

# A new frontier for public participation

## Friends of Nature

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**New transparency regulations will help local communities become more involved in environmental affairs. Friends of Nature, a Chinese green group, welcomes the government's efforts.**

“The response of the government – self-disciplined, rational and willing to listen to public opinion – is representative of a new attitude to governance.”

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The number of petitions lodged with the Chinese government dropped by 15.5% in 2006, according to figures from the sixth work meeting on petitioning. However, petitions and mass public protests related to environmental issues increased by 30%. The environment had become one of the five main reasons that citizens lodge petitions. Worsening pollution, along with greater environmental and rights awareness, has had a powerful effect on the public. Participation is becoming more and more widespread; it is becoming a force to be reckoned with.

In particular, the dramatic public opposition to the paraxylene (PX) petrochemical project in Xiamen, southeast China, has become a symbol of renewed public participation in the country.

During the major Chinese government sessions of 2007 (the National People's Congress and Chinese People's Political Consultative Conference, which are held simultaneously), 105 members of the CPPCC signed a motion opposing the proposed building of the PX project in Haicang district, Xiamen. Investment in the project was set to reach 10.8 billion yuan (around US\$1.5 billion) and the plant would have added 80 billion yuan (US\$11.5 billion) to the city's annual economic output. But the PX plant was set to be positioned only seven kilometres from the city centre and the well-known scenic area of

Gulangyu. Additionally, Haicang district was being opened up as one of the city's new residential areas. The sensitive, high-risk location of the proposed plant stirred up fierce opposition from CPPCC members and the public in Xiamen. Countless citizens [took to the streets](#) to make their voices heard.

On 30 May, 2007, the Xiamen city government officially postponed construction on the PX plant. A week later, China's State Environmental Protection Administration (SEPA) – now the Ministry of Environmental Protection (MEP) – demanded a comprehensive environmental appraisal of the plant's impacts on the surrounding area. In December, the city government invited citizens to choose representatives to take part in an environmental hearing in south Haicang district. Of the 49 citizen representatives who took part in the meeting, over 40 expressed their firm opposition to the PX project. Following the meeting, the Fujian provincial government and Xiamen city government reportedly decided to respect public opinion. The plant would not be built in Haicang. The project was moved to the Gulei peninsula, in Zhangzhou.

These protests, however, were not unique to China. Another significant environmental protest took place in Beijing last year. The city government planned to build a waste-to-energy generator near a landfill site in Liulitun, in the northwest of Haidian district. The plant would have burned 1,200 tonnes of domestic waste and produced 400 tonnes of compost every day. But many residential compounds had already been built in the Liulitun area, and residents were worried about the pollution the plant would create. They repeatedly appealed to the government concerning the choice of location for the plant, and their efforts attracted widespread interest. On 12 December, 2007, SEPA suggested that the local government should conduct a deeper investigation into the potential impacts of the plant. Before the results were announced, they said, the project should be postponed. The Beijing Communist Party Committee and the city government began to pay serious attention and agreed that as long as the public were not clear on the issues, the project should not go ahead. Construction on the project was halted and the Haidian district government and Beijing Environmental Protection Bureau are now preparing an expert investigation.

These two events show not only how citizens can make a rational defence of their rights, but also how public participation is increasing in power. The response of the government – self-disciplined, rational and willing to listen to public opinion – is representative of a new attitude to governance. This new stance has been extremely popular with the public. These events occurred because of inadequacies in the planning and construction process: environmental appraisals were not far-reaching enough and project appraisals lacked openness, meaning the public could not participate. Planned environmental appraisals are of great importance. Pan Yue, vice-minister at the MEP, said that new regulations on environmental appraisals, which are currently in the pipeline, will include an article that specifies an increased level of public participation in the process. According to these regulations, parties that propose projects must disclose information and seek out opinions from the public; where strong opinions exist, they must hold hearings.

