

全面推进依法行政实施纲要

**Outline for Promoting Law – based
Administration in an All-round Way**

Outline for Promoting Law – based Administration in an All-round Way *

This Outline is made in accordance with the Constitution and relevant laws and administrative regulations to carry out the basic strategy of governing the country according to law, act in the spirit of the 16th National Congress of the Communist Party of China (CPC) and the Third Plenary Session of the 16th National Congress of the CPC, adhere to the principle that administration is exercised for the people, promote law-based administration in an all-round way, and build the government up into one that is ruled by law.

I . Importance and Urgency of Promoting Law-based Administration in an All-round Way

1. The importance and urgency of promoting law-based administration in an all-round way. Since the Third Plenary Session of the 11th National Congress of the CPC, outstanding achievements have been made in the building up of socialist democracy and the legal system in China. The basic strategy of governing the country according to law and making it a socialist country ruled by law, established at the 15th National Congress of the CPC, was written into the Constitution in 1999 at the Second Session of the Ninth National People's Congress. Remarkable progress has also been made in law-based administration which forms an important component of the strategy of governing the country according to

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law. Since the State Council issued the Decision on Promoting Law-based Administration in an All-round Way (Guofa [1999] 23) in November 1999, the governments at all levels and their working departments have been working to enhance institutional development, strictly enforce administrative laws and tighten supervision over administrative law-enforcement, thus steadily increasing their abilities to handle governmental affairs according to law. The 16th National Congress of the CPC made developing socialist democracy and promoting socialist political civilization as an important goal for building a well-off society in an all-round way, and called in definite terms for “tightening supervision over law-enforcement and promoting law-based administration”. However, some problems with law-based administration make it fall short of the objective requirements for improving the socialist market economy system, promoting socialist political civilization and governing the country according to law. The problems are mainly as follows: the administrative system is still not adaptable to the demands of the development of the socialist market economy, which renders many institutional hindrances to law-based administration; the systems already established fail to reflect the objective law adequately and cannot serve to solve actual problems effectively and comprehensively; the procedures and mechanism for making administrative policy-decisions are not sound enough; from time to time the phenomenon occurs where laws are not abided by or strictly enforced, or offenders are not prosecuted, which the people feel strongly against; the mechanism for supervision and checking of administrative acts is not sound enough, so that some unlawful or inappropriate administrative acts are not stopped or corrected in a timely or effective manner, and those subject to administration are not promptly compensated when their legitimate rights and interests are infringed; and some staff members of administrative organs

are still weak in their awareness of the importance of law-based administration and their abilities for law-based administration still leave something to be desired. These problems, to a certain extent, have damaged the interests of the people and the image of the government, and hindered the all-round development of the economy and society. To solve these problems so as to adapt to the new situations of building a well-off society in an all-round way and to keep pace with the process of governing the country according to law, we must promote law-based administration in an all-round way and build the government up into one that is ruled by law.

II . Guiding Thoughts for and Objectives of Promoting Law-based Administration in an All-round Way

2. The guiding thoughts for promoting law-based administration in an all-round way. In promoting law-based administration in an all-round way, we must take Deng Xiaoping Theory and the important thought of the "Three Represents" as our guideline, uphold the leadership by the Party and adhere to the principle that administration is exercised for the people, faithfully perform the duties delegated by the Constitution and laws, protect the legitimate rights and interests of citizens, legal persons and other organizations, increase administrative efficiency, reduce administrative cost, innovate new modes of administration, improve administrative transparency, and promote the coordinated development of the socialist material, political and spiritual civilization, in order to build a well-off society in an all-round way.

3. The objectives of promoting law-based administration in an all-round way. With unremitting efforts for the coming ten years or so in promoting law-based administration in an all-round way, we shall, in the main, achieve the following objectives in building the government up into one that is ruled by law:

—The government will separate its functions from those of enterprises and institutions, the relationship between the government and the market and that between the government and society will basically be straightened out, and the functions performed by the government in economic control, market regulation, social management and public service will basically be in due place. The functions and powers of the central government and local governments and those among government departments will clearly be defined. An administrative system featuring standardized behavior, coordinated operation, impartiality and transparency, honesty and high efficiency will take shape in the main. And an administrative law-enforcement system featuring clearly defined powers and responsibilities, standardized behavior, effective supervision, and adequate support will basically be established.

