

THE UNIVERSITY OF HULL

Does the National People's Congress Matter?
Executive-legislative Relations in the Chinese
Legislative Process

Being a Thesis submitted for the Degree of Ph.D. in Politics
in the University of Hull

by

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MA (Renmin University of China)

December 2015

Abstract

This research focuses on executive-legislative relations in China. By exploring the evolution of executive-legislative relations in China, the mechanism and factors that shape executive-legislative relations are critically analysed from the perspective of the Chinese legislative process. More specifically, this study pursues answers to the following research questions: (1) What are the executive-legislative relations in the Chinese legislative process? (2) How has the National People's Congress (NPC) evolved from the perspective of executive-legislative relations? (3) What are the factors that influence executive-legislative relations in China's legislative process? (4) What type of legislature is the NPC? Overall, the thesis aims to make a contribution to knowledge and understanding of the Chinese legislature.

Building on the existing literature, this thesis makes a new attempt to study Chinese legislative development by applying the concept of executive-legislative relations. Empirically, primary legislative data updated until 2013, elite interviews, and a case study of the amendment of the Budget Law constitute the main sources of data.

Based on the study of the interactive relationship between the legislative and executive branches at five legislative stages, comprising legislative planning, drafting and initiation, deliberation, voting and promulgation, and the post-legislative stages, three models are put forward to make sense of executive-legislative relations in the Chinese legislative process: the autonomy model, the cooperative coexistence model and the competing model. Meanwhile, a new division of the evolution phases of the NPC (initial period, oscillation period, golden decade, and stable and decline period) is identified in the concluding chapter. In addition, external (the Chinese Communist Party's policy and the wider political culture) and internal factors (institutionalisation and professionalization) are summarised as the main factors determining executive-legislative relations in China's legislative process.

The findings show that the NPC does play a significant role in the Chinese political system, although the NPC has typically been under the control of the Chinese Communist Party. The findings also call into question the continued applicability of Mezey's classic typology of legislatures to the development of the Chinese legislature. A new approach to classifying legislatures is introduced based on the institutionalisation and professionalization of a legislature.

Abbreviations

PRC	People's Republic of China
NPC	National People's Congress
NPCSC	National People's Congress Standing Committee
PC	People's Congress
PCSC	People's Congress Standing Committee
CCP	Chinese Communist Party
CPPSC	Communist Party's Politburo Standing Committee
OLA	Office of Legislative Affairs of the State Council
LAC	Legislative Affairs Commission

Acknowledgement

The submission of this thesis brings my time as a Ph.D. student to an end. The four years I have spent in Hull University have been fulfilling and enjoyable. Very special thanks must go to one person in particular: to Professor the Lord Norton of Louth. I thank him for four years of advice and guidance. His supervision and counsel in writing this thesis have been invaluable and he has kept me on track whenever I felt confused. I am not able to put into words how grateful I am for his help and support. As an incredible scholar, supervisor and great person, he will always be the very model of the scholar that I aspire to be in the future.

I owe a debt of gratitude to all of the academic and administrative staff in the department for making my time here so productive, especially to Dr. Xiudian Dai, my second supervisor, Professor Cristina Leston-Bandeira in the Legislative Studies Centre, and Dr. Xingjian Yan, a graduate from the department, for their constructive suggestions and help to my research.

Certainly, my utmost thanks must go to my whole family for all their love and encouragement, especially my parents who raised me and supported me to pursue my dreams of a doctorate. Without their constant love, support and encouragement this thesis would not have been written.

In addition, I would like to thank the editors and three anonymous referees of the *Journal of Legislative Studies* for the acceptance for publication and their valuable comments and suggestions to improve the paper, which is a part of this thesis. Also, my thanks must go to the conveners and audiences of the Eleventh and Twelfth Workshops of Parliamentary scholars and Parliamentarians (Wroxton), the International Conference on Public Policy (Milan), the Southern Political Science Association 85th Annual Conference (New Orleans), and the Political Science Association Annual Conference (Manchester) for offering me great opportunities to share this research and giving me valuable feedback and suggestions to improve it.

In the end, I must additionally thank my sponsors, the Chinese Scholarship Council and University of Hull for providing the scholarship which made this research possible and my good friends Dr. Yun Wu, Dr. Viktoriya Fedorchak, Dr. Elmar Widder, Ms. Achara Banjongprasert and Mr. Abdelsalam Mohammed Alodat, for all of their support and encouragement along the way.

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Chapter I. Introduction and Methodology

The legislative and executive branches are core institutions for policy-making in modern countries. However, usually, research tends to neglect the important role of the legislature.¹ In the field of Chinese studies, the exploration of the interactive relations between the legislative and executive branches from the perspective of legislative studies is especially rare. This research seeks to fill this gap from the perspective of legislative process. The long-standing perception is that legislatures exist to make law.² Among the NPC's three main institutional functions of legislation, supervision, and representation,³ the legislative function is usually regarded as the primary one.⁴ As a result, the legislative process in China is the ideal field to explore executive-legislative relations.