## **Environmental law**

Last year, as the government strengthened environmental legislation, enthusiasm for public participation in environmental law reached unprecedented levels. The revision of the new water pollution law is a good example. On 5 September, 2007, the Standing Committee of the National People's Congress presented a draft of the law to the public and asked for suggestions, arousing widespread interest. By 10 October, the committee had received 2,400 suggestions and 67 letters. Laws on public participation in the creation of environmental legislation also became more comprehensive.

Public access to information is a prerequisite for public participation. In 2006, a temporary law on public participation in environmental appraisals was released, along with a law on public participation in environmental protection. In April 2007, SEPA announced the trial implementation of a law on public access to environmental information. As of May 1, 2008, this law becomes effective. It is the first set of regulations on open government information since the State Council passed new rules on public access to information. It is also the first set of departmental regulations on the release of environmental information and is extremely significant in promoting public participation in environmental protection. In the environmental sector, the public's right to know now has a legal guarantee, which provides a solid foundation for the public's right to environmental participation and supervision.

Chinese environmental regulations have always provided public access to information in principle. But there was a lack of viable regulations concerning who would release information and what would happen if they refused. This has been a huge hindrance to public participation. The new laws are more precisely targeted: they make clear who has to release information and to what extent. Environmental protection bureaus at all levels are required to publicise 17 types of information including environmental laws and regulations, policies, standards, administrative permissions and decisions. Businesses whose emissions exceed standards will be forced to publicise four types of information and will not be allowed to use corporate confidentiality as an excuse. Other businesses will be encouraged to voluntarily provide information. The law also stipulates exactly how the information should be released and outlines powers to punish those who conceal information. Companies that do not release data can be investigated and fined by environmental departments. Members of the public who feel that the environmental departments have infringed upon their rights can apply for decisions to be reconsidered or file an administrative lawsuit.

## **From awareness to action**

Last year saw a huge rise in public interest in the environment; NGOs responded by organising a wide range of public events. On 5 June, State Council leaders held discussions on the environment in the government compound at Zhongnanhai, to which they invited representatives of community groups from the grassroots. On 9 December, a question was added to the national civil service exam concerning the discussions initiated by NGOs over the [Nu River dam](#) project.

The People's Livelihood Index, produced by the China Environmental Culture Promotion Association, was praised as a barometer for public environmental awareness and behaviour. A survey in 2007 showed that of nine different social issues, pollution came second only to commodity prices as the issue of utmost concern to people. Of the people surveyed, 46.1% said they were concerned about pollution, up 3.8% on the previous year; 66.9% of people thought that China's environmental situation was either "very serious" or "quite serious", up 3.9%.

The public also agrees with government efforts on the environment: 64.4% of people thought that the central government took the question of the environment "extremely seriously" or "quite seriously", up 3.4% on the previous year; 73.1% of people supported the introduction of green GDP; 44% thought the main cause of pollution is a "unilateral focus on economic development"; and 58.3% believe that "businesses care only about their own development" and that many companies lack social responsibility when it comes to the environment.

The 2007 People's Livelihood Survey gave the public a score of 42.1 points for environmental awareness, 36.6 points for environmental behaviour and 44.7 points for satisfaction with the environment: failure on all three counts – and a warning that public awareness and behaviour need to be improved. Behaviour clearly fell behind awareness. Almost half of people thought that they were "not very important" or "not at all important" in environmental protection. Only 13.7% believed their role was "extremely important" or "quite important". People feel reliant on others for environmental protection, which demonstrates the government has not done a good job in laying the foundations for public participation.

The government has seemingly recognised this problem. When talking about its "unbending commitment to developing socialist democratic governance," the report from the 17<sup>th</sup> Party Congress mentions the importance of "developing grassroots democracy and guaranteeing more substantial and more numerous democratic rights...bringing into play social organisations and public participation in order to reflect public demands and improving the ability of society to self-govern." This demonstrates the government's commitment to expanding public participation – and could provide a more advanced starting point for public participation in the future.

*This is an edited extract from the Green Book 2007, published by Friends of Nature, a Beijing-based NGO. It is translated and reproduced here with permission.*

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