—The proposal of drafts of laws and local regulations, the formulation of administrative regulations, rules and regulatory documents and institutional development in other forms will conform to the limits of power and procedures defined in the Constitution and laws and will fully reflect the objective law and the fundamental interests of the overwhelming majority of the people, in order to provide the institutional guarantee to the coordinated development of the socialist material, political and spiritual civilization.

—Laws, regulations and rules will be implemented in a comprehensive and correct way, uniformity will be preserved in the legal system, government orders will be carried out without a hitch, the legitimate rights and interests of citizens, legal persons and other organizations will be protected effectually, unlawful acts will be corrected and punished without delay, and economic and social order will be maintained effectively. The government will remarkably increase its capacity of preparedness for and response to emergencies and risks.

—The mechanism and system for scientific, democratic and standardized administrative policy-decisions will in the main be formed, and the requirements and wishes of the people can be reflected promptly. The information provided by the government will be comprehensive, accurate and prompt; the policies adopted thereby and decisions announced thereby will remain relatively stable. Administration will be open, fair, impartial, convenient, efficient and honest.

— A mechanism for guarding against and solving social contradictions will in the main be formed, which is characterized by efficiency, convenience and lower cost, making it possible to effectively guard against and solve social contradictions.

— Administrative power will be closely connected with responsibility and completely separated from the interests of the subject of administrative power. The system and mechanism for administrative supervision will be basically sound, level-by-level governmental supervision and special supervision will obviously be enhanced, and the efficiency of administrative supervision will markedly be increased.

—Awareness of the importance of law-based administration of the staff members of administrative departments, especially that of the leading carders at all levels thereof, will markedly be heightened, and the atmosphere in which the law is respected, upheld, and abided by will basically be created; and abilities to exercise law-based administration will remarkably be increased, so that they will be good at managing economic, cultural and social affairs by means of law, and will be able to appropriately deal with all kinds of social contradictions in accordance with law.

III . Basic Principles and Requirements of Law-based Administration

4. The basic principles of law-based administration. To realise law-based administration, we must uphold the intrinsic unity among the Party that exercises leadership, the people that are the masters of the country and the country that is governed according to law; must take safeguarding the fundamental interests of the overwhelming majority of the people as the starting point for all government work; must safeguard the authority of the Constitution and ensure the uniformity of the legal system and implementation of government orders without a hitch; must take development as the top priority in governing and rejuvenating the country, and uphold the principle of putting people first and the concept of comprehensive, coordinated and sustainable development in order to promote the all-round development of the economy, society and human beings; we must combine, in an organic manner, our efforts to govern the country according to law and rule the country by virtue, in order to promote, in full swing, the development of the socialist political and spiritual civilization; must combine, in an organic manner, our efforts to promote law-based administration with our efforts to deepen administrative restructuring and transform governmental functions, and uphold unity between breakthrough and innovation on the one hand and systematic and steady progress on the other, reflecting the spirit of reform and innovation, while promoting law-based administration step by step and in a classified and planned manner; and we must integrate our efforts to preserve in law-based administration with our efforts to increase administrative efficiency, so as to be able to fulfil our duties proactively, while handling matters in strict accordance with law.

5. The basic requirements of law-based administration:

— Lawful administration. Administrative organs shall exercise administration in accordance with the provisions of laws, regulations and rules; and where there are no provisions in laws, regulations or rules, they shall not make any decision that adversely affects the legitimate rights and interests of citizens, legal persons or other organizations, or any decision to place more obligations on citizens, legal persons or other organizations.

— Rational administration. Administrative organs shall exercise administration in adherence to the principles of fairness and impartiality. They shall treat those subject to administration in an equal way, avoiding partiality and discrimination. When exercising the power of discretion, they shall adhere to the purposes prescribed by law, eliminating interference from irrelevant factors; the measures and means adopted thereby must be ones that are essential and appropriate; and where, in exercising administration, administrative organs may adopt various ways and means to achieve the purposes of administration, they shall avoid adopting ones that may impair the rights and interests of the parties concerned.

