

Opinions on Further Promoting Open Government Affairs

(Issued jointly by the General Office of the Central Committee of the Communist Party of the People's Republic of China and the General Office of the State Council of People's Republic of China on March 24, 2005)

In order further to implement the principles of the 16th Congress of the Communist Party of China and those of the Fourth Plenary Session of its 16th Central Committee, and to develop socialist democracy, safeguard the democratic rights of the people, and raise the level of administration in accordance with the law, the following opinions on further promoting open government affairs are now presented with the approval of the Party Central Committee and the State Council:

I. Enhancing Recognition of the Importance and Significance of Promoting Open Government Affairs

The promotion of open government affairs is a concrete demonstration of practicing the important ideology of the "Three Represents," adhering to the principle of "the Party serves the public, governance serves the people," and further developing the governance capability of the Party. Promoting open government affairs is necessary for the development of socialist political civilization and a harmonious socialist society. It is an important measure for realizing a rule of law government, for promoting administration in accordance with the law and for building a rule of law government. It is also an important ingredient for the establishment and perfection of an administrative and management system that punishes and prevents corruption, is standardized and well coordinated, and is just and transparent, clean, and highly efficient.

The Party Central Committee and the State Council attach great importance to open government affairs. Both the 15th and 16th Party Congresses clearly advocated open government affairs. In their Notice on the Comprehensive Implementation of an Open Government Affairs System in the Organs of Political Power at the Town and Township Level Throughout the Country, issued in December 2000 (Document *Zhongbanfa* [2000] No. 25), the General Office of the Central Committee of the Chinese Communist Party and the General Office of the State Council made strategic arrangements for promoting open government affairs at the town and township level, and issued a requirement for the implementation of open government affairs at the county (city) level and above. In March 2004, the State Council issued the Outline for the Comprehensive Implementation of Administration in Accordance with the Law (Document *Guofa* [2004] No. 10), citing the opening of administrative decision-making, administrative management and

government information as important elements in the promotion of administration in accordance with the law. In January 2005, the Party Central Committee issued the Outline for the Implementation and Perfection of a Corruption Punishment and Prevention System Combining Education, Systematic Procedures and Supervision (Document *Zhongfa* [2005] No. 3), which clearly advocated the “perfection of the system of open government affairs, open factory affairs and open village affairs.” All regions and departments have, pursuant to the requirements of the Party Central Committee and taking into account their own individual situations, focused on actual implementation, and made active explorations and constant innovations. As a result, open government affairs has been promoted steadily with a very good momentum for further development. The promotion of open government affairs has broadened the channels for the people’s participation in and deliberation of government affairs, strengthened the supervision of administrative actions of the government, promoted administration in accordance with the law, improved the relationship between the Party and the public and that between cadres and the public, and promoted the development of good, clean government, and has won the support and appreciation of the people.

At present, some aspects of open government affairs work have yet to be completely aligned with the requirements of perfecting the socialist market economy and promoting the development of the socialist democratic legal system. These issues mainly relate to the fact that some leading cadres do not adequately understand the importance of open government affairs and are not promoting it forcefully; the concept of administration in accordance with the law and ideology of open government affairs on the part of some administrative agency staff members is still weak and vague, and their capability and level of administering in accordance with the law needs to be enhanced; and the system of open government affairs in certain regions and departments is not complete, its procedures are not well standardized, and its work is not actually, or merely superficially, carried out. These problems have, to a certain extent, negatively affected the implementation of open government affairs and impeded people’s exercise of their right to know, right to participate, and right to supervise. The unceasing development of socialist democratic politics and the comprehensive promotion of administration in accordance with the law have raised the bar for the work of open government affairs. Leading cadres at all levels and administrative agency staff must earnestly further their understanding of the importance and significance of promoting open government affairs, and in the spirit of changing with the times and being practical and pragmatic, further and better accomplish the work of open government affairs.

