing farmers’ income, for they thought in sharply different ways.

In a special TV program of two sessions, which is titled Witness of Duty Performance, Discussion of National Affairs, this scene was recorded through on-the-spot broadcasting with the participation of a CCTV reporter — Chai Jing. For its authentic presentation of the debate at group session of the NPC, it became headline of CCTV News that evening.

The third major highlight of the NPC in 2009 is that while its openness shortened the distance between the People’s Congress and the public, it also promoted the “restoration” of government officials and the NPC members and public participation and supervision of the issues of the NPC.

According to a principal of Information Office of the General Office of the NPC Standing Committee, when interviews information available on internet all time, delegation’s residence accessible, group session publicized, especially when all this has been normalized, it will indicate that conference organization and service are advancing in the direction of standardization and normalization. It is an internal requirement of institutionalization, and one step forward.

In its session we see that the public pays closer attention to the grass-roots deputies such as workers and farmers, because they know more about what is happening at local level, and their proposals are more specific, from which ordinary people’s livelihood concerns would be targeted.

Meanwhile, we notice that, government officials take themselves as the supervised ones, in modest and courteous attitudes; their identity as deputies to the NPC becomes clearer; more and more deputies begin to have the courage to declare and persist on their personal opinions, and be well ready for argument.

All this can not be separated from the opening-up of the NPC. Since 2006, a list of bills and proposals will be offered to the media every day to help the reporters to find some news clues. This promotes the

progress of the whole society including the media, the public, the deputies to the NPC and government. The virtuous interaction brought by opening may be the true motive force for the development of the whole society.

NPC Standing Committee meeting: Public hears more from the NPC

The Standing Committee of the NPC is its permanent establishment, which is in charge of scrutinizing the bills proposed by State organs and legislation work. It consists of the Chairman, Vice Chairman and other committee members, up to more than 150 people. It holds a session every two months. Now, after each session of the Standing Committee, a news briefing will follow up.

On December 26 of 2009, at the news briefing after the 12th Session of the 11th NPC Standing Committee, Wang Shengming deputy director of the Commission of Legislative Affairs of the NPC Standing Committee, told reporters that the NPC is speeding up the revision of the Regulations on Administration of Urban Housing Dis-



Work staff at the press center of the Two Sessions make interview permit cards for overseas reporters covering the event on March 2, 2009. Yang Zongyou



A people's congress delegation from Tibet pays a visit to Canada in March 2009. On March 20, NPC deputy, Vice-Chairman of the Tibetan Autonomous Regional People's Congress and Living Buddha Xinzha Danzengquzha answered questions of reporters in Toronto. Yuan Man



More overseas reporters are attracted to interview the NPC sessions held at the Great Hall of the People.

Wang Yebiao

mantlement.

This was the first time that the NPC responded positively to the public after five professors of Peking University submitted their proposal to the NPC Standing Committee, suggesting it reviewing and examining the Regulations on Administration of Urban Housing Dismantlement.

This event was reported widely by media such as Xinhua News Agency, China Youth News, which appealed greatly to the public, and was reprinted in the network extensively.

The positive response to hotspots and sensitive problems in social life also indicates the opening-up of the NPC.

Another highlight of the work of the NPC is that the public hears more from the committee members of its Standing Committee and others. Public concern on it is turning from temporary to regular.

Different from the past work style of “Doing more and saying few and even doing without talking”, now the NPC Standing Committee is opening up and communicating with more intelligence with the public.

According to a principal of the Information Office of the NPC Standing Committee Office, the NPC Standing Committee will hold news briefings regularly, transmit its latest news to the public in time, and explore other new forms such as on-line exchanging

and feature press conference, etc.

At 4 pm on August 27, 2009, four members of the NPC Financial and Economic Affairs Committee – Wu Xiaoling, Wu Ritu, Yin Zhongqing and Lü Wei, participated in the discussion of State affairs with netizens on the net for the first time. Their topic was how to transform the modes of development and adjustment economic structure. That day morning, Chen Yiyu and Xu Jianmin, two NPC Environment Protection and Resources Conservation Committee members, and Su Wei, Director of the Department on Climate Change of NDRC, communicated with netizens on-line on the topic of how to address climate change.

Before these two on-line interviews, the 10th Session of the Standing Committee of 11th NPC just finished the review of State Council report on addressing climate change and the State Council report on transforming the mode of development and adjustment of economic structure. Both of them focused on two hotspot issues—carbon emission reduction and economic growth.

At 4 pm December 25 of 2009, the 12th session of the Standing Committee of 11th NPC reviewed State Council report on promoting the development of small and medium-sized enterprises. After that, Wu Xiaoling, Yin Zhongqing and Lü Wei came into the network interview room again to

discuss with netizens about how to promote the development of small and medium-sized enterprises.

On April 22 of 2009, during the 8th session of the Standing Committee of the 11th NPC, in order to make the public better understand the construction of rural social security system, reform and development of vocational education, progress of air pollution prevention, and its related work of supervision and investigation, the General Office of Standing Committee of the NPC held a feature press conference, inviting relevant members of Expert Commission of the NPC and directors of departments of State Council to make some introduction to relevant issues, and to answer the questions of correspondents at home and abroad.

Special investigation: More transparent supervision

“The masses expect to know that after NPC has done such exhaustive research, how will you supervise and promote the scientific decision of the government?” one CCTV reporter asked.

Gao Qiang, vice director of the Financial and Economic Affairs Committee of the NPC, answered this question: “The local achievement and experience should be summarized, while some existing difficulties and problems in the implementation should be analyzed, and we try to put forward some suggestions on some policies for State Council and related departments’ reference, in order to form an intact report finally.” He is a NPC member, director of the Budget Affairs Commission of the NPC Standing Committee.

“What is the focus of your suggestion up to now?” The reporter asked.

“The basic goal is to improve policies, measures and some work methods, to ensure a better implementation of policies made by Central Government, in order to guarantee economic growth, enhance people’s livelihood and maintain social stability. The su-

pervision function of the NPC should be realized, while it should support the work of the government. Support does not mean everything favorable. It is also an important support to suggest, point out some problems and promote the work itself” Gao replied.

This episode is from a CCTV feature program--News Investigation: Hope of Comfortable Housing. This program was delivered on August 29, 2009, which is an in-depth documentary report of the special investigation of the construction of low-income housing carried out by the NPC Standing Committee. And this is only part of its work in 2009.

Special investigation is a focal point and light spot of the supervision work of the NPC Standing Committee. In 2009, its focus was to guarantee economic growth, adjust structure, care for people's livelihood. In order to strengthen its supervision on the 908 billion yuan investment allocated in 2009, the NPC Standing Committee started officially a special investigation on the implementation of some key public projects under central government investment. The whole investigation was subdivided into four areas: technological transformation and innovation, construction of water conservancy works, education and health, and low-income housing.

Lu Yongxiang, Hua Jianmin, Ismail Tiliwaldi, Chen Changzhi, Yan Junqi, these five vice-chairpersons, led more than 40 members of the NPC Standing Committee or its special committees and other deputies, to carry out the on-site investigation of the key projects. Based on their work, 16 reports were composed, in which some specific and concrete opinions and suggestions were put forward.

As a special feature of the opening-up work of the NPC in 2009, its special investigations have been reported in a constant way, and the transparency of its supervision is being strengthened continuously.

Investigation of the implementation of major decisions made by central govern-

ment is of special interest to both the central government and common people. The above-mentioned in-depth report of News Investigation brought the supervision work of the NPC to the public directly and immediately, which was well appraised.

Not merely CCTV, the other major media, such as Xinhua News Agency, People's Daily, China National Radio, Economic Daily, Legal Daily, China Youth News, they all sent correspondents to follow the investigation groups. Their constant and thorough report brought sound social effects.

On August 15, after the local investigation, People's Daily issued a comprehensive

**By soliciting public opinions,
the distance between common
people and legislature has
been much shortened.**

headline report, which was titled To Guarantee the Implementation of Government Investments in Key Projects, Special Investigation Carried out by the NPC Standing Committee.

On September 3, a review composed by Xinhua News Agency, namely On-the-spot Report of the 1st NPC Standing Committee Supervision and Investigation of the Implementation of Central Government Major Decisions, was adopted by more than 20 media such as Economic Daily, Legal Daily, Workers Daily, and Guangming Daily; meanwhile, it was reprinted by more than 50 major websites.

Normalization of opinions soliciting from the general public

For each legal draft, opinions must be

solicited from the general public, which has been normalized for the work of the NPC. Every citizen, legal person or organization, etc. may put forward some opinions or suggestions.

In 2006, public opinions were solicited for draft of labor contract law. From March 20 to April 20, people from different regions put forward 191849 suggestions through network, newspapers, periodicals and correspondence, which set a new record for this work of the NPC Standing Committee. The masses widely participated in this process, including employers, public organizations, experts and scholars and ordinary labors. The grass-roots opinions were effectively reflected, taking about 65% of the total number of opinions. A lot of opinions were planned conscientiously and of constructive significance. The Commission of Legislative Affairs of the NPC Standing Committee classified these opinions, and revised the draft law based on them.

On April 20, 2008, public opinions were solicited for the draft of food safety law, which was the first time that the newly elected NPC Standing Committee solicited opinions from the general public. In one month, the committee received 11,327 opinions all together. Meanwhile, the General Office of the NPC Standing Committee announced that as a general rule, each draft bill will be publicized and public opinions will be solicited. Up to now, public opinions for more than 20 legal drafts have been solicited.

By soliciting public opinions, the distance between common people and legislature has been much shortened, while people's participation in legislative affairs has been extended. This shows the respect and attention to people's will, and a lot of public opinions are adopted in the law system. Legislation with openness itself is a publicity campaign to promote legal knowledge, in which opinions can be released and consensus will be consolidated. ■

Legislation opens door to the public

By Peng Dongyu

Ever since the adoption of reform and opening-up policies, China has made tremendous progress in pushing forward socialist democracy and rule of law.

By May 2010, the National People's Congress and its Standing Committee have adopted 232 laws, more than 600 administrative regulations and more than 7,000 local regulations. A socialist legal system with Chinese characteristics has taken shape basically. There are laws governing almost every aspect of our economic, political, cultural and social life.

Nowadays, the concepts of putting people first in legislation have become a cornerstone in judging the quality of law making. Playing an interactive role in legislation, public's participation is extending from the expression of public opinion to the pursuit of common values and system.

In the past five years, participation in the legislation process has gradually become a day-to-day lifestyle for Chinese citizens. It is commonly agreed that legislation without public participation is no good for the maturation of a nation's legal

system, neither will it help the completion of a nation's political system.

From NPC's legislative hearings on individual income taxation threshold in 2005 to the solicitation of public opinions on the Property Law, Labor Contract Law, as well as the Law on Prevention and Control of Water Pollution, more and more grass-roots voices were heard in legislative procedures. As a result, China's legislation is opening its door to the public.

Soliciting opinions from the general public and Publicizing the full text

April 20, 2008 was a day of milestone, on which the draft of food safety law was publicized to solicit opinions from the public. Also on the same day, the General Office of the NPC Standing Committee announced that it would make public all of the draft laws submitted to NPC for review to collect public opinions. Such a decision provides an open, direct, sustained and stable channel for the public to express their comments and suggestions to the draft laws.

According to NPC magazine's statistics, there have been 29 draft laws released to the public in full text to solicit opinions. Of them, 23 were released after April 2008. During the second year of the 11th NPC, the NPC Standing Committee publicized all the 11 draft laws it received



Officials with the Standing Committee of Zhejiang Provincial People's Congress illustrate legislative proposals mailed by local people. *Li Zhenyu*

to solicit public opinions.

Law comes hand in hand with people's everyday life. And common people in China are enjoying more and more say during the legislative process. Their joy and passion can be read in-between the lines of the laws.

