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The public participation system design based on the “four consultation and four rights” in China – Hangzhou alley system renovation project as an example

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ABSTRACT

The Eighteenth National Congress of the Communist Party of China marked the official launch of the political system reformation. Public participation, as a basic form of democratic politics, however, has not formally started yet in China. This paper, taking the Hangzhou Alley system renovation project as an example, has designed a set of “Four Consultation and Four Rights” based public participation system, which was tested in practice, and is in accordance with China’s current reality. This system has important reference value on research on promoting China’s democratic politics as well as political system reform. © 2014 Trade Science Inc. - INDIA

KEYWORDS

Four consultation and four rights;
Public participation;
System design.

INTRODUCTION

Public participation in the public affairs management is the hallmark of a democratic society, the extent of which has become an important indicator of the government management quality. China’s operating governmental system is the socialist political system and people’s democratic dictatorship. In reality, however, not only the channel for people to participate in public affairs management is lacking, but also the degree of participation is extremely limited. Due to the lack of public participation in the areas where public interest is involved, like environmental protection, land acquisition, urban demolition and relocation and restructuring of state owned enterprise, mass disturbance is frequent, in which public dissatisfaction is expressed. Similar ir-

rational public participation often cause social unrest, and even unstable regime. The Chinese government tends to take the matter on its own merits, and deal with this kind of issues by suppressing and controlling, continuously increasing investment in “stability maintenance”. Such result-oriented management style not only cannot solve the problem, but could increase the antagonism of the public. As a result the Chinese government also has quite often been criticized by the international society for human right violation and authoritarian rule. In fact as a government that is known for reactive reform, the Chinese government has already seen the seriousness of the problem. The politic report of the Eighteenth National Congress of the Communist Party of China (CPC) in 2012 clearly stated that power needs to be put into the cage of the system, indicating that

China has officially launched the political system reform focused on administrative management. With the reform of public power and the promotion of modernization of the national governance system, it is imperative for standardization, institutionalization and legalization of public participation. This paper presents a set of effective Four Consultation (consult people about public affairs, about their needs, for advice and suggestions, and consult people regarding the performance of the government) and Four Rights (Right to know, to participate, to select and to supervise) public participation method, which was explored and established in the implementation process of Hangzhou Alley system renovation project between 2004 and 2009, and should have a very practical significance for the research on China's public participation.

HANGZHOU ALLEY SYSTEM RENOVATION PROJECT OVERVIEW

Hangzhou is a famous tourist city, a national historical and cultural city, and is also the central city of the south wing of Yangtze River Delta area. For a long time, Hangzhou's economic, social, environmental, and other key performance indicators are all in the forefront of the country. Entering the new century, the urban development of Hangzhou city has begun a new period of rapid development. After the adjustment of the administrative districts in 2002, the urban area has expanded from 683 km² to 3068 km² (Figure 1). Thus, Hangzhou

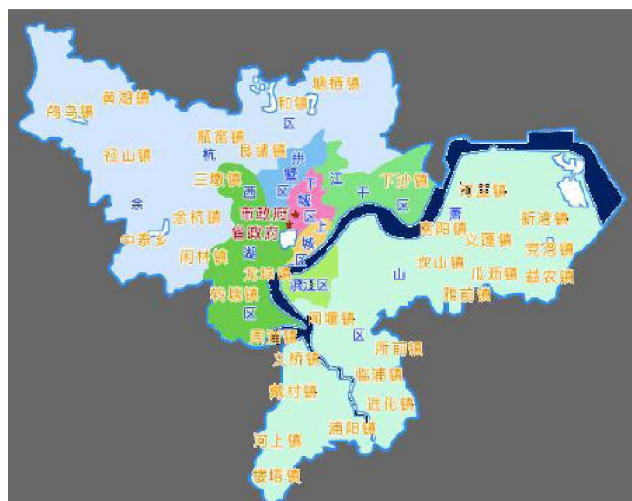


Figure 1 : Schematic of the administrative division of Hangzhou city

established an urban space strategy of “City expanding eastward, tourism going westward, exploitation along the riverside, and development across the river”, and planned a group spatial structure with “a central city and three secondary city, double hearts and double axis, six group and six ecological zones”. The change of spatial expansion and development strategy enables Hangzhou to jump out of the dilemma of demolishing the old city while building the new city. From 2001 to 2011, Hangzhou launched a series of large scale urban renewal projects, including the remodeling of “villages in the city”, the urban historical heritage protection, West Lake comprehensive Protection and Renovation Project, West Creek Wetland Comprehensive Protection and Renovation Project, Canal Comprehensive Protection and Renovation Project, Urban Street Comprehensive renovation Project, and Alley system renovation Project, et al.