II. Clarifying the Guiding Concepts, Basic Principles and Mission Goals of Promoting Open Government Affairs

The promotion of open government affairs shall be guided by Deng Xiaoping Theory and the important ideology of the “Three Represents,” shall be on the basis of in-depth implementation of the principles of the 16th Party Congress, the Fourth Plenary Session of the 16th Party Central Committee and the Outline for the Comprehensive Implementation of Administration in Accordance with the Law, shall proceed based on

the idea of safeguarding the people's democratic rights and protecting their basic interests, enhancing the transparency of the administrative actions of the administrative agencies and their work efficiency, truly strengthening supervision over administrative power, promoting the reform of the administrative and regulatory structure, furthering administration in accordance with the law, and better serving the overall interests of reform, development and stability.

The promotion of open government affairs shall be based strictly on the principles of lawfulness, comprehensiveness and truth, and promptness and convenience to the people. All types of matters concerning various administrative management and public services, except those involving state or commercial secrets and individual privacy that are protected by law, shall be genuinely open and in strict compliance with provisions of laws, regulations and relevant policies. Matters that should be disclosed shall be disclosed promptly and in a user-friendly and straightforward manner in accordance with the stipulated systems and procedures.

The goals of promoting open government affairs should be in conformity with the goals and processes of deepening the reform of the administrative and management system, of comprehensively promoting administration in accordance with the law, and of developing a rule of law government. Continuous efforts should be made to make open government affairs a basic process of administration in governments at each level, enhance the transparency of the governments' work, further improve the channels of communication between the government and the people, and safeguard the democratic rights of the people such as the right to know, right to participate, and right to supervise government.

III. The Main Tasks, Emphasis and Formats of Further Promoting Open Government Affairs

The further promotion of open government affairs should be carried out in a well-planned and coordinated, focused, practical and steady way. It should be suited to the requirements of economic and social development and the construction of a socialist democratic legal system, and it should clarify the content and format of open government affairs and enhance its sharp focus and effectiveness.

Regions and departments should, according to their different circumstances, determine the main tasks of further promoting open government affairs. The townships and towns should continue to implement the principles of Document *Zhongbanfa* [2005] No. 25, and carry out the various requirements contained in that Document. The administrative agencies at the county (city) and city (prefecture) levels should standardize and perfect the contents, procedures, formats, and measures for supervision and oversight to promote open government affairs. The provincial people's governments and their departments, as well as the ministries and departments of the State Council, should clarify the contents and format of open government affairs and intensify their planning of and guidance on the work of open government affairs in their respective regions or

departments. Priority should be given to issues about which the public is commonly concerned and which involve the vital interests of the people. The content of open government affairs should be constantly expanded in view of the basic situation of the administrative organs and their administrative decisions, implementation, supervisory procedures, methods and results, etc. The townships (towns) should emphasize openness in implementing the rural policies of the Party Central Committee and in such matters as finances, expenditures and revenues, use of various specific appropriations and grants, and fundraising and remuneration. The counties (cities) and cities (prefectures) should emphasize making information available on the urban and rural development plans of their respective regions, their financial estimate and budget reports, the approval and implementation of major projects, the handling of administrative licensing affairs, government procurement, land appropriations, housing demolitions and resettlements, and commercial transfers of land use rights, the exploration and exploitation of mines, the collection of taxes and fees and implementation of tax exemption and relief policies, and the forecasting, actual occurrences and handling of unexpected public emergencies. The people's governments at the provincial level and their functional departments shall, in their respective regions and departments, focus on making information available on policies and overall planning related to economic construction and social development, reports on financial estimates and budgets, decisions, readjustments and terminations with respect to administrative licensing and its implementation, the reorganization and system change of the state owned enterprises, and property rights transactions. The ministries and departments of the State Council shall, according to actual needs and conditions, determine the major contents the information they make available. The regions and departments shall formulate detailed catalogues of the contents of open government affairs in their respective regions and departments, and either make them public or make them known internally within their organizations, depending on the different categories of information.