For example, the Legislative Affairs Commission of NPC Standing Committee once received a letter in Braille from a Shandong resident called Sun Dong, who is visually disabled.

"After the publication of the draft of the property law, I read through the full text under the assistance of my friends and relatives. I would express some of my suggestions on it. I hope they would be taken seriously," Sun wrote.

This letter was only one example. From July 10 to August 20, 2005, the top legislature received 11,543 letters and emails from all parts of China.

Kang Tianjin, an 81-year-old retired cadre in Tianjin, put forward 25 suggestions concerning the record of real estate property and the usufruct of building land. To better illustrate his opinions, he even made a chart listing the original articles, his reasons and suggestions for modification.

The promulgation of property law also drew attention from foreign experts. Dr. Muenzel, a law professor in Germany's Georg-August-University of Goettingen in Hamburg, wrote a letter, proposing his revision suggestions on the draft law. His suggestions were based on the legislative practice in the West.

The drafting of Property Law is not an isolated case. In January 2001, the legislative body received more than 3,000 letters from the ordinary people on the amendment to the Marriage Law. In April 2008, people put forward 10,000 suggestions on the draft of food safety law. In December 2008, the number of suggestions and comments on the draft of insurance law surpassed 70,000. And the draft law

By all these means, it is hoped that people from all regions, all classes and all interest groups can participate in the legislative process.

that attracted utmost attention is the law on employment contracts, which attracted more than 80,000 people to express their opinions. A total of 190,000 suggestions were solicited, setting a new record in New China's legislative history.

The Legislative Affairs Commission sorted out all of these comments and suggestions, conducted accurate analyses and publicized their feedbacks through newspaper, radio, television and Internet. These suggestions were also presented to the NPC Standing Committee for reference during their review of a draft law, to ensure that public opinions are heard to the largest extent.

Improve and perfect legislation through symposiums, debates, discussions, hearing and consultations with grass-roots people, to ensure the realization of a scientific and democratic decision making process

During recent years, the NPC Standing Committee would hold a number of symposiums once a draft law came under

review. Opinions from experts, public and disadvantaged groups are all presented during these symposiums. For those draft laws that involve technical issues or may arouse wide controversy among the public, the top legislature will organize seminars and discussion meetings, to get people's opinions from all walks of life. By all these means, it is hoped that people from all regions, all classes and all interest groups can participate in the legislative process.

The NPC Standing Committee and the Legislative Affairs Commission held more than 100 symposiums on the most-concerned issues during the review of the Property Law. They also held legislative debates on some technical issues.

In 2009, during the review of draft decision on the Macao SAR government's supervision over Macao University's new campus site in Hengqin Island, a special expert debate was held.

In Nonmember 2007, the Legislative Affairs Commission of NPC Standing Committee held four symposiums successively. They all had only one topic: how to modify Article 76 of the Road Traffic Safety Law. Such a cautious attitude ensured the effectiveness during the implication of the law.

On September 27, 2005, the NPC successfully held the first-ever legislative hearing during the modification of the Individual Income Tax Law. The hearing focused on the criteria for reduction and exemption of income tax for wage-earners.

Of 4982 applicants, 20 were selected as public narrators. They are composed of workers, technician, managers, teachers, researchers, lawyers, public servants and immigrant workers, who came from eastern, central and western parts of China.

Wu Zhicai, a worker at a Chongqing factory, said, "Although I'm not a celebrity, I would try my best to enjoy my le-



Reporters ask questions at a press conference on March 19, 2009 themed on NPC legislation and supervision on the sideline of the 2nd Session of 11th NPC. Fu Dandan

gal rights and benefits.”

Representatives who were selected from almost 5,000 applicants expressed their personal opinions, which served as an important basis for the NPC Standing Committee to modify the Individual Income Tax Law.

On October 27, a month after the hearings, the NPC adopted the modified Individual Income Tax Law. It raised the standard for reduction and exemption of individual income tax from the drafted 1,500 yuan to 1,600 yuan.

The adjustment of 100 yuan represented a substantial influence of public opinions over the legislation.

To ensure efficiency and effectiveness of deputies' role during legislation

There are some 2.76 million depu-

In recent years, the NPC have paid special attention to ensure the efficiency and effectiveness of deputies' roles during the legislative process.

ties at different people's congresses in China. Their participation into the legislative work reflects democracy in the law making.

In recent years, the NPC have paid special attention to ensure the efficiency and effectiveness of deputies' roles during the legislative process. Their opinions are directly heard to ensure citizens' participation into political affairs step by step.

During the compilation of legislative

plans, NPC Standing Committee is ready to hear deputies' opinions, especially those on legislation. NPC deputies are also invited to attend and express their opinions at meetings held by the Standing Committee or concerned commissions. During the legislative process, their comments and suggestions are heard and considered to the fullest extent. Special attentions are also paid to the feedbacks from deputies after a law is implemented. Services are provided to help deputies taking part in the legislative work. All these means provide a spacious room for representatives to participate in the law-making process.

In 2009, 21 proposals involving 10 legislative projects were listed on NPC Standing Committee's work agenda. Since then, during every session of the NPC and its standing committee, NPC deputies and NPC Standing Committee members have been invited to hold on-line discussions with Internet users.

Since last year, NPC Standing Committee had tried to explore new ways and methods to promote scientific and democratic legislative process to meet the new situation. For instance, NPC Standing Committee will publicize deliberation opinion from the members and manage to establish an assessment system before and after a law takes effect.

Adhering to the concepts of "understanding people's need, focusing on their livelihood, collecting public opinions and protecting human rights," the NPC and its Standing Committee have gained a solid foundation for their legislative work. Through law making, the top legislature has turned it into a way to hear people's voices, coordinate their interests, dissolve social conflicts and publicize the rule of law. ■

Promote fairness and justice through legislation

By Zhang Baoshan

China's judicial system requires that fairness and justice be guaranteed in the whole society, and legislation distributes justice and expresses public opinions. One of the important objectives of China's legislation is to have more stakeholders express their wishes and achieve social fairness and justice through democracy.

In recent years, the Chinese legislature has made steady progress in making social and civil laws which concern people's livelihood, paying more attention to social fairness and justice. Many laws have been formulated or undergone revision, such as the amendments to the Electoral Law, the Law on State Compensation, the Tort Liability Law (Tort Law), the draft of social security law, the amendment to the Law on the Organization of Village Committees, the Law on Administrative Enforcement, the Law on Mediation and Arbitration of Rural Land Contract Management Disputes, etc. These drafts and revisions reflect that China's top legislature is focusing on the resolution of urgent real life problems, bringing into full play the law's regulating, guiding, and protecting functions in promoting social fairness and justice.

Electoral Law

— a powerful guarantee of social fairness and justice

Since the first adoption of the Electoral Law in 1953, five amendments have been made by. In March 2010, the Third Session of the Eleventh National People's

Congress approved an amendment. The revisions and improvements of the law are evidences to the gradual development of Chinese democracy and the rule of law. Social fairness and justice can be realized through the continual promotion of legislation.

The original Electoral Law stipulated that NPC deputies be elected at a ratio of one out of every 800,000 people at the provincial level and that every 100,000

people could elect one deputy in cities with a population of more than 500,000, the ratio difference being 8:1. The 1979 revision proposed competitive election, which was a big progress. A further improvement on competitive election was made in the 1986 revision. The revision in 1995 significantly reduced the ratio difference between the rural and urban areas to 4:1. The core of the amendment to the Electoral Law submitted for deliberation this time is to repeal the



Han Guiying (left), 102, cast a vote at home to elect district people's congress deputies on December 10, 2003 in Shijingshan District, Beijing. The promulgation and amendments of the Electoral Law have witnessed the progress of China's democracy and rule of law during the past decades. *Xinhua*

“one fourth article”, which implies “four farmers equal to one citydweller”, and advocate election on the basis of same population ratio in rural and urban areas.

The amendment to the Electoral Law not only means rural and urban population will enjoy equal political rights but also embodies regional equality and ethnic equality. That is to say, regardless of population size, each administrative region shall have the same basic number of deputies, even the nationality that has the smallest population has its own deputy, so that the interests of all areas and nationalities can find representation in organs of State power.

The amendment also states clearly, “Electoral committees, at voter request, shall organize candidates for deputies to meet voters, and the candidates shall introduce themselves and answer voters’ questions.” The current law only says, “Electoral committees may organize candidates for deputies to meet voters, and answer their questions.” The change from “may” to “shall” means that the organization for the candidates for deputies to meet voters is no longer an option, which is yet another progress of the Chinese democratic electoral system. The candidates must attend to the demands of voters and speak for their interests, otherwise the voters would cast votes to express their views.

The amendment has also made other propositions, “The NPC and Local People’s Congresses should include appropriate number of grass-roots deputies, especially those of workers, farmers and intellectuals.” It proposes that the top limit of the number of township deputies be changed from not more than 130 to “the total number of deputies shall not exceed 160.” These provisions ensure the ratio of grass-roots deputies, thereby expanding the democratic basis of the people’s congress system, strengthening its supervision, and broadening the ways of public participation in national political affairs, which are new explorations of the development of the people’s congress system.

State Compensation Law – to protect civil rights

The amendment to another important law – the State Compensation Law was adopted by China’s top legislature in April and will take effect on December 1, 2010.

Implemented in 1995, this law aims to “ensure the citizens, corporate and other organizations to have the right to obtaining State compensation, and urge the State organs to exercise their power within the framework of the law.” However, as time went by, the law which “protects private rights and restrains public power”, increasingly revealed some drawbacks, for instance, its application scope is too narrow, the compensation standards are too low, etc.

The revision of the State Compensation Law not only matched the rule of law’s applicability, but was also an active response to public opinions. Two features characterize the amendment: lower the threshold for compensation, and increase the compensation standards. The “lower and increase” epitomizes the basic principle of modern rule of law – “Where there is damage, there is remedy.” Citizens can make better use of the legal weapons to protect themselves and their property from being infringed upon by public power. This is undoubtedly a great progress in the field of China’s human rights protection.

Tort Law – to improve people’s livelihood

Closely related to the promotion of social fairness and justice and to the improvement of people’s livelihood, the Tort Law was adopted by the NPC Standing Committee in December 2009 and will come into force on July 1, 2010. The passing of this law means another important step forward towards the formation of China’s Civil Code.

As one of the nine law drafts that constitute the Civil Code draft, the Tort Law was first brought to deliberation and review at the thirty-first session of the Ninth NPC Standing Committee in December 2002. Owing to the complexity of the contents of the draft Civil Code, the 10th NPC Standing Committee discussed the drafts one by one. Thereafter the legislative process of the Tort Law was accelerated, and two more deliberations were respectively held in December 2008 and October 2009.

The process the Tort Law was made coincided with the period when the rights consciousness of the Chinese people rose high. Wang Liming, a famous jurist, said that at present, new and large-scale torts occurred from time to time, for example, internet torts, unlawful disclosure of other’s privacy, pollution, etc., which both challenged the existent rules of the Tort Law and infused in it new contents. Therefore, to a considerable extent, the development of the Tort Law represents the value preference of the national legislative principles and the development degree of its law civilization, and determines the future of civil law, even that of whole law civilization.

Judged from the discussions of the law, the top legislature also attaches great importance in this law’s making to draw experiences from typical cases of rights defending, and strives to make the public demands satisfied systematically under more normative lawful conditions.

“No rights without remedies,” the Tort Law fills up many “right blanks.” This law not only involves such contents as product defects, traffic accidents, medical accidents, pollution, internet torts, animal-caused human harms, etc., but also clearly defines the regulations on product recalls, stipulates compensation for mental distress, and strengthens the protection of minors.

The Tort Law is characterized by four highlights. It defines compensation for mental distress for the first time, establishes the principle of “same price for

same life”, allots for the first time a special chapter for medical damage liability, and stipulates protection of personal privacy.