— Due process. Unless State secrets and business secrets and personal privacy as protected according to law are involved, administrative organs shall make the process of administration open to the public and pay attention to soliciting comments from citizens, legal persons and other organizations; and they shall strictly follow the procedure prescribed by law and safeguard according to law the right to learn the truth, the right to participation and the right to remedy enjoyed by the persons subject to administration and the interested parties. When performing their duties, the staff members of administrative organs shall recuse themselves where they share an interest with the persons subject to administration.

— High efficiency and convenience to people. When exercising administration, administrative organs shall follow the statutory periods of time, proactively perform their statutory duties, increase their working efficiency, offer superior service and provide convenience to citizens, legal persons and other organizations.

— Integrity and good faith. The information published by administrative organs shall be comprehensive, accurate and truthful. Without statutory grounds or going through the statutory procedure, administrative organs shall not annul or alter any administrative decision which has been effective; where it is necessary to withdraw or alter an administrative decision due to State interests, public interests or any other statutory grounds, the matter shall be handled within the statutory limits of power and statutory procedure, and the loss of property thus incurred to the persons subject to administration shall be compensated according to law.

— Balance of powers and liability. For the performance of their duties in administering economic, social and cultural affairs according to law, administrative organs shall be vested with appropriate means of law enforcement by laws and regulations. Where an administrative organ exercises its powers in violation of law or in an improper way, it shall bear legal liability according to law, thus the balance of its powers and liability is achieved. We shall practise according to law a system in which law enforcement is guaranteed, liability goes with powers, use of powers is supervised, offenders are prosecuted and compensation is paid for tort.

IV. Transform Government Functions and Deepen Administrative Restructuring

6. Define and standardize according to law the functions of economic control, market regulation, social management and public service. We shall promote the separation of government functions from enterprise operations and the separation of government functions from institution operations and institute a system under which the government separates its function of public administration from the function of performing the responsibility of an investor, in order to give full play to the basic role of the market in resources allocation. Where any affairs can be handled by citizens, legal persons and other organizations on their own, or regulated by market competition mechanism, or handled by industrial organizations or by intermediary agencies through self-discipline, administrative organs shall refrain from handling them through administrative measures, unless otherwise provided for by law. Administrative organs need to improve guidance and regulation of industrial organizations and intermediary agencies. Administrative organs shall, in light of the need for economic development, mainly use economic and legal means in managing the economy, perform the function of market regulation in accordance with law, ensure impartiality and efficiency in performance of such function, and break departmental protectionism, regional blockade and industrial monopoly, in order to establish a modern market system characterized by uniformity, openness, competitiveness and orderliness. We need to further change the means of economic control and market regulation, and conscientiously transform the government functions from managing the economy into chiefly providing service to market players and creating an environment favourable for development. While continuing to improve the functions of economic control and market regulation, we need to improve the government functions of social administration and public service. We shall establish and improve various precaution and emergency response

mechanisms, in order to increase its ability to handle emergencies and risks, properly cope with emergencies of all descriptions, maintain normal public order and protect the interests of the State, the collective and the individual against violation; We shall improve labour, employment and social security system; and we shall intensify their public service functions, heighten their awareness of the need to serve the public, simplify the procedure for such service and reduce cost in this area, in order to gradually establish a modern public service system characterized by uniformity, openness, fairness and impartiality.

7. Rationally divide and standardize according to law the functions and powers of administrative organs at various levels. We shall have government departments structured in a scientific and rational manner, specify their respective sizes of personnel, and make the functions, structures and sizes of governments statutory. In addition, the government shall redouble its efforts to coordinate its subordinate departments in settling disputes of functions.