In this research, China offers the interesting experience of a non-democratic regime that has attempted to institutionalise a legislative system divergent from that of western competitive democracies. Therefore, a better knowledge of this legislature can help us understand the working in an emerging economy of a legislative body that contrasts with the legislatures in established democracies which are usually studied.

This chapter provides an overview of this research and conceptual definitions that can be used to explain executive-legislative relations in the Chinese legislative process. The conceptual clarification will be noted in order to analyse the empirical data effectively. It will also clarify the characteristics of the legislative process in the NPC and will have a high relevance to the research of legislative studies.

Correspondingly, this chapter clarifies the hierarchical structure of policy-making and legislative bodies in China. It also suggests the research approaches and methods used in this study. The following part briefly introduces the data collection and analysis methods. Finally, the originality, limitations of this research, and structure of this thesis are noted.

¹ Gerhard Loewenberg, *On Legislatures: The Puzzle of Representation*, (Boulder, C.O.: Paradigm Publishers, 2011). pp. 21-23.

² Allan Kornberg and Lloyd D. Musolf, *Legislatures in Developmental Perspective*, (Durham: Duke University Press, 1970). pp. 7-18.

³ Kevin J. O'Brien, "Is China's National People's Congress a "Conservative" Legislature?", *Asian Survey*, 30, no. 8 (1990): 782-94.

⁴ Michael W. Dowdle, "The Constitutional Development and Operations of the National People's Congress", *Columbia Journal of Asian Law*, 11, no. 1 (1997): 1-125. p. 42.

1. The aim and significance of this research

The main aim of this research is to contribute to knowledge on the Chinese legislature, the National People's Congress (hereinafter NPC). Although already over 60 years old, this is still in many ways an unknown institution. There is limited literature on it. This study seeks to fill this notable gap. The specific goal of this research is to produce an understanding of executive-legislative relations in China's legislative process. The analysis will be carried out basically through a study of the legislative process in the NPC. Using the Budget Law amendment as a case study, the research in particular seeks to explain firstly the characteristics and evolution of executive-legislative relations in China's legislative process, and, secondly, the main factors influencing executive-legislative relations in the legislative process.

In addition, a focus on the legislature and the executive has been chosen not only because they are supposed to be important in the legislative process, but also because they are more visible and accessible than other significant actors, such as China's Communist Party.

The significance of this research is twofold: on the one hand, it contributes to knowledge of executive-legislative relations in China. On the other hand, it potentially provides better knowledge and understanding of Chinese legislatures, the NPC and sub-national People's Congresses. Moreover, the results of the research may provide new models to explain executive-legislative relations in the Chinese legislative process and a redefinition of the evolution of the PC system. In contemporary China, although the NPC remains relatively weak, its leaders have acquired a role in supporting reform. It is possible that the PC system will be the key point of future political reform in China.

2. Research questions

The main questions this research seeks to address are: 'How have executive-legislative relations in China evolved?' and 'What role does the NPC play in the legislative process?'

The associated sub-questions are:

Q1. What are the executive-legislative relations in the Chinese legislative process?

On the one hand, the relationship between the legislature and the executive is defined in the Constitution and other laws. Studying the relations on paper is an intuitive way to explore the executive-legislative relations in a specific country. On the other hand, sometimes, constitutions are only pieces of paper that obscure as much as they reveal. As

Mezey states, the extent of the legislature's capacity may have little to do with constitutional forms.⁵ For this reason, examining the executive-legislative relations in practice is necessary. The interactive relations in each stage of the Chinese legislative process including the pre-legislative stage (legislative planning), drafting and initiation stage, deliberation stage, vote and promulgation stage, and post-legislative stage will be examined.

Q2. How have the executive-legislative relations evolved in China?

Generally, the executive-legislative relations are dynamic. The evolutionary process of the executive-legislative relations in China will be explored from a historical perspective. In the light of empirical analysis, a new division of the NPC's evolution stages will be provided.

Q3. What are the factors influencing the executive-legislative relations in China's legislative process?

Executive-legislative relations are not permanent because there are some factors that change continuously over time. For instance, Loewenberg deems that the factors which influence the relations are the level of professionalization of the legislatures, staffing levels, the stability of their membership over time, the party discipline, and the degree of stability of parliamentary system(duration of cabinet in office).⁶ Scholars have diverse answers to this question. In this research, the factors which are specific to the Chinese case, including both internal and external factors influencing executive-legislative relations, will be explored.

Q4. What type of legislature is the NPC?

In his seminal typology of legislatures, Mezey divided legislatures into five types: active, vulnerable, reactive, marginal, and minimal.⁷ So far, studies have paid more attention to established democracies which are generally regarded as active or reactive legislatures. However, legislatures in non-democratic states are often regarded as 'minimal legislatures' or 'rubber stamp' legislatures that provide nothing other than latent

⁵ Michael L. Mezey, "Executive-Legislative Relations", in *World Encyclopedia of Parliaments and Legislatures Vol. 2 M-Z*, ed. George Thomas Kurian and Lawrence D. Longley, (Washington, D.C.: Congressional Quarterly, 1998). pp. 142-143.