The Tort Law signifies greatly for solving practical problems, protecting the legitimate rights of citizens and corporate, defining tort liability, preventing and sanctioning torts, resolving social conflicts, reducing civil disputes, and promoting social fairness and justice.

Social Security Law – to realize interest balance

Another law to balance interests and promote fairness and justice – the draft Social Security Law received its third deliberation and review at the 12th Session of the 11th NPC Standing Committee in December 2009.

“The elderly cared for, the sick treated” is the wish of all the people. Closely related to the immediate interests of the people, this law which concerns people’s livelihood caught everyone’s eyes. After the second discussion, the full text of the draft was released to the public and the NPC Standing Committee has received about 70000 pieces of views.

The third version of the draft was further improved, absorbing views of all sides, for example, it proposes to set up the Nationwide Social Security Fund; it stipulates that the payment of premium be extended and the enjoyment of pension insurance still be available though the pension insurance premium has been paid less than 15 years; the obligation of advance payment of medical insurance fund is made clear; a provision is made regarding the third person involved in work-related injuries; a stipulation is added to it that people’s congresses at all levels have supervision over social insurance funds; the supervising rights of the employer and the insured are defined clearly; social insurance premium

shall be collected uniformly; provisions are added concerning the new rural social pension insurance and social insurance pension for urban residents, etc.

Henceforth, the social insurance law will face a fourth discussion, or even more discussions, because its formulation not only involves an adjustment of significant interests of the insured, but is also a redistribution of regional interests and interests of different groups, which testify to the great difficulty in this law-making.

Owing to the conflict between and con-

As an important form of grassroots democracy, villagers’ autonomy has made significant progress in the 11 years of the implementation of this law.

troversy over interests and concepts, the formulation of the social security law will progress in the game of all parties. How to weave a net of social insurance with the existing financial resources of our country and within the framework of social security system and mechanism is an important part of building a harmonious society, and is also a test of the quality of legislation.

Law on the Organization of Village Committees – to make farmers enjoy democracy

The amendment to the Law of the Organization of Village Committees, which aims to make the one billion villagers better learn and enjoy democracy in the practice of democracy is another significant legislative practice in the constructing of a sound legal system of Chinese democracy.

As an important form of grassroots democracy, villagers’ autonomy has made significant progress in the 11 years of the implementation of this law. In some places, the villagers’ autonomy was implemented quite actively. But many problems still exist, such as vote-buying, violence, village official possessing too much power, lack of routine democratic supervision, etc., which can only be effectively resolved by the improving of the rule of law and the deepening of democracy.

The amendments and improvements mainly involve three aspects, the procedure of electing and recalling of villagers’ committee members, the system of democratic discussion, and democratic management and supervision.

The draft revision makes it easier for “village officials” to be removed. Once it’s difficult to have the endorsement of more than one fifth of the villagers qualified to vote, the agreement of more than one third of the villagers’ representatives counts correspondingly. The meeting to recall village committee members is no longer held by the village committee, but by the village election committee.

Given the current difficulty in holding village meetings, the amendment makes improvements on the organization of villagers’ representative assembly which functions on behalf of the villagers’ assembly and on its discussing procedure. That the villagers’ representative assembly might be authorized by the villagers’ assembly to discuss matters is stated cleared. The system of villager group meeting is also added, stipulating that the management of collective land, enterprises, and other properties belonging to the villager group and the handling of public welfare issues should be discussed and approved by the villager group conference in accordance with laws concerned, and that the decision made and its implementation should be released to the public promptly.

In view of the fact that democratic election is highlighted, while democratic



The picture shows the Shenyang service center of administration and approval. Luo Lan

decision, management, and supervision are slighted, the amendment proposes the setting up of an organ to supervise village issues, stipulating that a village issue supervising organ be established to oversee the implementation of the regulations of democratic financing and making village issues transparent, and that the members of the organ be qualified with knowledge of finance and accounting and knowledge of management, who must be elected. It is also stated clearly that members of the villagers' committee and their immediate relatives shall not be elected into this supervising organ. Its members must attend as non-voting members conferences of the villagers' committee, and be responsible for and report to the villagers' assembly and the villagers' representative assembly.

The modifications of the Law on the Organization of Village Committees improve the electoral systems of village committees and villagers' representative assembly and the power structure of the management of village issues, by which the villagers will better practice, learn and enjoy democracy.

The biggest problem that the administrative enforcement law faces in its formulation is how to balance the public power of the administrative and the private rights of citizens.

Draft of administrative enforcement law – to protect legitimate rights and interests of citizens and corporate

The draft of administrative enforcement law, another significant law aimed to further protect the legitimate rights and interests of citizens and corporate was submitted to the top legislature for a third deliberation in August 2009.

The third version of the draft has some new contents concerning the limiting of governmental power and the strengthening of rights protection. For example, it proposes to make demonstration previous to administrative enforcement and to add an assessment procedure in the enforcement; the right to administrative enforcement should not be delegated and must be exercised by qualified law enforcement personnel; the exercising procedure must be carried out strictly and when the administrative checks in accordance with the law the financial bookkeeping, transaction records, businesses dealings, and other issues of an enterprise, it should not affect its normal production and business activities and must not divulge business secrets. It is not allowed to seize or detain the life necessities of individuals and their dependent family members. The parties must be informed if the seizure or detention will be extended.

If the administrative decision according to which the enforcement has been done is repealed or has been wrongly exercised, every thing must be resumed to its original, and properties involved must be returned. On condition that the original things could not be returned, compensation should be made according to market price.

The biggest problem that the administrative enforcement law faces in its formulation is how to balance the public power of the administrative and the private rights of citizens. On the one hand the administrative needs to be granted with appropriate power, and on the other hand the power should have limits. Under the present situation of China, only when the administrative less uses the administrative enforcement power, and uses with caution and in a good way, can the legislative ideas be really actualized "to defend public interest and social order and protect the legitimate rights and interests of citizens and corporate." ■

People's livelihood keystone for Chinese legislative work

By Zhang Weiwei

Over the past 30 years, in the process of reform and opening-up, great changes have taken place in people's life, and China has advanced to the overall well-off level from the past one in which even food and clothing were not in sufficient supply. Meanwhile, people's requirements in such aspects as employment, social security, income distribution, education and health, public service are continuously rising up.

Exactly under such a background, in recent years, National

People's Congress (NPC) and its Standing Committee comply with the will of the people, turn the center of its legislative work to people's livelihood. With the formulation, revision and implementation of a series of laws and acts, such as the Labor Contract Law, Employment Promotion Law, social insurance law, Compulsory Education Law, Law on the Prevention and Control of Infectious Diseases, all aiming to improve the vital interests of the general public, and public livelihood has become another keystone for Chinese legislative work.

Legislation on labor and social protection

Employment is both the foundation of people's livelihood and a key issue for the stability of a State.

In 2007, in order to solve the intensified problems in employment structure, while setting up a unified and normal human resources market, and promoting employment fairness, the NPC Standing Committee approved the Employment Promotion Law.

This law aims to take good care of people's employment rights while strengthening the duty of the government. It makes the following aspects explicit: policy on employment promotion, employment service and administration, vocational education and training, employment assistance, supervision and inspection, legal obligations, etc. Meanwhile, according to this act, Hepatitis B patients and the pregnant or parturient women shall not be discriminated or infringed upon in terms of employment rights and interests.

In the same year, aiming at creating harmonious labor relation, the Labor Contract Law – another law concerning

Employment is both the foundation of people's livelihood and a key issue for the stability of a State.



Law on Promotion of Employment prohibits prejudice and infringement on women's employment rights.

Cui Jian

people's livelihood – was approved after several reviews, and came into effect on January 1, 2008.

How to guarantee workers' rights and interests, make them able to share the achievement of economic growth, in line with the national strategies on development – give priority to efficiency with due consideration to equality? This has become the guiding principle for the draft and review of the Labor Contract Law

In order to make the law reflect the will of the people to the maximum extent, the NPC Standing Committee began to legislate in an open manner in March of 2006. It announced the draft of law. Within one month, it received more than 190,000

opinions from various circles of society, which created a new record in its legislative work history since the beginning of reform and opening-up.

Based on repeated arguments and extensive soliciting, the Labor Contract Law takes the definition of the rights and obligations of the two parties involved in contract as the premise, puts emphasis on protecting the laborer's legitimate rights and interests as legislative value orientation, strengthens the protection for labors in probationary period, aggravates the legal liability in case the employing unit breaks the law and does not conclude the written labor contracts, restrains the shortening tendency of labor contract, of-

fers regulations on labor service for the first time. It is also stipulated that the labors shall be paid in full and due time.

"The elderly cared for and the sick treated" is the wish of all the people. In December 2009, as a key law to guarantee people's livelihood, the draft of social insurance law was reviewed for the third time in the 12th session of the 11th NPC Standing Committee.

Because this law is closely linked with hundreds of millions of people's vital interests, it received much more concern. In order to make this social insurance law of more truthfulness, and safeguard the fundamental interests of the masses, the NPC Standing Committee published its full text draft to the public in time after the second review, aiming to soliciting the opinions of various circles of society. In not more than 50 days, it received more than 70,000 opinions.

The third draft was further improved on the basis of opinion soliciting, which stipulates that national social security fund shall be established, the pension insurance can be extended though the pension insurance premium has been paid less than 15 years. This draft also defines the interim payment principle of Medical Benefits Funds, adds stipulations for corresponding third party issues taking place in industrial injury insurance, supplements regulations on the supervisions of NPC at all levels on social insurance fund, defines the rights of employing units and personnel's in supervision of the insurance, etc., with more stipulations on new rural and urban social endowment insurance.

In China, the enactment of social insurance law concerns the adjustment of 1.3 billion people's vital rights and interests, so its legislative difficulty can be well imagined. But the legislative goal of the NPC Standing Committee is quite clear, that is on condition of full coordination and balance of different interests, through the way of legislation, to ensure all citizens have the right to employment, medi-

In China, the enactment of social insurance law concerns the adjustment of 1.3 billion people's vital rights and interests.



Officials from the bureau of industry and commerce in Huaibei, Anhui Province carry out a law inspection on food safety at a local market on June 30. Jin Mu

cal care, old-age care and housing.

In addition, it is reported that the NPC Standing Committee will also review the social assistance law, formulate the law on basic medical health care, so as to build up a public health service system to cover both urban and rural residents. All these are important legislative projects in Chinese livelihood.

Legislation on education and health

In order to guarantee that every Chinese citizen can enjoy compulsory education equally, promote the rational distribution of compulsory education resources, enhance its balanced development, the NPC Standing Committee revised the Law of Compulsory Education in 2006, further improved the compulsory education system with stipulations on setting up security mechanism of its funds, allocating educational resources rationally, strengthening the construction of school and teaching body.

More than 20 years ago, based on the experience and lessons obtained from the breaking out of Hepatitis A in Shanghai, the Law on Prevention and Control of Infectious Diseases came into being, which has contributed a lot to the prevention, control and fight against infectious disease, thus safeguarded the public health to great extent.

In 2004, the NPC Standing Committee summarized experience and lessons of dealing with SARS and bird flu in time, revised this law in an all-round way. The



The amended Law on the Protection of Minors gets approved on December 29, 2006, which makes it clear that all-around legislative protection should be given to under-aged youngsters. CFP

newly revised law pays more attention to scientific prevention and control with good care for people. Its number of articles was doubled compared to the previous version.

In content, this law further improves the report and announcement system for epidemic information of infectious disease with stipulation on setting up a special report system, prohibits discrimination against patients or exposure of individual privacy. It further reinforces hospital obligation of treatment, prevents the hospital from becoming source of infection, standardizes management of the laboratory, etc.

Legislation on food security

Food is the paramount necessity of the people, while security is of priority to

food. Today, with the economic integration of the whole world, food security is not merely a public health concern, but also an important issue for international economy and trade, because the economic benefits of each country is deeply involved.