8. Improve finance support mechanism for law-based administration. We shall improve the centralized and uniform public finance system, in order to gradually standardize departmental budgets, promote overall appropriation and standardized use of finance funds and increase the efficacy of their use; we shall sort out and bring under regulation administrative charges and other non-tax revenues of the government; we shall improve and standardize the salary and allowance systems concerning the staff members of administrative organs, in order to gradually bridge the relatively wide income gap among peer officials of different administrative organs in the same region. No administrative organ may maintain "private coffers" in any form. The system of "two-channel management of receipts and disbursements" shall strictly be practiced ,

administrative charges, fines, and income from confiscation shall be turned over to finance departments in full and their refunding in any form shall strictly be prohibited. All administrative expenditures shall be guaranteed by being included in the budget and be appropriated collectively from the State Treasury.

9. Reform the modes of administration. Administrative organs shall conscientiously implement the Administrative Licensing Law, reduce the items that are subject to administrative licensing, standardize the granting of administrative licenses and reform the modes of administrative licensing. In administering economic and social affairs, they shall make full use of indirect administration, dynamic administration and after-the-event supervision; and they shall give full play to the roles of administrative planning, administrative guidance and administrative contracts. Efforts shall be made to accelerate the development of e-government, promote the development of governmental web-pages and the application of Internet in handling government affairs, and expand the scope of on-line administration. Different government departments shall, as soon as possible, achieve information interchange and resource sharing, in order to increase the working efficiency of the government, reduce administrative cost, renovate the modes of administration and provide convenience to the public.

10. Promote disclosure of government information. Except for State secrets and matters involving commercial secrets and personal privacy which are under the protection of law, administrative organs shall publish government information in their possession. The public has the right to consult the published government information and administrative organs, on their part, shall provide convenience for the public to consult such information.

V . Establish and Improve Scientific and Democratic Policy-Decision Mechanism

11. Improve administrative policy-decision mechanism. The power to make administrative policy-decisions, which is exercised by governments at all levels and various government departments, shall be defined in a scientific and rational manner and the internal rules of governments for making policy-decisions shall be improved. Meanwhile, administrative policy-decision mechanism integrating public participation, expert evaluation and government determination shall be established and improved. All administrative policy-decisions shall be made in accordance with law and in a scientific and democratic way.

12. Improve administrative policy-decision procedure. Except for matters that shall be kept confidential according to law, the subject matter, basis and result of every administrative policy-decision shall be published, and the public has the right to consult the records thereof. With respect to a major policy-decision on matters affecting national or regional economic and social development or one on highly specialized subjects, expert evaluation shall be conducted in advance to examine the necessity and feasibility thereof. Before making a policy-decision on matters affecting a wide range of society or closely relating to the interests of the people, administrative organs shall make the subject matter known to the public or invite comments from all quarters of society by convening forums, hearings or evaluation meetings, etc. In addition, where major administrative policy-decisions are to be made, legality assessment shall be conducted in the process.

13. Establish and improve follow-up, feedback and accountability systems for policy-decisions. Administrative organs shall designate agencies and persons to regularly keep follow-up and collect feedback regarding the implementation of the policy-decisions they made, and make timely adjustment and improvement thereto. Supervision over the policy-decision process shall be tightened and therefore, a sound system and mechanism for supervision over administrative policy-decisions shall be developed, in which the subjects, contents, objects, procedures and methods of the supervision are specified. Moreover, an accountability system shall be established and improved under the principle of "whoever makes the decision accounts for the consequences thereof", thus maintaining the balance between the decision-making power and accountability.

VI. Enhance the Quality of Institutional Development

14. Basic requirements for institutional development. Priority shall be given to enhanced quality of institutional development, including proposal of drafts of laws and local regulations, and formulation of administrative regulations, rules and regulatory documents. Institutional development shall comply with and reflect the law governing economic and social development, closely centre on the objective of building a well-off society in an all-round way, take into serious consideration the major decisions on reform, development and stability, embody, promote and ensure development, which is the top priority in governing and rejuvenating the country, give full scope to the enthusiasm, initiative and creativity of citizens, legal persons and other organizations, and provide legal support to the all-round social progress based on economic development, the all-round development of people, and the coordinated development of the economy, society, and ecological environment.