Among them, the Alley system renovation project, which began in 2004, it was enlarged from a regular “Road leveling Project” to a comprehensive environmental renovation project which involves underground, ground and aboveground three spatial levels, covering 14 environmental comprehensive renovation projects including roads leveling, additional street light installation, roadside afforestation, sewage interception, roadside building elevation renovation, flat to slope roof modification of roadside residential buildings, store sign and post tidy-up, advertisement clean up, illegal building demolition, traffic renovation, the transition of trans-

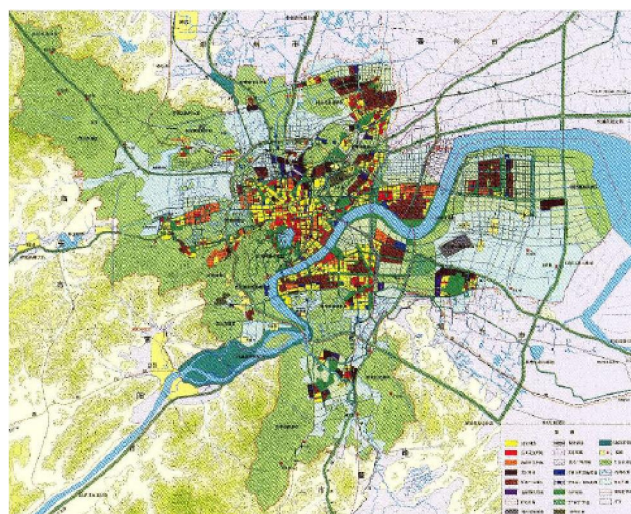


Figure 2 : Planimetric map of Hangzhou urban general planning

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mission line from overhead to underground, additional public restrooms, combination of multi-posts to one, urban furniture renewal, etc. The Alley system renovation project is different from other urban renewal projects in the sense that it penetrated into the urban tissue, involving 2731 Alley systems with a total length of more than 682 kilometers, 1.95 million people and 1887 organizations, and also that it needed to directly face the mass of people. Because of the transformation of the Alley system renovation project from a single and simple municipal project to a systematic urban renewal project, correspondingly the whole work philosophy, organization method, and implementation method have been greatly changed. In order for the project to progress smoothly, it was a must to let people deeply involved in the whole renovation project.

DETAILED DESIGN CONCEPT OF HANGZHOU PUBLIC PARTICIPATION SYSTEM

Social right is an important characteristics of a modern democratic society. The prerequisite for the citizens and community organizations to participate extensively, and to cooperate with the government on management, is to give people broad and sufficient participation right. Only when the participation right is acquired by people, and there is a systematic and procedural guarantee for them to exercise the right, can public participation be truly realized. In addition, all the public affairs will involve legal and professional area matter, which requires a certain professional knowledge from the participants in democracy. In the public participation system design, the professional support is imperative, and is the base for achieving effective public participation.

Ensure public's "Four Rights" are fulfilled by the government's "Four Consultation", and elucidate the structure of right of public participation system

Under China's socialist market economic system, the social interest stakeholders become diversified, and the administrative behavior of the government is no longer the single representative of people's interest. The relationship between people and the government is not only the relationship between owner and public servant, but also the relationship of owner and employee between tax payers and the government. Therefore the administrative act of the government must ensure the different interest groups are given the equal rights and benefits. To achieve the balance of rights and benefits among diversified interest groups, it is necessary to guarantee that people have the right to know, to participate, to select and to supervise. The realization of the four rights of people can only be secured through the act of the government. Thus it is necessary to make the rights of people clear in the government's administrative procedure. In general the government needs to ensure the fulfillment of four rights by four administrative actions, i.e., consult people about their public affairs, consult people about their needs, consult people for advice and suggestions, and consult people regarding the performance of the government (Figure3). "Four Consultation" are the means, and "Four Rights" are the objectives. The means and objectives together form a pair of Complex of Contradiction. The conceptual public participation becomes the specific action goal with "Four Consultation" being defined as the form of the specific administrative action, and public rights being summarized by "Four rights".