“158 votes for, 3 against, 4 abstentions...” On February 28, 2009, the 7th Session of the 11th NPC Standing Committee approved the Food Safety Law with a high margin.

With vital interest to all Chinese citizens, this law is of extraordinary significance. The NPC Standing Committee has reviewed it four times since it was first drafted 5 years before.

The passed law targets at the current problems in the field of food hygiene, aiming to the establishment of a whole course supervision from farmland to dining table, reflecting the principles of pre-

Law on the Protection of Rights and Interests of Women is a fundamental law to protect in an all-round way the lawful rights and interests of women.

vention first, management scientifically, responsibility identified, administration comprehensive. It will be the legal foundation to offer the masses secured food.

Legislation on the disadvantaged groups

In the field of social law, to protect the interests of social disadvantaged groups such as women, juveniles, the disabled, etc., it is necessary to offer them some special legal care, thus to make essential correction to the out-of-balance social relationships. So, the fact that how much care is given to disadvantaged groups can be taken as an indicator of fairness, justice and even civilization of a society. In recent years, the NPC Standing Committee made impressive efforts in this aspect.

Law on the Protection of Rights and Interests of Women is a fundamental law to protect in an all-round way the lawful rights and interests of women, it is also an important component of the laws of human rights protection. On August 28, 2005, the NPC Standing Committee examined and approved the Decision on Amending the Law on the Protection of Rights and Interests of Women. It was the first great amendment of this law since it was promulgated in 1992, which reflected the important achievement in this field in the past more than 10 years.

The revised version of this law stipulates explicitly some new aspects, such as women's participation in government and political affairs, maternity insurance, land contract in rural areas and relevant property benefits, actions against family's violence or sexual harassment, etc.

In terms of legal liability, the version law strengthens judicial guard, reinforces relief measures.

On December 29, 2006, the revised Law on the Protection of Minors was passed. This law stresses the guarantee of the minors education right with quality orientation, demands to set up a campus safety net and emergency plan, pays close attention to minors' growth environment, proposes the state to take measures to prevent them from indulging in the network, with care for the assistance of stay-at-home children and street children, makes it clear to take legislative care of the minors with humanity in an all-round way.

On April 24, 2008, the 11th NPC Standing Committee approved the newly amended Law on the Protection of the Disabled. The newly revised law has strengthened the guarantee of rights and interests of the disabled in state and social affairs administration, rehabilitation service, education, employment, cultural life, social security, etc. It has further defined government's responsibility, offering a forceful legislative support for the disabled under the new situation in China.

In the past 30 years of reform and opening-up, in order to construct the legal frame of socialist market economy as soon as possible, economic legislation once was the highlight. But with the development of social economy, following the legislative situation in recent years, China legislation is speeding up to another direction, namely the social legislation with loving care for the disadvantaged groups and promotion of the solving of social problems in which people's livelihood is deeply involved. ■

The People's Congress system is China's fundamental political system.

A major advantage of this system is its role of balancing the democracy and efficiency, as is demonstrated by the relationship between the People's Congresses and the governments. The People's Congresses lie in the core of China's power structure, and they are the organ of the state power. The congresses and the governments are not created for checks and balances, but serve as superior and subordinate – the governments are elected by the congresses, responsible for the congresses, supervised by the congresses and report their work to the congresses. The relationship helps to carry forward the democracy, ensure the people to fulfill their rights as master of the country and enable the People's Congresses exercise the State power. In the meantime, the relationship improves the efficiency of decision making, making it possible for the country to gather resources for great causes, and prevent wasting of time and resources from filibusters. It has been clearly illustrated in the country's responses to a series of national emergencies in the past few years.

Swift response in disaster relief and the reconstruction after the earthquake

A devastating earthquake hit Wenchuan, Sichuan Province on May 12, 2008. The earthquake brought about great loss to the people in the disaster area and serious adverse impact to the economic and social development of the country. The tragedy jolted the hearts of the entire nation. The National People's Congress (NPC), based on its own characteristic, went all out in supporting the disaster-relief efforts by reinforcing legislative and supervising work, and fully demonstrated the political advantages of the socialistic system of gathering resources for great causes.

Just days after the earthquake, the Standing Committee of the NPC held a Chair-

People's Congress system balances democracy and efficiency

By Wang Tiemin



Vice-Premier Li Keqiang makes a report on earthquake rescue and relief in Wenchuan, Sichuan Province during the 4th Chairmen's Council meeting of the 11th NPC Standing Committee on May 22, 2008. NPC Standing Committee Chairman Wu Bangguo presided the meeting and made an important speech.

Rao Aimin

persons' meeting on May 22. After listening to a report from the State Council, the NPC Standing Committee decided to make some adjustment to its agenda as follows: listening to and examining the report submitted by the State Council on the disaster relief and reconstruction work, including the adjustment plan of the State Budget of 2008 into the program of the Standing Committee meeting in June; Postponing to August the review on the final accounts and auditing report of the central government of 2007, which should be reviewed in June. The NPC Standing Committee also decided to postpone to October the review on the draft amendment to the Law on Protecting against and Mitigating Earthquake Disasters, so as to absorb the experiences accumulated during the disaster relief and reconstruction into the relevant law and regulations.

To meet the financial demand for the disaster relief and reconstruction, the meet-

ing on May 22 made it clear that all work should be focused on recovering people's living. The meeting suggested using a major part of the stability preservation fund of the government budget to establish a reconstruction fund. The revenues and expenditures of the fund and its adjustment will be included in the government budget, and would be submitted to the NPC Standing Committee for approval. Prior to the approval of the budget adjustment plan, the needed earthquake-relief money can be directly appropriated from the State treasury to ensure a timely placement of the funding. The meeting also requested an increased monitoring and auditing of the use of the funds. The meeting also suggested the reconstruction plan and its implementation program be elaborated and relevant policies be clarified, so as to provide support to the reconstruction after the disaster and self-relief by restarting production.

While going all out to help with the di-

saster-relief efforts, the NPC also worked hard to ensure the country accomplish its economic goal of the year. The NPC Standing Committee passed a solution on June 26, positively commenting on the achievement in the earthquake relief work by the State Council and governments at different levels, and urging them to continue rescuing the wounded people, relocate the affected residents and push ahead with the reconstruction work. During the review, members of the Standing Committee pointed out that the earthquake and the extreme weather disasters in southern China earlier this year have brought about great difficulty to the national economy of the year. Under such difficult circumstances, the government should attach great attention and carry out timely researches, take concrete measures to deal with various problems emerging from the country's economic operation and strive for both the success on the disaster relief and the social and economic development. The government should also carry out carefully the preparation work for the Beijing Olympic Games despite the disasters of the country, making sure to host a unique and high-standard Summer Olympic Games in 2008.

After the first reading in the NPC Standing Committee in October, the draft amendment to the Law on Protecting against and Mitigating Earthquake Disasters was published for opinions and suggestions through principal news Medias, over 7,300 feedbacks were received. The relevant NPC special committees organized experts to do some on-site investigation and research in the earthquake-hit areas and solicit opinions of local officials and residents. Based on the feedbacks, the Standing Committee



Wu Bangguo, chairman of the NPC Standing Committee, conducts an on-the-spot research in Anhui Province on July 2-7, 2009. The picture shows that Wu visited a new energy auto show at the auto research institute affiliated with the Chery Automobile Co., Ltd. *Li Tao*

made some significant changes to the Law, including raising anti-earthquake standard of buildings, especially public institutions such as schools and hospitals. The revision also improved the earthquake emergency response system and optimized work in the relocation efforts and following reconstruction.

Gather the resources: actively dealing with the financial crisis

In 2009, China's economy development faced the unprecedented challenges after entering the 21st century, however it was also a year full of great opportunities. To deal with the adverse impact caused by the international financial crisis, China launched a series of important measures, including achieving a stable economic growth through expanding domestic consumption, changing the previous development mode and industry structure, intensifying reform and opening-up to revitalize social and economic development, solving social problems concerning people's interests, and ensuring social stability and harmony with fast and sustainable social and economic development. At the second session of the

11th NPC in March, Mr. Wu Bangguo, Chairman of the NPC Standing Committee, said the Committee must try its best to ensure the policies being carried out as planned. Besides, as the Supervision Law stipulates, the Committee closely watches and urges the administrative and judicial bodies to fulfill the commitment to their working goals, and the social and economic tasks of that year being accomplished.

To this end, the NPC Standing Committee chose four special topics out of the six central-government-investment directions, and organized investigations and researches, including economically affordable housing, livelihood projects on education and sanitation, technological innovations and scientific inventions, farming and irrigation system development. With each research team headed by a vice chairperson of the NPC Standing Committee, the researchers went out to check whether each region and department had earnestly implemented the central government's plans, working arrangements and policies be effectively carried out, and whether it complied with the standards set by the State on where the investment went, how the money was appropriated and spent, how fast the projects moved ahead, and what the effects were.

The NPC Standing Committee attached

great importance to this investigation and research project, carefully arranging and coordinating each of the programs. From the end of May to the beginning of August, over 40 committee members and NPC deputies, led by NPC Standing Committee chairperson Lu Yongxiang, Hua Jianmin, Ismail Tiliwaldi, Chen Changzhi and Yan Junqi, went to construction sites, farming fields, science institutions, schools and hospitals in 18 provinces, autonomous regions and municipalities of eastern, central and western China. They came up with 16 research reports, summing up achievements and problems in the State government's key investment projects, raising questions and putting forward suggestions to address the issues. This investigation and research campaign is an unprecedented in NPC in terms of its large scale, especially in the form of investigation and research programs on a certain topic.

In October 2009, the 11th Session of the 11th NPC Standing Committee listened to and examined the report submitted by the State Council on the arrangements of the central government's investment projects and their implementations, as well as the report of the investigation and research carried out by the NPC Standing Committee. The opinions and suggestions raised by the members of the Standing Committee were summed up in written forms, and passed to the State Council together with the research report. The State Council was asked to report back to the NPC Standing Committee in written form in certain period of time, detailing their action plan to solve the problems.

In general, this campaign has effectively helped urge the government to invest in necessary projects and spend accordingly, so as to prevent wasting resources in repetitive development or blind urban expansion, and make sure the central government's economic and social welfare policies were effectively carried out. It also demonstrated the political advantage of the people's congresses on gathering resources for great causes. ■

Luoba, inhabiting on the south slope of the Himalayas in Tibet, is the smallest ethnic group in terms of its population, less than 3,000 in total. Before Tibet was liberated, Luoba people lived in a slavery and primitive society. Today they are better-off and have their own deputy at the National People's Congress, Xiaohong.

Xiaohong always wears unique colorful ethnic costume decorated with glittering jewelries of various sizes. "Although Luoba has the smallest population, our suggestions and opinions are equally important when it comes to exercising our rights at the national level," she said. A few years ago she suggested upgrading infrastructure in Nanyi Luoba Township, Milin County. Today all roads, electricity network, housing projects and telecom system have all been completed.

"I want to be a bold, articulate, diligent, out-spoken deputy representing migrant workers."

Hu Xiaoyan, young, simple and plain, came to work in Foshan, Guangdong Province from a village in Sichuan Province years ago. She was later honored one of the "Top 10 Migrant Workers" of the city because of her extraordinary performance. She was elected a deputy of the 11th National People's Congress (NPC) in March, 2008, one of the first three NPC deputies representing millions of migrant workers.

Deputy composition indicates democracy in nature

By Xu Yan



Xiaohong is an NPC deputy from Luoba ethnic group in Tibet Autonomous Region, which is the minority with least population in the nation.

Jin Lidong

In March 2008, the list of 2,987 newly-elected NPC deputies was released. Average citizens and political analysts all noticed the positive changes in the NPC representation compared with the previous ones.