Institutional development shall be conducted in accordance with the provisions of the Constitution and the Legislation Law and in strict compliance with the statutory limits of power and procedures. The laws, regulations, rules and regulatory documents shall be specific, clear-cut and operable in content, and shall serve to solve practical problems; moreover, they shall be strictly logical and their wording shall be standardized, concise and accurate.

15. Plans for government legislation shall be drawn up in a scientific and rational manner under the principles that conditions are ripe, emphasis is laid on priorities, and overall plans are made by taking all factors into consideration. We shall further improve government legislation by taking into consideration the development of rural and urban areas, different regions, the economy and society, man and nature, domestic situation and opening-up to the outside world. Moreover, we shall lay more emphasis on legislation regarding social administration and public service, while continuing to improve the legislation on economic control and market regulation. Furthermore, we shall grasp the law of legislation, choose the right time to introduce new laws, and properly deal with the relationship between government legislation and reform, paying attention to consistency between legislation decisions and reform decisions and to harmony between progress of legislation and of reform.

16. Improve methods for government legislation and increase public participation in such legislation. We shall combine joint efforts of legislation staff, administration staff, experts and scholars, and establish and improve expert consultation and evaluation systems. In drafting laws, regulations, rules, or regulatory documents that are to be taken as the basis of administration, administrative organs shall adopt various means to invite comments from all quarters of society. With respect to the drafts

that are of major importance or that involve the immediate interests of the people, administrative organs shall invite comments from the public by convening hearings, evaluation meetings or forums, or by making the drafts public, to ensure that the will of the majority is respected and the fundamental interests of the overwhelming majority of the people are fully embodied. Besides, administrative organs shall take proactive steps to explore ways for the establishment of a system for explanation on the comments solicited and accepted. Administrative regulations, rules and regulatory documents that are to be taken as the basis of administration shall, after their adoption, be published in government gazettes, newspapers or periodicals of wide distribution, as well as on government websites. Government gazettes shall be made easily available to citizens, legal persons and other organizations.

17. Proactively explore a cost-benefit analysis system for government legislation, especially for economic legislation. When introducing a piece of government legislation, the administrative organ shall not only take into consideration the cost of the legislative process but also conduct research on the cost of its enforcement and its impact on the society after it is effective.

18. Establish and improve systems for revising and repealing administrative regulations and rules and systems for periodically sorting out rules and regulatory documents. To meet the need of improving the socialist market economy, opening up wider to the outside world and promoting all-round social progress, we shall, in a timely manner, revise or repeal administrative regulations and rules in force, in order to effectively avoid contradictions and conflicts of regulations. After the entry-into-force of rules or regulatory documents, the formulating and implementing organ shall carry out regular evaluation of their implementation. The implementing organ shall report the evaluation results to the formulating organ, and the latter shall regularly sort out the rules and regulatory documents formulated.

VII. Harmonize Administrative Law-enforcement Systems, Accelerate the Development of Administrative Procedures, and Standardize Administrative Law-enforcement

19. Deepen the reform of administrative law-enforcement systems. We shall accelerate the establishment of administrative law-enforcement systems characterised by clear definition of power and accountability, standardization of law-enforcement behaviour, effective supervision and adequate support. We shall continue the work to relatively concentrate the power to impose administrative penalty, proactively explore the feasibility to relatively concentrate the power to grant administrative licensing and push forward the experimentation on comprehensive law-enforcement. The levels in the hierarchy of administrative law-enforcement shall be reduced and more law-enforcement functions shall be appropriately delegated to administrative organs at lower levels. Administrative law-enforcement that has a direct bearing on people's daily life and work shall mainly be conducted by administrative law-enforcement organs at the city or county level. Besides, efforts shall be made to improve the internal supervision and check of administrative law-enforcement organs.

20. Exercise powers and perform duties in strict accordance with statutory procedures. Before making an administrative decision disadvantageous to persons subject to administration or any interested parties, administrative organs shall make known to them the decision to be made, and provide them with chances to state their cases and defend themselves; and upon making an administrative decision, administrative organs shall inform the persons subject to administration of the right they enjoy according to law to apply for administrative reconsideration or to lodge an administrative lawsuit. In case of a major issue on which the persons subject to administration or the interested parties , according to law ,

request to hold a hearing, administrative organs shall hold a hearing. Besides, where they exercise their power of discretion, administrative organs shall clearly state the reasons therefor in their administrative decisions. Furthermore, effective measures shall be adopted to prevent administrative organs from illegally exercising their powers and thus harming the immediate interests of the people.

