

Public Hearings: Driving the Engine of Democracy in China 2006/09/29

By Gong Yidong, China Features

He nods his head and beams when others refer to him as a "public hearing expert". Indeed, Cui Yansheng merits the title: In the last six years, the 69-year-old has attended 21 public hearings in Hangzhou, capital of East China's Zhejiang Province. In other words, he missed only one meeting.

"It occurred to me that democracy was, in fact, within arms' reach when I attended the first hearing in 2000," recalls Cui, who has lived in this city for more than half a century.

The 1996 Law on Administrative Punishment officially introduced the public hearing system, a brand-new notion to most Chinese. Under the law, any Chinese citizen can appeal to the authorities if fined "a significant sum of money" or for example, if his driving license were revoked.

A public hearing system was added to the Law on Pricing in 1998: a hearing must be held by authorities before fixing the price of certain public services, especially utilities.

Borrowed from the West, the idea quickly took off in China.

"I deem the hearing system a highly functional platform for the presentation of our voice," says Cui, who before retirement in 1998 was an engineer at the Hangzhou Machine Tool Group.

Cui can still recall his first hearing about improving the administration of public gardens in Hangzhou, a famous travel destination in China. That summer, Cui cycled through the city collecting visitors' opinions and then surprised everyone by presenting them at the hearing.

"It was a really heated debate, quite different from the symposiums I had seen before. But I was pleased to see the hearing worked – the administration ultimately cancelled ticket fees."

Neither Cui nor Hangzhou is the sole case. More than 2,000 hearings had taken place across the nation by the end of 2005. They covered a wide range of topics: educational fees, ban on fireworks, air ticket pricing and even resettlement compensation for households moved out of prime inner city real estate.

The hearing system fosters "awareness of public participation", says a professor of the China University of Political Science and Law. "People are more willing to cooperate with the authorities in implementation of a public policy if they can contribute to the policy-making process," says Ma Huaide.

Both administration and citizenry are shifting mentality. Recollecting his own experiences, Cui says his "overall quality" has improved a lot. He subscribes to nine daily newspapers and several magazines to keep tabs on the latest developments in society.

"I'm neither a National People's Congress (NPC) nor a Chinese People's Political Consultative Conference (CPPCC) representative, but I can state with confidence that I'm a qualified spokesman for the people around me," he says. The NPC and the CPPCC are China's top legislature and top advisory body, respectively.

A newborn baby to China, the hearing system has provably worked for the public good: a provincial hearing in South China's Guangdong Province successfully slashed an increase in bus ticket prices by 30 percent during the Spring Festival, or the Chinese lunar new year; college students in Beijing are guaranteed a hearing if they are expelled for being caught plagiarizing in examinations; representatives to a hearing on cooking gas prices vetoed an account totaling three million yuan (\$400,000) prepared by the local company in Nanjing, capital of East China's Jiangsu Province, after they found it was cooked.

Perhaps more important than the short-term results is the enthusiasm for public affairs generated by the hearing system. Chinese have grown gradually more accustomed to speaking out their views at hearings, rather than stepping back or passively receiving orders from the above, says Prof. Ma.

In April 2005, Yuanmingyuan Garden, the "Old Summer Palace" built in the late Qing Dynasty (1644-1912) but plundered by the British and French during the Second Opium War (1856-1860), made a move that induced an unprecedented hearing.

The previous year, the administration of the Yuanmingyuan Garden made a bold decision to spread 133 hectares of plastic films underneath the lakes in the park. They claimed that the project was intended to prevent water seeping into the earth. The majority of the public, however, were suspicious that the administration took the action from ulterior economic interests, risking irreparable havoc on the historic site.

Amid public outrage and doubt, the State Environmental Protection Administration (SEPA) organized an environmental assessment hearing, the first of its kind in China. It attracted 73 representatives from all walks of life: a teacher, policeman, lawyer, non-governmental organization (NGO), public servant and researcher. Most participants opposed the project during the three-hour hearing.

Following further investigations and an evaluation report by Tsinghua University, SEPA gave a serious warning three months later to the Yuanmingyuan Garden administration and ordered them to remove the films immediately.

Li Dun, a sociologist from the Chinese Academy of Social Sciences, commended the hearing as "a historic milestone in environmental protection that set a good model for democratic policy-making in China".

The government also realized the unparalleled usefulness of hearings. Pan Yue, deputy director of SEPA, dubbed the hearing "a symbol of socialistic democracy".

Aside from its roles in administration and public-policy making, the hearing system is increasingly used to help map out legislation.

Addressing the National People's Congress (NPC) in March last year, Chinese Premier Wen Jiabao highlighted the importance of setting up a proper mechanism involving a hearing to promote public participation in legislation.

In September 2005, three NPC special committees organized a national hearing to discuss the correct income tax threshold for the Law on Personal Income Tax. Twenty-eight representatives from 18 provinces turned up at the hearing. After a full day's discussion, the threshold starting point was raised from 800 yuan (\$100) to 1,600 yuan (\$200).

A dozen municipalities and provinces have also turned to hearings to collect public opinions before formulating local statutes and regulations. The hearing system has paid off as it makes the administrative organs more transparent in their working style, says Prof. Ma.

"People observe with their own eyes the process of administration and legislation brought out from the backstage, or even from under the table, to front and center," he says.

In spite of such achievements, observers argue the hearing system in China still has too many loopholes.

For one thing, the selection of representatives to a hearing is not scientific, according to Ying Songnian, a professor from the China National School of Administration.

"China is embracing a multi-faceted society, but there are not many mature interest groups representing a different voice," he says. In some cases, the representatives are randomly designated by the sponsor at their own will, "whose independence is thus incredible," Ying says.

Take a hearing held in Beijing last year for example. All 20 representatives voted unanimously for an increase in the price of electricity. Embarrassingly, previous online surveys carried out by Sohu.com and Sina.com, two influential online portals, showed more than 80 percent of voters opposed the same proposal.

Moreover, minutes and memorandums of hearings should be made public, including the representatives' presentations in detail, according to Ying.

"People have the right to know what the participants talked about at the hearing. Without real transparency, the hearing risks being a simple rubber stamp exercise."

Keeping files confidential is a practice at hearings opposed by a Tsinghua professor and attendee at a recent hearing on taxi fares in Beijing. The sponsor, Beijing Municipal Commission of Reform and Development, prepared a lengthy report before the meeting, Chen Jianmin recalls, but it was kept secret for 40 days.

"I don't see any point in hiding it. It makes no sense," she says.

Wang Xixin, a Peking University scholar of administrative law, goes further. The hearing system, he warns, now has a crisis of trust.

"Efforts should be made so that the hearing system does not get manipulated as a political showcase or deviate from the basic principles of democracy."

Cui Yansheng urges the government to listen earnestly to the views expressed at public hearings.

"I believe in the hearing system -- it's a convincing expression of ren min dang jia zuo zhu [the people are masters of the state], right?" laughs Cui. He is already making preparations for his 22nd hearing, in two months' time.

<http://eg.china-embassy.org/eng/zggk/t274337.htm>