The news release system of the government shall be perfected through giving regular government press conferences to provide the public with information on government affairs; continuing to make government affairs open through government publications, government bulletin boards, guidelines on open government affairs, and other formats; making full use of newspapers, broadcasts, television, Internet and other mass media to bring into full play their role in open government affairs; actively exploring formats such as public announcement, hearings, expert consultancy and substantiation, and invitations to representatives of the public to audit relevant government meetings in order to make the process and results of administrative decision-making open; using various integrated or specific administrative service centers to disclose matters such as the administrative licensing and public services; strengthening the construction of government websites, promoting E-government, and gradually expanding the scope of on-line services such as examination and approval, searching for information, paying fees, obtaining certificates, seeking advice, filing complaints and requests for help, so as to provide the public with quick, easy, and convenient services.

IV. Establishing and Perfecting The Legislation on Open Government Affairs

The development of systems shall be strengthened, and the systems strictly complied with, so as to safeguard the standardized operation of open government affairs. Legislation on open government affairs shall be actively explored and promoted, and the formulation of Regulations on Open Government Information should be undertaken without delay. The regions and departments where conditions are ripe should research and formulate local legislation and rules, and gradually develop a legal basis for open government affairs. The systems of making information public by the government on its own initiative and that of doing so at the request of requesters should be established and perfected. Matters that should be extensively known to, and broadly participated in by, the public shall be promptly disclosed on the government's own initiative. Matters that temporarily are not suitable for disclosure or that should not be disclosed should be filed at the higher level department for the record. Should a disclosed matter need to be changed, abolished or terminated, it should be announced to the public in a timely manner with explanations. Matters that concern only a certain people or events should be disclosed to requesters in accordance with the stipulated procedures. If there are matters that truly should not be disclosed, timely and satisfactory explanations shall be provided.

An evaluation system for open government affairs should be established and perfected in order to facilitate open government affairs through public review of political and administrative behavior. This system should organize the public to review and comment on whether the contents of open government affairs are factual, accurate, complete and timely, and whether the procedure is in conformity with stipulations and the system is operating well.

The system for pursuing responsibilities and liabilities for open government affairs should be established and perfected, to make clear the responsibilities of all departments and units on open government affairs. Those who are not working effectively or only going through the motions should be severely criticized and a time limit should be set for them to mend their ways. Those who cheat and engage in fraud, violate people's democratic rights, encroach upon people's legitimate interests, and have thus caused serious consequences, should be dealt with seriously.

IV. Strengthening the Organization and Leadership of the Work of Open Government Affairs

The Party committees and governments at all levels should all attach high importance to the work of open government affairs. Leadership should truly be strengthened to put the work of open government affairs onto their agenda, and to study and solve the important questions in their work. Regions and departments should all establish leading organs and functional agencies for open government affairs to guide and coordinate the work in this area. Local governments at all levels and ministries and departments of the State Council and organizations authorized by laws or regulations or entrusted by administrative agencies in accordance with the law are responsible for the

implementation of open government affairs. Departments under vertical leadership or under both the vertical and horizontal administrative leadership should, in accordance with the requirements of the particular system develop the work of open government affairs under the leadership of the local party committee and government. The training of staff members in administrative agencies should be strengthened to provide intellectual and technical support to the promotion of open government affairs. Public information and education efforts should be enhanced to create the atmosphere for promoting open government affairs, and to guide the public to correctly exercise their democratic rights and participate in the practical activities of open government affairs.

The local people's governments at all levels and the ministries and departments of the State Council shall consciously subject themselves to the supervision over their open government affairs work respectively by the people's congresses and standing committees and the peoples political consultative conferences at their own level, carefully listen to the opinions and suggestions of the people's organizations and the public on open government affairs work, and accept supervision by the people and the media in this regard. Higher level administrative agencies should strengthen their hierarchic supervision over the open government affairs work of the administrative agencies at a lower level. The supervision and auditing organs shall, in accordance with their respective responsibilities, carry out specific oversight of open government affairs work. Open government affairs work shall become an important item in the performance evaluation of administrative agencies. All regions and departments shall formulate specific measures for, and clarify the objectives of, performance evaluations, and regularly carry out these evaluations to stimulate the actual implementation of open government affairs.