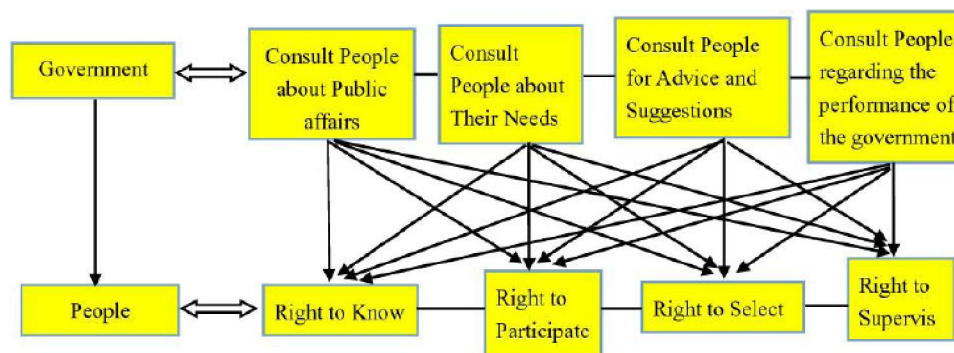


Figure 3 : Map of the relation of "Four Consultation and Four Rights"

Establish bipartite separation of powers, i.e., the city construction and operation model with the decision maker and executer being separated, to solve the problems of lack of organization and operation institutional guarantee for public participation

Taking Hangzhou Alley system renovation project as an example, a work framework of bipartite separation of powers was set up, i.e., the municipal level government was the decision maker, undertaking the responsibility of construction management, and was responsible for scheduling, planning, approving, coordinating, evaluating, etc.; each individual district government was in the position of executer, undertaking the responsibility of construction, and were responsible for organizing and implementation, including commissioning, submission for approval, project bid invitation, projection supervision, check and acceptance.

The establishment of the construction management model with bipartite separation of powers achieved the separation of management and execution in the construction project management. “Manager” is the referee, and “Executer” is the player. Again “Management” and “Execution” is a pair of complex of contradiction. Only with the establishment of such work framework, can the relation be rationalized institutionally, can the responsibility and right be clarified, and can the construction standard be elevated, especially so for large scale construction missions.

People’s right to make decision is what is truly practical and effective in public participation. People’s right to know, to participate, to select and to supervise can only be realized with the establishment of the construction management model with bipartite separation of powers. Meanwhile the organizational protection of public participation can only be established when public participation is taken into the decision - making level institutionally, and the interest of the governmental decision – making institution and people are kept the same.

Take public participation into the management loop, establish the urban construction management operational structure with a “Double Cycle Closed Loop” system, to solve the problem of lack of legal protection for public participation

Organizational protection is the sufficient condition

for the success of public participation and “Four Rights”. Public participation can be successful in its true sense only by making “Four Consultation” the necessary condition of public participation. Public participation is a section between decision-making and execution. The decision-making department and people form a work “loop” in the decision-making process, and in the process of execution, the execution department and people form another “loop”. Thus in between the decision-making and execution a double cycle closed loop public participation operational structure is formed together by the decision-making department, residents/people and execution department, establishing the public participation legal protection that has the character of “Procedure Law”.

Meanwhile the designed public participation system has explicitly regulated the specific operation segment and detailed content of public participation, e.g., at the initiation stage of the renovation project, a survey covering 100% residents must be carried out, and for the renovation subject that different opinions exist, it must be decided by 2/3 or more households affected regarding whether it should be carried out or not; at the design stage, the procedure of investigation and research, public hearing, design planning, design plan public demonstration, and joint hearing in a sequence, must