All ethnic groups have their deputies

Of all the 2,987 deputies, 411 ethnic group deputies accounted for 13.76 percent of the total. Every ethnic group has their own deputies. Those ethnic groups with very small population have at least one deputy.

In addition, there were 35 overseas returnees, 36 deputies from Hong Kong Special Administrative Region, 12 from Macao Special Administrative Region and 13 from Taiwan. In general, the deputies were elected in accordance with law, gained solid constituent approval and have extensive representation. They lay a sound organizing principal for the NPC to exercise the highest state power, guarantee their performance by law and perform duties .

More worker and farmer deputies

The proportion of worker and farmer deputies has gradually declined before the current NPC. In particular, production line workers and farmers were underrepresented. This aroused high degree of attention from both the central government and the 10th NPC Standing Committee. Thus the Fifth Plenary Meeting of the 10th NPC passed a resolution, stipulating that the number of production

line workers and farmers should be higher than the previous congresses.

The 11th NPC deputy composition indicated a drastic decline in the number of deputies with government background and drastic increase in the number of production line workers and farmers. The number of production line worker deputies doubled and that of farmer deputies climbed 70 percent compared with the previous congress.

The top legislature is supposed to represent people from all walks of life, including experts and specialists with abundant political experience as well as grassroots representatives who are straightforward and down to earth. They could bring more fresh ideas to the highest organ of state power.

Increased female representation

The 637 female deputies accounted for 21.33 percent of the total at the 11th NPC, an increase of 1.09 percent compared with the previous congress.

In a bid to implement the law on the election of people's congress deputies, the Fifth Plenary Meeting of the 11th NPC passed a resolution, prescribing a fixed male-female ratio of the deputies, the first of its kind in



Hu Xiaoyan, an NPC deputy representing migrant workers, answers reporters' questions during a press conference. *Liu Quanlong*

March, 2007.

An increased ratio of female deputies suggests more women have a chance to win a position in the highest organ of state power, which helps safeguard women's political, economic, cultural and social rights.

Migrant worker deputies debut

The first three migrant worker deputies became instant celebrities after they were elected at the first plenary session of the

11th NPC, first time in NPC history.

The 31-year-old Zhu Xueqin, migrated from Suining in northern Jiangsu Province to Shanghai in 1995. Over the course of 13 years, the migrant worker with a high school diploma was constantly learning technologies, foreign languages and management. She is now General Secretary of the Youth League and Vice-chairperson of the trade union at Shanghai Huari Garment Co. Ltd and has been granted a series of honors, such as the National Textile Worker Model and Shanghai City Labor Model.

The experiences of the other two migrant worker deputies also exemplified how migrant workers have worked hard to achieve success. Undoubtedly migrant workers have become an integral part of the country's workforce.

The presence of migrant worker deputies at the NPC well illustrates the country's democratic development. Average citizens hope that they could forward the wishes and aspirations of the migrant workers to the legislative body.

Higher education

The 11th NPC consisted of more deputies with higher education background. Of all the 2,987 deputies, 92 percent have a college degree and more than half have a master's degree. NPC deputy is a job that needs the capability to perform duties. The overall rise of the education level is the reflection of the overall quality of this term of NPC.

How much the citizens get involved in the political process indicates the democratic development of the country. People's congress, a fundamental part of China's political system, is one of the most significant and basic way of political participation. Elected deputies keep their jobs and positions, which help the constituent keep an eye on the deputies, facilitate communication and monitor their work. The deputies are expected to represent the citizens to manage the country. And the system is the most pragmatic, direct and effective way of political participation. ■



Kang Houming (second from right), an NPC deputy of migrant workers, discusses his proposal to be delivered to the NPC session with his colleagues at a dormitory. *Zhou Hengyi*

The entire mankind is not emancipated if women are not emancipated. There is no betterment in society as a whole if there is no progress in women's causes. President Hu Jintao

Review of law enforcement: A focus on women's quests

By Xu Yan

Chairman Mao Zedong once used a vivid metaphor “half the sky” to describe the importance of women, who make up half of the population in China. President Hu Jintao noted that women's extensive involvement and unwavering efforts are an indispensable part of the country's endeavor to build socialism with Chinese characteristics.

This year marks the fifth anniversary of the adoption of the Law on Protection of Women's Rights and Interests, the 100th anniversary of the International Women's Day and the 15th anniversary of the Fourth World Conference on Women held in Beijing. 2010 is also the last year to fulfill the goals of the country's 11th Five-Year Plan (2006-10) and the Program of Action for the Development of Women and Children (2001-10). An inspection on the enforcement of the Law on Protection of Women's Rights and Interests has been conducted as scheduled.

The Chairman of the NPC Standing Committee Mr. Wu Bangguo commented, “Protecting women's legitimate rights and interests and guaranteeing gender equality are crucial to the building of a harmonious society. The review of the law enforcement needs to specifically focus on the interests and quests of women from all walks of life, thus helping solve some pressing issues concerning women's development and rights protection.”

In late March and early April, six task forces were dispatched to Tianjin Municipality, Jilin, Shandong, Anhui, Guangxi and Shanxi. Four task forces were led respectively by NPC vice chairpersons Li Jianguo, Chen Zhili, Ismail Tiliwaldi and Yan Junqi. The primary task was to examine how women's political rights, working rights, and assets and wealth are protected since the revision of the Law on Protection of Women's Rights and Interests.

Women's political participation

Xin Chunying, vice-chairperson of the Legislative Affairs Commission under the NPC Standing Committee, was appointed by Chen Zhili on January 19 as the leader of the research project on highly talented females. Chen is Chairperson of All-China Women's Federation and one of the 13 vice



Li Dongdong, vice-minister of General Administration of Press and Publication, together with Li Ruiying, an anchorwoman from China Central Television, steps into the Great Hall of the People. The 3rd Session of the NPC Standing Committee kicked off on March 5. Liao Pan



chairpersons of the NPC Standing Committee. The program is designed to provide a set of policy recommendations for the growth of highly talented women.

In recent years, Chinese women's political participation has steadily increased. For instance, the ratio of female deputies at the 11th NPC rose 1.2 percent compared with the previous congresses. The ratio of female deputies at the 11th Chinese People's Political Consultative Conference rose 0.9 percent in comparison with the previous conferences. Female deputies account for more than 22 percent of each of 26 provinces, autonomous regions and municipalities' people's congresses.

The number of female cadres is also on the rise. Since 2005, female cadres account for 23 percent of the total. Since 2008 the ratio of female cadres above the provincial and prefecture level rose 0.3 percent. It is noteworthy that the ratio of newly recruited female public servants at the central government increased from 31.5 percent in 1999 to 42.5 percent in 2009. The number of female leaders at the village level rose 5 percent in 2008 from 2005.

Women are under-represented taken into account their role in the country's economic reform and opening-up and socialist construction.

However, the ratio of female deputies and cadres at all levels has yet to meet the requirements as prescribed by law. Moreover, only a few women have managed to become the top leaders of their organizations. Women are underrepresented taken into account their role in the country's economic reform and opening-up and socialist construction.

In an attempt to increase women's political participation, the task forces recommended a fixed female-male ratio of

government and elected officials. Some positions can be reserved for female candidates. Retirement rules concerning female intellectuals and cadres must be followed strictly.

Protection of women's rights and interests

In contrast to the bleak job market across the globe in the wake of the financial crisis, Chinese Government has worked to stabilize the female employment rate and re-employment of laid-off female workers. In 2008, the Employment Promotion Law came into effect. The law has an "equal opportunity" article, which stipulates that female should have equal access to jobs, services and benefits unless the State rules that some positions are not suitable for women. Rules and regulations issued by the Ministry of Human Resources and Social Security and supporting policies and regulations issued by local governments all explicitly stipulate that restrictions on women's marriage and child bearing shall not be included in work contract. Also the government has launched a series of policies to promote the employment rate of fresh college graduates and encourage employers to recruit female graduates.

Meanwhile, the country has been working to create new jobs. For instance, employers who hire laid-off women workers are to be exempted from some fees and taxes and eligible for subsidized health insurance. Women who open their own businesses can get small loans from banks. Human resources departments and women's federations have provided counseling and instructions to female job hunters. All measures and policies combined have helped stabilize the job market. By the end of 2008, there were 45.8 million female employees accounting for 37.6 percent of the total workforce.

The Ministry of Human Resources and Social Security has revised rules and regu-

lations on female workers' labor protection. Government agencies oversee whether female workers' special protection needs are met. Some local governments offer sample work contracts. By June 2009, 80 percent of more than 730,000 companies who have trade unions had signed agreements on the protection of women's rights and interests.

The ratio of maternity insurance policy holders climbed from 47 percent in 2005 to 60 percent in 2007 and the number of policy holders increased from 23.7 million in 2005 to 108.6 million in 2009. Growing insurance penetration has helped reduce women's work pressure.

However, women's rights and interests are violated from time to time. It is almost an unspoken rule to hire an equally eligible or even a less competent male job applicant. The employment rate of fresh female college graduates is apparently lower than that of their male counterparts. Rules on female employees' work safety and hygienic protection are not strictly followed in some places. Retirement regulations on talented female intellectuals and cadres are not implemented in some regions. A woman with the same educational background has a shorter career length, or about 86.8 percent of her male counterparts. Moreover, women's retirement five years earlier than men is one of the major factors leading to an apparently low proportion of high-level female cadres.

To tackle these issues, the task forces suggested stronger government oversight, enhancing the protection of women's work safety and health, punishing those who violated related laws and regulations and those who are negligent, and further fighting against biased employment practices. By the end of 2010, 90 percent of working women should have maternity insurance.

Rural women's land contracting rights

Rural women's land contracting rights are often violated also, inspectors found. Specific rules and regulations have been



Cai Xinglin, a 51-year-old Qiang minority in Maonian County, Sichuan Province, showcases her skill of embroidery on January 11. *Yang Guang*

implemented, management of land contracting has been enhanced and dispute settlement mechanisms have been set up to protect their legitimate rights. Land dispute cases dropped 45 percent from 2005 to 2009.

However, violations of women's land contracting rights are rampant in some areas such as the rural-urban fringe and

where land requisition frequently occurs. In some areas women get a smaller share of land, whose land is taken back after they were married or widowed. Besides, women get less or even no compensation after their land was requisitioned and some village committees restricted women from getting equity earnings from the cooperatives.

Accordingly the task forces recommend clarifying eligibility for the memberships of cooperatives, enhancing management and providing further legal assistance. Currently the NPC Standing Committee is reviewing the village committee law. The task forces recommend adding an article to examine legitimacy of village rules.

The Internal and Judicial Affairs Commission under the Standing Committee of the National People's Congress has analyzed and summarized the review by the six task forces and submitted a report to the Standing Committee and made further suggestions in a bid to solve some pressing issues. According to the report, the country needs to promote the awareness of gender equality as a national policy and take it as a guiding principle for various missions and further improve women's rights protection mechanism, including dispute settlement and a way to voice their concerns. ■



A woman farmer harvests rice in Guangxi Zhuang Autonomous Region. *Liu Guangming*

In terms of the construction of the rule of law in China, 2010 is a year of special significance. A series of vitally important laws will be put into place this year according to the legislation plan of the Standing Committee of the National People's Congress. The Tort Liability Law that is expected to take effect on July 1, for example, is another major civil law after the passing of the Unified Contract Law and the Property Law. It will become an integral part of the socialistic legal framework. The amendment to the Renewable Energy Law, in the meantime, will further improve the various regulations to promote new energy industries, and open a "green tunnel" for renewable energy development.

Besides, a draft revision to the Law on Statistics, the Law on the Mediation and Arbitration of Rural Land Contract Disputes, and the Island Protection Law, will also be effective this year, consolidating the foundation of a society ruled by laws. Actually, these are still part of the laws and regulations to be in place this year. According to the five-year legislation plans of the Standing Committee of the 11th National People's Congress, many more laws or drafts will be submitted, passed or put into force this year, further improving the socialistic legal framework with Chinese characteristics. We'll help you review the highlights of the new laws to be effected in 2010.