21. Improve the system for review and examination of administrative law-enforcement files. Administrative organs shall keep files on their law-enforcement activities, such as imposition of administrative penalties, grant of administrative licensing and adoption of administrative compulsory measures. Such supervision and examination records, evidentiary materials and law-enforcement documents as relate to citizens, legal persons and other organizations shall be kept on file.

22. Establish and improve the qualification system for subjects of administrative law-enforcement. Administrative law-enforcement shall be carried out by administrative organs within their statutory competence, and no other organizations may exercise the power of administrative law-enforcement, unless they are authorized by laws or regulations to do so or legally entrusted by administrative organs with such power. Subjects of administrative law-enforcement shall be sorted out, verified and made public. The qualification system for persons conducting administrative law-enforcement shall be applied and no unqualified persons shall conduct such law-enforcement.

23. Promote the application of accountability system for administrative law-enforcement. We shall define the limits of law-enforcement duty according to law, scientifically arrange law-enforcement posts and standardize law-enforcement procedures. Open, fair and impartial procedures shall be developed to evaluate and assess law -

enforcement officials' performance, and an accountability system shall be established for investigating their faults or misjudgement in law-enforcement; and in the course of such evaluation and assessment, public comments shall be solicited and taken into account. Additionally, we shall take proactive steps to explore means for evaluating the performance of administrative law-enforcement and measures for rewards and sanctions.

VIII . Proactively Explore an Efficient, Convenient and Low-cost Mechanism for Averting and Solving Social Contradictions

24. Proactively explore new ways to guard against and solve social contradictions. It is imperative for us to make great efforts to launch a scheme for sorting out, mediating in and handling contradictions and disputes and to establish sound systems accordingly. In addition, contradictions and disputes shall be properly handled in accordance with law. With respect to civil disputes that, according to law, should be mediated in and handled by administrative organs, the said organs shall deal with such disputes without delay in compliance with the statutory limits of their authority and procedures and with the principles of openness, fairness and impartiality. We shall proactively explore a new mechanism for solving civil disputes.

25. Give full play to the role of mediation as a means of solving social contradictions. Where an agreement on settlement of a civil dispute is reached through mediation by an administrative organ, the administrative organ shall draw up a letter of mediation; and where the mediation fails and no agreement is reached, the administrative organ shall inform the party in time of his right to remedy and the means he can take. We shall improve the people's mediation system and provide enthusiastic support to residents' committees, villagers' committees and other grass-roots organizations in their work of mediation among the people.

26. Effectively solve the problems exposed by the people in their letters, visits, calls or accusations. We shall improve the system of handling people's complaints lodged in letters, visits and calls, deal with the matters involved without delay, and effectively safeguard the rights of the persons who send the letters, pay the visits, give the calls or make the accusations and ensure their personal safety. No administrative organs or individuals may, on any ground or pretext, suppress or restrict people to make complaints by writing letters, paying visits or giving calls or to make accusations by other means, nor retaliate against them, nor divulge and forward the materials of complaints or accusations and other relevant information to the persons involved. Where matters exposed by people in their letters, visits or calls may be handled through legal procedures such as reconsideration or litigation, administrative organs shall notify the said people of their right to apply for reconsideration or bring a lawsuit, and proactively guide the parties to settle disputes through the legal channels.

IX. Improve Administrative Supervision System and Mechanism to Tighten Supervision over Administrative Acts

27. Consciously accept supervision by people's congresses and democratic supervision by people's political consultative conferences. People's governments at various levels shall consciously accept supervision by people's congresses at the corresponding levels and their standing committees, report on their work thereto and answer questions therefrom, and submit administrative regulations and rules for the record to the relevant standing committees in accordance with law; and at the same time shall consciously accept democratic supervision by people's political consultative conferences and be heedful of their comments and suggestions about government work.