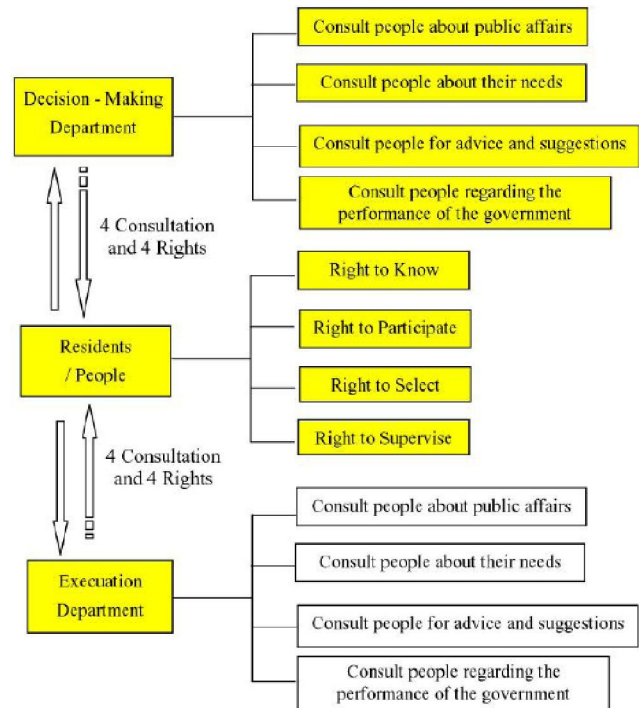


Figure 4 : Flow chart of the double cycle closed loop

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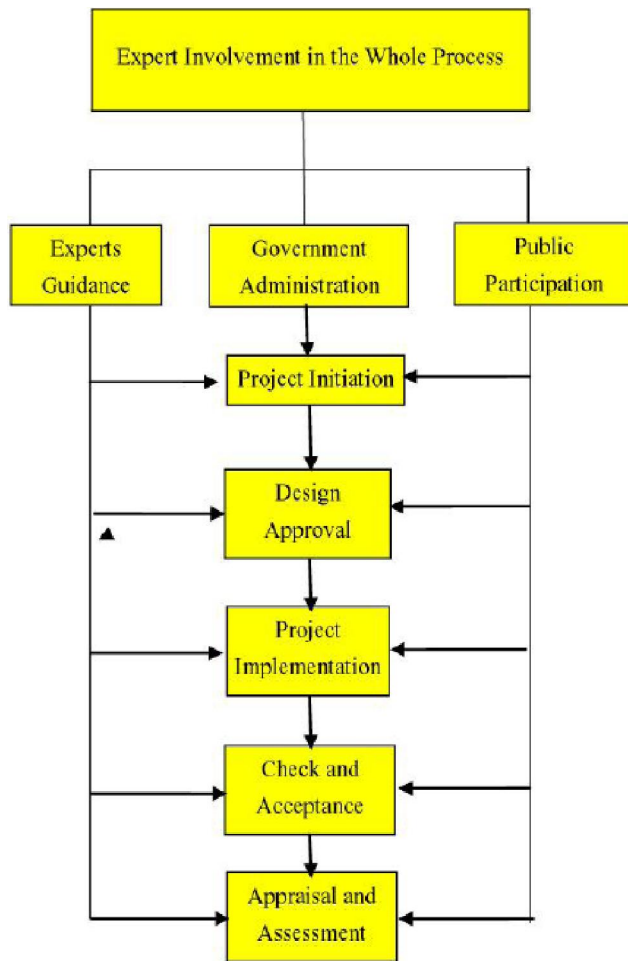


Figure 5 : Flowchart of expert involvement in the whole process of project

be followed before the design plan is determined; at the construction stage, the project information, the contact methods, and the construction material specification will be made public; at the check and acceptance stage, a survey with questionnaire at door must be conducted before the project is finished, and the project can be considered completed only with the satisfaction of the majority of the residents. The acceptance stage must be attended by a certain number of the representatives of the residents.

Introduce expert involvement in the whole process, and solve the problem of lack of technical support for public participation

In order to ensure the scientific nature of the decision-making of the individual subjects of Hangzhou Alley system renovation project, the technical support must be provided for public participation. The Hangzhou government formulated and issued "Implementation Plan

regarding the expert involvement in the whole process of the Alley system renovation project", and formed a consultation team composed of experts from seven related professional area including Humanities and History, Urban Construction and Planning, Elevation Landscape, Gardening and Afforestation, Municipal Engineering, etc., who would involve in the whole process of the project, carrying out the activities of inspection, providing guidance, and project appraisal and assessment in the process of project initiation, demonstration, design, hearing, and construction stages.

The municipal government had also set up a temporary expert liaison group in order to support the work of experts to allow the experts to put their expertise to a full use. Certainly the experts are the representatives of the public who possess professional technical knowledge. The expert involvement in the whole process of the renovation project was in fact also a component of public participation in the Hangzhou Alley system and backyard renovation project

CONCLUSION

According to the survey of Hangzhou Bureau of Statistics, Alley system were completed, and the public satisfaction reached 98.3%. Such a high degree of satisfaction suggests that a good public participation system can encourage people to actively participate in the public affair management. It also suggests that Chinese people are really eager to have the opportunity to participate in the public affair management. Of course, there is little regulation and institutionalization of public participation in the current government public management system in China. In addition, public participation as a way to exercise civil rights, needs the construction of civil culture and the cultivation of civil society. Although the curtain of the political system reform has been opened in China, the traditional political culture still has a wide influence. While civil culture is still immature, public participation as a practical political activity, has an important effect on promoting the formation of and cultivate civil culture in China, and in a more far-reaching significance, has a positive effect on pushing forward the political civilization construction and democratization process. Under such a background, the "Four Consultation and Four Rights" based public participa-

tion system, which has undergone Hangzhou's practical test, is worthwhile to be further practiced in China. At this stage of development, even in the future for a long time, the mode of government administration as the standard will still be the main type of public management.

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