Laws to effect in 2010

Amendment to the Renewable Energy Law – Optimizing the procurement system

- Power grid operators should buy all the electricity that meets the procurement standards
- Setting up renewable energy development foundation



River water flows through the Three Gorges Dam, which was listed as one of the top 10 projects of renewable resources by the Scientific American magazine. Du Huaju

The Amendment to the Renewable Energy Law, passed in December last year at the 12th session of the Standing Committee of the 11th National People's Congress NPC, added stipulations of a central-planning system of the exploiting and using of various renewable energy resources, and will establish a national system to guarantee the procurement of renewable power generation. The amendment took effect on April 1 this year.

The renewable energy resources, including wind, solar power, hydropower and biomass energy, are bounty in many regions of the country. They generate little pollution and are renewable. Statistics show that China is one of the fastest-growing country in using new energy and renewable energy, with the capacity of hydropower generation, areas of solar water heaters, and capacity of solar power generation ranking No.1 in the world. However, the renewable energy industry has been facing persisting problems, such as a failure to get all the electricity purchased by power grid operators, and vagueness in who will compensate for the price difference between renewable energy and conventional energy.

According to experts, although the 2006 Renewable Energy Law promised the procurement of all renewable energy power capacity, it did not make clear the rights and responsibilities of power plants and power grid operators. The government had no effective measures to ask the power grid operators to fulfill their commitment to the power plants.

The amendment has made it clear that the State Council energy department, in conjunction with the State power regulatory agency and the finance departments, should consider the plan of

the country's renewable energy development, and determine the proportion of renewable energy power generation to the overall generating capacity for a certain period of time. The authorities will also make detailed plans as to how the power grid operators should prioritize on the electricity from renewable energy. The State Council energy department and the nation's electric power authority will be responsible for supervising the implementation of these regulations.

The amendment stipulates that power grid enterprises should sign contracts with renewable energy power plants that have properly obtained administrative permits or have registered with authorities, purchase the full capacity of electricity within the range of the power grid. The power plants, on the other hand, are obliged to ensure the safety of the power grid.

"Grid companies should expand the scope of distribution of

power generated from renewable energies, develop and apply such technologies as smart power grids and energy storage, improve their management of power grid operation, enhance their capabilities for taking up electricity generated from renewable energies, and provide grid connection services for electricity generated from renewable energy," according to the amendment, which is aimed to make sure all the electricity produced by renewable energy power plants be purchased by grid operators.

The amendment also says the government can set up development foundation financed by special project funding from the State budget of the fiscal year, as well as additional income from renewable energy electricity consumption charges. This is an effective measure some other countries have taken to promote the development of renewable energy.

Law on the Mediation and Arbitration of Rural Land Contract Disputes – Combining mediation and arbitration

- Mediation plays an important role
- Good for people to resolve disputes locally
- Arbitration procedures stipulated in details

After three times of reading, the Law on the Mediation and Arbitration of Rural Land Contract Disputes, a law closely related to farmers' work and life, has been passed at the ninth session of the Standing Committee of the 11th National People's Congress. It took effect on January 1 this year.

This is another law specially made for rural land contracting, which marks a step further to complete the legal framework of rural land use.

Based on the actual situation in the rural areas, and aimed at providing convenience to rural people, the law combines mediation and arbitration, recognizes the legal status of arbitration organizations, clarifies the legal effect of arbitration decisions and specifies the principles and procedures of mediation and arbitration. It provides legal ground to fairly and timely resolve rural land disputes and protect legal rights of involved parties.

Mediation is a special Chinese way of resolving disputes. Previous cases show that mediation existed in the whole process of dispute resolution.

The law stipulates that governments of village and township levels should strengthen their work in rural land contract dispute mediation, helping the involved parties to reach an agreement and



The promulgation of Law on the Mediation and Arbitration of Rural Land Contract Disputes indicates the improvement of the law system on rural land contracts. Zhang Ailin

resolve their disputes. The mediation should not infringe upon national interests, public interests or other people's legal rights. It should not break any law.

The law has made it clear that when mediating rural land contract disputes, local governments should listen carefully to the statement of involved parties, explaining relevant laws and government policies to them, helping them reach an agreement. If an agreement is reached, local governments should provide an agreement draft letter for the two parties to sign.

In order to standardize the application and handling procedures of arbitration, so that people can locally, timely and effectively resolve their disputes, this law has specified the types and conditions of cases acceptable, and has simplified the procedures.

According to the law, a person should submit an application letter to the arbitration committee at where his disputed land is located, either by postal mail or assigning other people to deliver. If one has difficulty in writing an application letter, oral application is permitted. The arbitration committee will put the application in written form, which needs to be approved by the applicant with signature, stamps or finger prints.

The Law on Statistics – a system to ensure the quality of statistical data

- Preventing administrative interference
- Liability system for statistical data quality
- Intensified punishment in statistics quality incidents

The top legislature passed the new Law on Statistics on June 27 last year. It took effect on January 1 this year.

The new law has made breakthroughs in areas such as inspection and supervision, punishment, specifying illegal behaviors and holding people responsible.

The law stipulates that when collecting data, the government departments, agencies and other organizations should follow legal procedures, keeping original records, establishing a complete system of signing, transferring, archiving and reviewing the files.

It also stipulates that the data-collecting agencies and personnel should follow their professional codes and legal procedures, faithfully collect and report the materials, never forge or tamper with the data, and never ask any organization or individual to provide false information.

The law makes the punishment of statistical fraudulence more feasible. Drawing on experiences from other countries, the law changes the description of “exaggerating, hiding, faking and modifying data” into “providing false or incomplete data,” and raise the maximum fine on malpractice by enterprises or government institutions from 50,000 yuan to 200,000 yuan.

The law gets tougher on statistical data collectors, stipulating that those who fake or modify data, or ask the subjects to provide false information, will also be legally held responsible.

The law also makes clear the government’s right to examine certain information. It stipulates that government agencies, enter-

The arbitration site also reflects the principle of providing convenience to the people. The law stipulates that the arbitration can take place at the village where the disputed land is, or at where the arbitration committee is. If both parties concerned want the arbitration to be held at their village or township, the arbitration should be held at the village or township.

To reduce the financial burdens of the rural people, the law also stipulates that the arbitrators should not charge any fees from the parties concerned. Expenses in arbitration work is included in government budget.



Abacus is the most-widely used computing tool before the appearance of Arabic numbers. Chinese people invented the tool more than 2,600 years ago.

CFP

prises and other organizations should follow State rules to keep original records on various activities and transactions, complete procedures in examining, signing, transferring and archiving files and documents.

The law has reduced the power of local governments to examine and approve statistical results from county and lower-level governments, so as to make sure the data is not tampered with in the middle of the data-collection procedures.

The law specifies the types of illegal behaviors and their legal liabilities. Institutions that provide false or incomplete data, will be fined for 50,000 yuan or less. Those with serious violations can be punished by a fine between 50,000 yuan and 200,000 yuan. Individual business owners is punishable by a fine less than 10,000 yuan.

Tort Liability Law Emphasizing protection of citizens' legal rights

- Compensation for mental distress, for the first time
- Internet liability to protect privacy
- Balancing rights between both patients and medical professionals

After four times of reading spanning two terms of the National People's Congress, the Standing Committee of the 11th NPC passed the Tort Liability Law (Tort Law) on December 26 last year, which is to take effect on July 1 this year. The Tort Law, including 12 chapters and 92 articles, covers a wide range of civil rights and interest – right to life, right to health, right to privacy, right to marital autonomy, and inheritance right. The law also stipulates about a series of important liabilities concerning the people's civil rights and livelihood, including product liability, traffic accident liability, medical malpractice liability, environmental pollution liability, Internet service provider liability, animal raising liability, mental damages – many of which are covered in a Chinese law for the first time.

Article 22, for example, stipulates that a person can ask for compensation for mental distress. It is the first time that a law has explicitly provides for liability on mental damage in China.

Wang Shengming, vice Chairman of the Commission of Legislative Affairs of the NPC Standing Committee, said at a news briefing after the passing of the Tort Law that China's laws used to include provisions about compensations for death and disabilities, but do not elaborate on what should be included and how to calculate the compensations. The Tort Law has for the first time made it clear about the amounts of compensations.

However, compensations for mental distress are strictly limited to infringement upon rights to life, health, reputation and privacy. They do not include property damage, which should be compensated based on the losses in property damage.

Provisions about the protection of people's right to privacy is a big step forward of China's laws. The Tort Law stipulates that for Internet users' tortious conducts, victims can ask the Internet service provider to delete or block the content, or disconnect Web links to the content. If the Internet service provider failed to take any action after the notice, it will also be liable for further damage. Experts said these provisions meet the demand of the progress of times by protecting citizens' legal right to privacy.

The Tort Law has special articles about medical malpractice



The promulgation of Tort Liability Law, which is regarded as a leap forward of Chinese legislation, aims to enhance the protection of personal privacy.

CFP

liability. Based on the principle to protect the rights of patients as well as the rights of the medical institutions and professionals, and to promote the development of medical services, the Tort Law stipulates that medical accidents resulted from defects in medicines, medical facilities or blood products, the patients can ask for compensation from manufacturers or medical institutions. If the patients ask for compensation first from a hospital, the hospital remains the right to seek further compensation from the manufacturers or blood suppliers. These provisions will largely help with the persisting disputes between hospitals and patients in China.

The Tort Law added new provisions that for harms caused by the collapse of a building, developers and construction companies should take joint liability for the safety of their buildings. After seeking compensations from the developers and construction companies, victims remains the right to seek further compensations, if more parties are found responsible with the accidents. This is a timely revision of the law after a 13-floor building collapsed at the Lotus Riverside residential complex in Shanghai last year, which killed a worker.

Island Protection Law – Island ecosystem protection highlighted

- Island protection integrated with land use planning
- Development of inhabited islands prioritizes on renewable energy



Zhang Hui, a PLA soldier, plays guitar at Chigua Reef, Nansha Islands after training on April 8. Nansha Islands lie at the southmost area of China. *Zha Chuanming*

The Island Protection Law passed by the 12th session of the 11th NPC Standing Committee took effect on March 1 this year. The law lays out regulations about the protection of the ecosystems on inhabited islands, uninhabited islands and special-use islands, in a bid to improve the ecosystems on the islands and in the seas around them, standardize the development and use of natural resources on the islands, and protect the country's rights and interests on the seas.

The country's development of islands have been accelerating in recent years, reaching certain level in terms of their scales and technological advancement in the development of port operation, tourism and energy. Experts pointed out that in the economic and

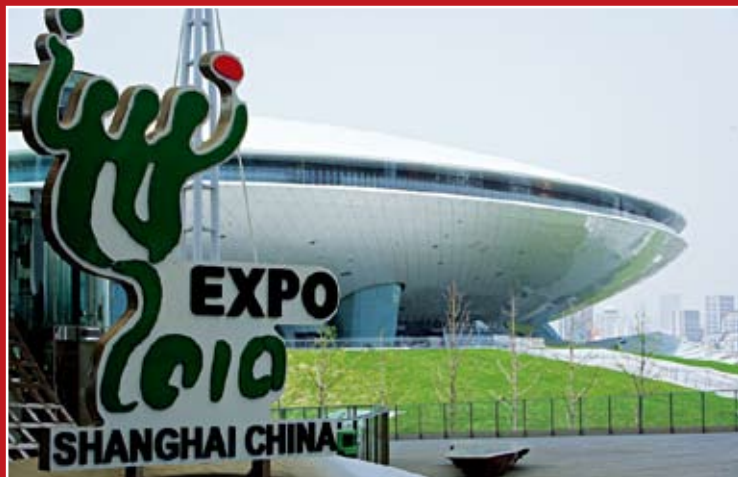
social development of seas, islands will play an important role. The island economy needs a scientific plan of protection.