28. Accept supervision over administrative organs exercised by people's courts in accordance with the provisions of the Administrative Procedure Law. With regard to administrative cases accepted by people's courts, administrative organs shall proactively enter appearance in court in response to the lawsuits and defend the cases. They shall consciously implement legally effective administrative judgements and orders made by people's courts in accordance with law.

29. Tighten supervision over rules and regulatory documents. All rules and regulatory documents shall be submitted for the record in accordance with law. Legislative affairs departments of the governments shall, in accordance with law, strictly review all rules and regulatory documents put on record, and ensure that all documents submitted are put on record, all documents put on record are reviewed and all errors discovered are corrected. Where a citizen, legal person or other organisation objects to a rule or regulatory document, the organ that formulates it or implements it shall, in accordance with law, study and deal with the matter without delay.

30. Conscientiously implement the Administrative Reconsideration Law and improve the administrative reconsideration. Applications for administrative reconsideration which conform to the provisions of the law must be accepted in accordance with law. Persons who try administrative reconsideration cases shall lay stress on the basis, evidence and procedure, impartially make decisions after administrative reconsideration, and resolutely have illegal or obviously inappropriate administrative acts rectified, in order to protect the legitimate rights and interests of citizens, legal persons and other organisations. We shall improve the system for administrative reconsideration and proactively explore new ways and means for enhancing the quality of administrative reconsideration. Summary

procedure shall be explored and developed for the settlement of administrative disputes in administrative reconsideration cases which are of a minor nature and in which the facts are clear. We shall strengthen the building of contingents for administrative reconsideration organs and help enhance their competence and quality. The system of accountability for administrative reconsideration shall be improved, in order that legal liability shall be imposed in accordance with law upon the persons who refuse to accept applications for administrative reconsideration that ought to be accepted in accordance with law, who fail to annul or change a specific administrative act or confirm that it is illegal when they ought to have done so, who fail to make decisions after administrative reconsideration within the statutory time limit, and who violate other provisions of the Administrative Reconsideration Law.

31. Improve and strictly implement the administrative compensation and remedy system. Administrative compensation shall be made in accordance with the State Compensation Law. We shall strictly implement the provisions on the verification and allocation of compensation in the Measures for Control of State Compensation Expenses, draw compensation expenses from the finance department in accordance with law and ensure that citizens, legal persons or other organisations are compensated in accordance with law. We shall explore ways of introducing the systems of hearing, consultation and reconciliation into the administrative compensation procedures. In addition, we shall establish a sound administrative remedy system.

32. Renovate a level-by-level supervision mechanism and reinforce supervision of administrative organs at lower levels by those at higher levels. Administrative organs at higher levels shall establish a sound and regular supervision system and seek a new type of level-by-level supervision, in order to tighten supervision over the specific administrative acts taken by administrative organs at lower levels.

33. Tighten specialised supervision. Administrative organs at all levels shall cooperate with the specialised organs of supervision, such as the supervisory organs and auditing organs, and conscientiously accept supervisory decisions made by these organs. Where an administrative organ refuses to implement such a decision, the organ and the responsible persons shall be investigated for legal liability in accordance with law. Specialised organs of supervision, such as the supervisory organs and auditing organs, shall perform their functions and duties conscientiously and exercise specialised supervision independently in accordance with law. The said specialised organs of supervision shall closely cooperate with procuratorial organs, exchanging information in a timely manner and making concerted efforts in supervision.

34. Reinforce social supervision. People's governments at various levels and their subordinate departments shall protect, in accordance with law, the right of citizens, legal persons and other organisations to exercise supervision over administrative acts, broaden the channels for supervision and improve the supervision mechanism, in order to create the conditions for citizens, legal persons and other organisations to exercise supervision. We shall improve the system for people to inform against illegal acts, lay great stress on supervision by the press and public opinion, investigate and verify the problems exposed by the news media, and deal with them in accordance with law without delay.