The Island Protection Law has laid the ground for the country's protection and development of islands in the future. The law stipulates that island protection plans must be based upon principles of protecting and improving the ecosystems on the islands and in waters around them, and must ensure the sustainable development of island economy. The country's island protection plans should be connected with the country's plans on land uses and development of cities and towns.

According to the law, when developing inhabited islands, an assessment on the land, water and energy resources on the islands must be conducted, so is the environmental impact assessment. The development and construction projects should not exceed the capacity of the environment. New projects or renovation projects must meet the standards in pollution emission and land and water use limitations. Wind power, ocean power, solar power and other renewable energy sources must be top priority when developing inhabited islands. The development should also prioritize on rainwater collection, sea water desalination and used water recycling. Development of inhabited islands and nearby sea areas should be banned or limited, and measures must be taken to protect the habitats of island species, in order to prevent the decease of island vegetation and ecosystem variety.

The law also stipulates that development projects on inhabited islands should have a clear plan before starting the construction, and ecosystem protection facilities must be built before or together with the construction projects. If a construction project has left damage on the ecosystem, the developers must be responsible to repair it; if they failed to remedy the damage, local government must order them to stop construction, and ask relevant departments to see the repair procedures. All expenses in the repair must be paid by the developers who cause the damage.

A significant number of islands in China are not inhabited by people. In order to deal with current situation of uninhabited island development that often has no plan, no limitation or no charges, the Island Protection Law makes it clear that uninhabited islands are owned by the State government, and the State Council has the ownership in representation for the country. The unauthorized development of uninhabited islands must keep their status quo; activities on quarry and sand processing, forest felling, manufacturing, construction and tourism should all be banned. ■



Firework performance at the opening ceremony of the 2010 Shanghai Expo, which is being held in Shanghai from May 1 to October 31. Delegations from more than 240 countries and regions are expected to participate in the event, which is themed on "Better City, Better Life".

Some venues of the Shanghai Expo Xinhua and CFP



Rebuilding efforts in quake-stricken Yushu blueprint brings new hope

By Zhang Baoshan

April used to be a vigorous season for Qinghai-Tibet Plateau, but not this year. At 7:49 am on April 14th, 2010, a powerful earthquake of 7.1 magnitude struck the Tibetan Autonomous Prefecture of Yushu in Qinghai Province, toppling numerous houses and causing thousands of peo-

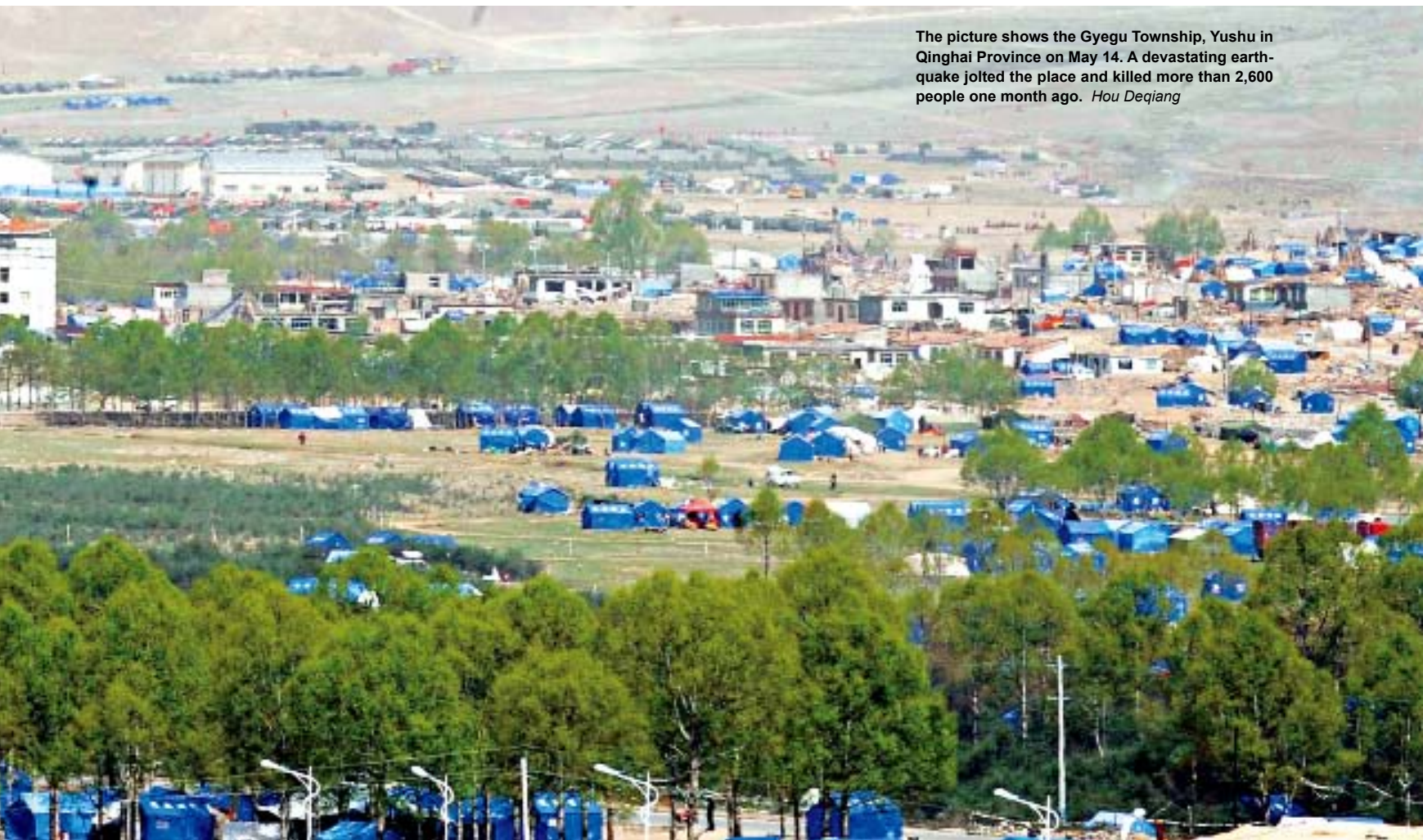
ple missing.

Till 5 pm on April 21st, the death toll had risen to 2,187, with 80 still missing and 12,135 injured, among which 1,434 were in serious condition. The quake had left 15,000 houses flattened and about 100,000 people to be resettled.





An airplane stays at the Batang Airport in earthquake-stricken Yushu on May 12, when the civil aviation was restored. *Hou Deqiang*



The picture shows the Gyegu Township, Yushu in Qinghai Province on May 14. A devastating earthquake jolted the place and killed more than 2,600 people one month ago. *Hou Deqiang*



The 11th Panchen holds a religious assembly on May 14 to pray for the people died in the earthquake one month ago in Yushu, Qinghai Province. *Li Xueren*

Rescue efforts after the disaster

When the calamity took place, President Hu Jintao was on a visit abroad after attending the Nuclear Safety Summit in Washington DC. Once heard the news, Hu immediately called an urgent meeting with accompanying ministers to analyze the situation about Yushu. On that meeting, Hu called for all-out efforts to save lives and required relevant authorities to step

up earthquake monitoring, forecast and precautions, provide assistance to the affected people and maintain social stability in the region.

After that, Hu decided to shorten his overseas visit and return home ahead of schedule. “The Chinese government is organizing an anti-earthquake campaign,” Hu said. “At this hard time, I must go back to my country and stand side by side with my people to conduct rescue efforts.”

Immediately after the earthquake, Ma Kai, Member and Sec-

retary General of the State Council, reported the information through telephone to Wu Bangguo, Chairman of the Standing Committee of the National People's Congress (NPC). Wu then immediately made a phone call to give important instructions about the rescue to Qiang Wei, who is the Party Secretary of Qinghai Province and Chairman of Qinghai Provincial People's Congress Standing Committee. After that, Wu wrapped up his research tour in Jilin Province and returned to Beijing, where he chaired the 42nd Chairmen's Council of the Standing Committee of the 11th NPC on the same day.

During the meeting, the participants expressed their condolences to those who died in the disaster, sympathy for the victims and respects to the soldiers, armed police and local people who were busy rescuing in Qinghai. They were firmly confident that the local people in Yushu would achieve final success in overcoming the disaster under the support of the whole nation and under the leadership of the CPC Central Committee.

In face of the devastating earthquake, Premier Wen Jiabao postponed his planned visit to Brunei, Indonesia and Myanmar from April 22 to 25. On April 15, he flew to Yushu to condole with the affected people and oversee the rescue efforts.

Several hours after the disaster, the State Council promptly initiated the first-degree national disaster response mechanism and set up a quake-relief headquarter, headed by Vice-Premier Hui Liangyu. A total of eight work groups were established to take charge of emergency and rescue, food and accommodation, sanitation and epidemic prevention, infrastructure and production restoration, earthquake monitoring, public security, publicity and comprehensive coordination. Hui, who was entrusted by President Hu and Premier Wen, together with officials from the State Council, military and armed police, rushed to the disaster area on the noon of April 14th.

Since then, rescue in large scale started under an extremely serious situation. For instance, because of the quake, about 15,000 residential buildings were flattened in Gyegu town near the epicenter and many people were believed to still be trapped under the rubble.

Tibetan woman Jang La, 43, told Xinhua News Agency at a medical tent that she was buried for more than 50 hours and had no access to food and water.

"I thought no one would manage to save us and I became hopeless, but as I yelled again and again for help, they came and rescued us," Jang said.

Medical attendant Jiao Xiaojie said Jang's hips were crushed under fallen masonry, but her condition appeared stable.

A string of survivors on April 15 were sent to the emergency tents for treatment at Gyegu. Trucks carrying the sick and the injured zigzagged out of the mountainous region to the provincial capital of Xining.

Reconstruction planning, which was urgently expected, carried hopes and dreams of thousands of families.

"The first 72 hours offers the best chance for survival after a calamity strikes," said Xi Mei, a medical attendant with the China International Rescue Medical Team.

Most of the Yushu population is Tibetans. What's particularly worth mentioning is that local Tibetan people including many Tibetan monks voluntarily joined hands with the PLA soldiers and other rescuers to fight against the adverse situation and save victims. The Chinese government fully respects local religious beliefs and customs, and has been offering psychological counseling to the victims. Prayer ceremonies for the quake-affected people were held both in Yushu and Beijing. On April 20, the 11th Panchen Lama hosted a prayer ritual for the victims in the Xihuang Temple in downtown Beijing to guide the souls of those who died in the earthquake to heaven.

After the disaster, the Chinese Government mobilized all available resources such as personnel and material support to the quake-hit region. In general, the rescue and relief efforts,



Employees of the China Railway 21st Bureau work at earthquake rescue and relief center at the Xining North Cargo Transportation Station in Qinghai Province on May 29. Hou Deqiang

which are timely, strong and effective, have played an important role in minimizing losses, resettling the local people and maintaining social stability.

By April 20, the Chinese Government had allocated 500 million yuan (\$72 million) to support the quake-relief efforts in Yushu, which includes evacuations, resettlement, medical care, disease prevention, infrastructure repairs and the re-opening of schools. By 4 p.m. on April 20th, 34,468 tents, 77,402 cotton quilts, 55,407 cotton-stuffed coats, 1,106 tons of drinking water and instant noodles had been sent to quake zone.

After the earthquake, the international community generously provided support for the rescue and reconstruction efforts of the Chinese people. Overseas Chinese community and Chinese students made generous donations to their fellow countrymen as well.

We are confident that backed by the Chinese Government and the whole nation, as well as strong support from the international community, people in Yushu will overcome the disaster and rebuild their homes.