X. Continually Heighten Awareness of Law-based Administration Among Staff Members of Administrative Organs and Enhance Their Competence for Law-based Administration

35. Enhance the competence of leading cadres for law-based administration. Leading cadres of people's governments at various levels and their subordinate departments shall take the lead in learning and grasping the provisions of the Constitution, laws and regulations, keep on heightening their awareness of the importance of the law, increase their knowledge about the law, enhance their competence for law-based administration, adhere to law-based administration in every aspect of administration and take it as one of the indexes of economic and social development to be assessed for people's governments at various levels. We shall launch a law-training programme among leading cadres and offer training courses on law-based administration among them on a regular or irregular basis. We shall take proactive steps to explore and develop a system under which leading cadres are to uake pre-tenancy examinations in legal knowledge.

36. Launch a law-training programme among staff members of administrative organs, heighten their awareness of the importance of the law, improve their knowledge of law, and provide them with reinforced training courses on law-based administration. Self-study and concentrated training shall be combined with the former being the main form; and arrangements shall be made for staff members of administrative organs to learn general knowledge of law and knowledge on certain branches of law related to their own jobs.

37. Establish a sound system for assessment of the staff members of administrative organs in their exercise of law-based administration. Exercise of law-based administration shall be made one of important indexes for assessment of the staff members of administrative organs. For this purpose, the assessment system shall be improved and specific measures and procedures shall be worked out.

38. Take measures to create a favourable environment for respecting and observing the law and protecting the rights according to law in the entire community. We shall increase the dissemination of legal knowledge and the publicity of the legal system by various means, in order to cultivate the awareness and sense of the need to respect and observe law in the entire community, offer guidance to citizens, legal persons and other organizations in protecting their own rights and interests in accordance with law, and eventually create a favourable social environment commensurate with the building of the government ruled by law.

XI. Raise the Level of Understanding, Clearly Define Responsibilities, and Effectively Strengthen Leadership over the Work of Promoting Law-based Administration

39. Raise the level of understanding and strengthen leadership. People's governments at various levels and their subordinate departments shall, from the high plane of the principle that "the Party is built for the public and the administration is exercised for the people", acquire a complete understanding of the necessity and urgency of promoting law-based administration in an all-round way, and earnestly take law-based administration as the basic norm for government operation. The executive heads of local authorities and departments shall assume the responsibility as top leaders of their own units for promoting law-based administration and strengthen leadership over the work in this field, with the leaders at higher levels supervising the work of those at the next lower levels, thus accomplishing the work level by level.

40. Clearly define responsibilities and maintain strict discipline. People's governments at various levels and their subordinate departments shall formulate specific measures and action programmes for implementing this Outline in the light of the actual situations of economic and social development in their own localities or departments, determining priorities for different stages to promote law-based administration in a planned and step-by-step way, and making five-year plans and annual arrangements for implementing this Outline. Administrative organs at higher levels shall strengthen supervision and inspection of the implementation of this Outline by those at lower levels. The organs that act ineffectively in the implementation of this Outline shall be given severe disciplinary sanctions and made known in official circulars; and persons responsible therefor shall be investigated for liability.

41. Report on the promotion of law-based administration on a regular basis. Local people's governments at various levels shall report regularly on their promotion of law-based administration to the people's congresses at the corresponding levels and their standing committees and to the people's governments at the next higher levels; departments of the State Council and subordinate departments of local people's governments at various levels shall regularly report on their promotion of law-based administration to the people's governments at the corresponding levels.

42. People's governments at various levels and their subordinate departments shall give full play to the functions performed by the legislative affairs departments of the governments as advisors, assistants and legal counsels in law-based administration. Promoting law-based administration in an all-round way and building up the government into one that is ruled by law involve a wide range of society, and constitute a highly difficult and challenging task , requiring the building of a

contingent for government legislation which is politically steadfast and professionally competent and has a fine style of work, to assist the leaders of people's governments at various levels and their subordinate departments in successfully promoting law-based administration in every aspect. People's governments at various levels and their subordinate departments shall make conscientious efforts in reinforcing their legislative affairs departments and enhancing the overall quality of their staff members, give full play to the functions of the legislative affairs departments as advisors, assistants and legal counsels in law-based administration, and create the necessary conditions for their work.