Reconstruction plans mapped out

On May 11th, the reconstruction headquarter was established in Yushu, which brought the rescue efforts into a new phase. A brand-new Yushu will renascence on the same place.

On May 4th, which was the 20th day after the earthquake, cornerstone laying ceremonies were held in Trangu and Ganda villages in Gyegu, which had been flattened during the earthquake.



Employees of the China Railway 21st Bureau grind the road of the earthquake rescue and relief center at the Xining North Cargo Transportation Station in Qinghai Province. Hou Deqiang

According to the reconstruction plan, Yushu will finish major projects in three years and develop itself as city with flourishing culture, prosperous tourism and trade on the plateau in another two years. We believe, the cultural heritages in Yushu will be better preserved in the future.

On the morning of May 12th, a grand ceremony was held at the stadium of Gyegu, with tens of thousands of people made an oath to rebuild the region.

Reconstruction planning, which was urgently expected, carried hopes and dreams of thousands of families. Departments of land, planning, environmental protection, water resources, agriculture, commerce and health at national, provincial, prefectural and county level mobilized their resources for the reconstruction planning. Residents in earthquake-hit area eagerly made proposals and suggestions as well.

Though the reconstruction faced the difficulties of high altitude (3,700 meter above the sea level), rugged terrain, frequent aftershocks as well as the cold and volatile weather, relevant departments in charge of planning finished the general blueprint of rebuilding Yushu only within one month. At the same time, detailed plans were under discussion and drafting.

On May 12th, a meeting was held to solicit opinions from departments and representatives in Gyegu about the reconstruction plan. This was the first time that the reconstruction plan was publicized among local people.

After discussion and deliberation, representatives reached a consensus that the design of the new neighborhoods will be according to the principles of giving priority to people's livelihoods and conserving the ecological system, while respecting residents' religious beliefs and indigenous ethnic culture. Efforts will be made in building Gyegu Township into a new city based on culture, tourism and environment protection.

Efforts to protect cultural heritage

Located in the origin of three rivers, Yushu has more than



Teachers distribute answer sheets at an examination room in Gyegu Township, Yushu in Qinghai Province on June 7. More than 1,000 examinees participated in the national college entrance examination at makeshift rooms. *Zhang Hongxiang*

2,000 mountains that sits more than 5,000 meters above sea level with many cultural heritages, including the temple of Princess Wencheng, who is credited with making contributions to improve relations between Han and Tibetan ethnic groups during the Tang Dynasty (618- 907). However, some of the heritage sites were destroyed during the earthquake including the Gyegu Temple, the biggest Tibetan Buddhism temple in Yushu, with a history of more than 500 years.

After the earthquake, the Ministry of Culture allocated 3 million yuan (\$439,110) as emergency aid to Yushu to save cultural and historical sites.

Major General Li Jun, director of the political department in

the military district of Qinghai Province, told the Guangming Daily that the People's Liberation Army and People's Armed Police would try their best to save and protect Tibetan cultural heritages.

"All destroyed cultural heritages will be rebuilt with top level standard," said Wang Jianping, a deputy director of the provincial culture department.

According to the reconstruction plan, Yushu will finish major projects in three years and develop itself as city with flourishing culture, prosperous tourism and trade on the plateau in another two years. We believe, the cultural heritages in Yushu will be better preserved in the future.

Xinjiang eyes new development opportunities

By Zhang Baoshan

On May 17-19, the Central Committee of the Communist Party of China and the State Council held a work conference on the development of Xinjiang Uygur Autonomous Region in Beijing. Chinese national leaders including Hu Jintao, Wu Bangguo, Wen Jiabao, Jia Qinglin, Li Changchun, Xi Jinping, Li Keqiang, He Guoqiang and Zhou Yongkang, attended the conference. President Hu delivered a keynote speech and Premier Wen made a lecture on the strategic development

of Xinjiang. The conference was held at a crucial time, when the region enjoys great opportunities as well as faces important challenges. The conference summed up the achievements and experiences of the region since the establishment of New China, especially after the reform and open-up policy was launched. It tackles the situation and tasks of Xinjiang, hammering out the guidelines and requirement for a strategic and leap-forward development and long-term stability.

A scenery spot in Xinjiang Uygur Autonomous Region. *Xinhua*



Guidelines

The guidelines for the current and future work in Xinjiang are as follows: Deepening the strategy of stabilizing and developing Xinjiang, strengthening the boundary and enriching the people's life. Sticking to the scientific development policy to solve all the difficulties and sticking to the opening-up and reform policy to accelerate its development and keep the maintenance and improvement of the social welfare as the starting point and the purpose of all our work. Sticking to the ethnic unity for the long-term stability and to the stability for the social development. Pushing forward the leapfrog development and long stability.

Goals and tasks

The goals and tasks for future work in Xinjiang include: By 2015, per capita GDP in Xinjiang should catch up with the country's average level and the residents' income and their access to basic public services reach the average level of the country's western regions; Obvious improvement must be achieved in the region's infrastructure, self-development capacity, ethnic unity and social stability in five years; Xinjiang should fulfill all the demands of achieving a moderately-prosperous society in all aspects by 2020 by promoting coordinated regional development. People's living standards should be improved drastically and an eco-friendly environment should be maintained in the region. All in all, a well-to-do society should be realized by that time in Xinjiang.

Highlights

Eliminate absolute poverty by 2020

During his speech, President Hu pointed out that focal efforts will be made to ensure and improve the welfare of the people and speed up their living standards. Both the central government's investment and aid funds from supporting provinces are to be used in improving the living and working conditions of all ethnic groups. Increased income from the resources taxation reform will mainly be used to improve the welfare of the people. Resources development should benefit directly to all ethnic groups in Xinjiang. Measures on implementation of anti-poverty policies on low-income families will be taken so that absolute poverty can be eradicated by 2020.



A bustling street in Urumqi, capital of Xinjiang Uygur Autonomous Region. CFP

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Enhancing partner assistance to Xinjiang

Social undertakings and welfare should be accelerated in Xinjiang in order to establish a social security and assistance system to cover all the residents both in rural and urban areas as early as possible, Hu told the conference. By 2012, a basic health care system should be set up so that all ethnic groups can lead a modernized life. To accelerate the institutional reform and opening-up domestically and to the outside of the world. Give a full play of the market in resources distribution and support the economical and technical cooperation between

Xinjiang and the inland provinces. Measures on broadening the boundary open-up policy should be implemented to build it into a major gateway as well as a base for opening-up to the world. Partner assistance between Xinjiang and other provinces will be encouraged.

Combating separatists

Hu said managing Xinjiang well under the new circumstances is a strategic imperative in the central government's overall work. Despite Xinjiang's rapid development in recent years, it still lags far behind the country's economically-developed eastern regions due to historical, natural and social reasons, he said. At the same time, forces of separatists do exist, scheming to split it from the motherland. So it demands all the work under the new circumstances should be implemented around the leap-forward development and long-term stability. Hu urged no efforts should be spared in implementing the Party's ethnical and religious policies as well in opposing and striking down on all ethnic separatist forces.

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Taking the lead to launch resource taxation reform

Premier Wen said at the conference that under the new circumstances, more referential policies are to be adopted to accelerate the social development in Xinjiang. Xinjiang will be the first in China to start reform of resource taxation: Levying taxation on crude oil and natural gases by price rather than volume. Under another tax policy to be introduced, qualified enterprises in impoverished areas in the region will be exempted from income tax for two years and allowed a 50 percent reduction for another three years. He said the supportive policies will also apply to the Xinjiang Production and Construction Corps (XPCC), the XPCC will continue to enjoy preference in receiving central government investment, which will more than double the total investment in fixed assets in the region over the next five years compared to the previous period. The





Natural scenery in Xinjiang
Uygur Autonomous Region
and life of local people.

Xinhua and CFP





The 10th Xinjiang Auto Show opens at the Xinjiang International Exhibition Center in Urumqi on June 3. CFP

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government will encourage joint-equity commercial banks, foreign banks, and banks of various kinds to open outlets and branches in remote areas.

Amount and scale of construction land should be enlarged and the entrance criteria for certain businesses with strong regional market needs as well as those with resource advantages will be lowered, Wen said.

With all China's efforts to construct Xinjiang

Wen Jiabao also gave out specific plans for future economic and social development work. He called on accelerations on the social construction to improve the welfare of the local people and to help the development of poverty-stricken regions. He also stressed the construction of infrastructure and ecological environment. The domestic and international opening-up policy in Xinjiang should be broadened at strategic level to make it a bridgehead of the western regions. Efforts also

should be made to improve the comprehensive construction of the XPCC so that it plays a unique role in maintaining stability of Xinjiang.

Wen said, with all China's efforts, "we will try to make Xinjiang better and better."

Analyses

The conference plays a strategic function in sustaining economic development long-term stability and unity in Xinjiang

During the work conference, the CPC Central Committee brought out the development goals and tasks for the upcoming 5-10 years in Xinjiang. Wei Houkai, director of Research Center for the Development of Western Regions, Chinese Academy of Social Sciences, said that it would not be very difficult for Xinjiang to realize these goals thanks to the national preferential policies as well the partner assistance.

Jiang Zhaoyong, a scholar who has been studying on Xinjiang issues for many years, echoed that the conference provided a crucial opportunity for Xinjiang's development in. It has strategic meaning for the leap-forward development and long-term stability in the region.

In Wei's opinion, the economic development and the one-to-one assistance from other provinces will accelerate the exchanges and unity of different ethnic groups and cultures. During the process, economy is to play a crucial role. According to our past experiences, economic development in coastal regions through opening-up and development has brought stability to these regions.

Supportive policies indicate the CPC Central Committees' resolution

Jia Kang, director of Institute of Fiscal Science under the Ministry of Finances, said the supportive policies, together with the resources taxation, from the CPC Central Committee are human-oriented and on the basis of the region's situation. Such a movement shows the strong resolution of the Party in pushing forward Xinjiang's development.

When asked how Xinjiang will develop itself in the future, Wei noted that detailed measures should be worked out between different organizations. For example, he suggested that Xinjiang should map out correlated policies according to different areas in the regions.

Taking Urumqi as an example, Wei said it should play the function of a central city by constructing a city cluster in its north, which relies on the development of industries and on the processing industry and trade.

Partner assistance benefits both Xinjiang and other provinces

Before the conference, 19 provinces and municipalities went to Xinjiang to conduct researches. It is reported that the total amount of assistant funds from these areas have surpassed 10 billion yuan. That is to say each province (or municipality) will only burden half a billion yuan, Wei said, adding that is not a large figure, but it will definitely bring great opportunities for Xinjiang's development in.

Wei suggested that Xinjiang should establish a long-term and effective mechanism to enable the region and other provinces to learn from each other's strong points.

For example, Xinjiang is rich in energy resources and most of its industries are resources-based. As a result, the industry chains are very short and resources will have been transported to other places after mining. In this case, measures should be taken to increase the self-development ability in the region.

Reforming resource taxation to increase the region's financial income

Xinjiang takes the lead to conduct pilot resources taxation reform. Professor An Tifu from the School of Finance, Renmin University of China, said that tax collection is a very important factor for the regional economic development. Xinjiang is rich in natural gas and oil resources. But its location in the remote western region makes its economy grew slowly. At the same time, resources taxes are regional taxes and the reform will increase the regional financial income for the local government. Such a measure will provide more supports for the development of region's public welfare and benefit social stability and ethnical unity as well.

Besides, the main consumers of resources are in eastern coastal regions, the reform of resource taxes in Xinjiang will help narrow the income gaps between the eastern and western regions. ■



An employee works at a GRP pipeline workshop in Hami, Xinjiang Uygur Autonomous Region on June 22. A number of large-scale companies from other provinces and regions flood to invest into the region after the central government urged more partner aid toward Xinjiang. CFP

NPC

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