⁶ Gerhard Loewenberg, *On Legislatures: The Puzzle of Representation*. p. 85.

⁷ Michael L. Mezey, *Comparative Legislatures*, (Durham, N.C.: Duke University Press, 1979). pp. 42-43.

legitimacy.⁸ As mentioned above, in this research, China offers the interesting experience of a non-democratic regime that has attempted to institutionalise a legislative system divergent from that of western competitive democracies. Therefore, the type of legislature represented by the NPC will be discussed based on the findings of executive-legislative relations in China's legislative process. On the basis of the data and evidence, the continuing validity of the expectation that the NPC is a minimal actor in the political system will be challenged. In the end, a modified typology of legislatures will be generated.

3. Defining concepts

On March 10, 2011, at the fourth session of the 11th NPC, the then National People's Congress Standing Committee (NPCSC) chairman Wu Bangguo declared, "By the end of 2010, in China, there have been 236 laws, more than 690 administrative regulations, 8600 local regulations which are in force. And the legal system with Chinese characteristics has been formed by multiple levels of laws, administrative regulations, local regulations and other legal documents."⁹ This raises the question, what is the so-called 'legal system with Chinese characteristics'?

In the early 1990s, China's leadership began to set out a uniform legislative system by promulgating a law named the *Legislation Law (Lifa Fa)*. The *Legislation Law* passed by the NPC in 2000 was a significant step forwards producing a more orderly and open legislative system in China.¹⁰ Currently, the Chinese legislative system is not only centralised, but also hierarchical. 'Centralised' means that the national legislative power of making the Constitution and laws is centralised in the hands of the NPC and its standing committee (hereinafter NPCSC). The legal documents including local regulations, administrative regulations, and local rules made by the sub-national PCs and the executive (governments) must be consistent with the 1982 Constitution (hereinafter the Constitution) and laws made by the NPC and the NPCSC. Local regulations and administrative regulations must be submitted to the NPCSC for filing.¹¹

⁸ Liam Allmark, "More Than Rubber-Stamps: The Consequences Produced by Legislatures in Non-Democratic States Beyond Latent Legitimation", *The Journal of Legislative Studies*, 18, no. 2 (2012): 184-202.

⁹ "Wu Bangguo: The Work Report of the National People's Congress Standing Committee – March 10, 2011 at the Fourth Meeting of the 11th National People's Congress", in *People's Daily*, 19/3/2011.

¹⁰ Laura Paler, "China's Legislation Law and the Making of a More Orderly and Representative Legislative System", *The China Quarterly*, no. 182 (2005): 301-18.

¹¹ See Article 89:1, the Legislation Law of the People's Republic of China.

‘Hierarchical’ means that, at national level, the NPC and the NPCSC make the Constitution and laws while the State Council and its ministries make administrative regulations. In order to implement laws and administrative regulations made by national bodies, at sub-national level, the sub-national PCs and local governments are in charge of making local regulations and local government rules respectively in the light of local circumstances(see Figure 1). However, the legislative process at sub-national level is supervised by the higher level bodies. The local regulations made by the sub-national PCs must be reported to the NPCSC and take effect with the NPCSC’s approval. The final arbiter of conflicts between the national and local legislations is the NPC (the NPCSC). Article 8 of the *Legislation Law* lists the legislative affairs exclusive to the NPC and the NPCSC.¹² Apart from legislative affairs which belong to the NPC exclusively, for other legislative affairs, the sub-national PCs are empowered to make local regulations or ‘experimental legislations’, which are legal documents only valid in a certain region.¹³ On occasion, the local regulations might be beyond the content of laws made by the NPC and the NPCSC. For instance, in 2004, when there was no relevant national law on electronic commerce, the PC of Guangdong province promulgated the *Regulation on Electronic Commerce of Guangdong Province*.¹⁴ Nine years later, at national level, the making of the Electronic Commerce Law was included in the legislative planning of the 12th NPCSC in 2013.¹⁵ Thus, it can be said that to some degree, the local regulations are relatively independent. They are used to obtain experience for later national law-making. However, more importantly, the local regulations are subject to the national laws. As Qiao Xiaoyang, the director of the Law Committee of the NPCSC said, “Once the NPC makes the national legislations on certain issues, the local legislations which are made in advance should be subject to the national ones.”¹⁶ Therefore, undoubtedly, the final say rests with

¹² See Article 8 of the Legislation Law. The exclusive legislative affairs of the NPC and the NPCSC comprise nine main parts: “(1) affairs on State sovereignty; (2) formation, organisation, and the functions and powers of the PCs, governments, the judiciary at all levels; (3) the system of regional national autonomy, special administrative region, self-government among people; (4) criminal offences and their punishment; (5) mandatory measures and penalties; (6) requisition of non-State-owned property; (7) basic civil system; (8) basic economic system and basic systems of finance, taxation, customs, banking and foreign trade; (9) systems of litigation and arbitration.”

¹³ Wangsheng Zhou, *Legislative Study (Second Edition)* (Lifa Xue). (Beijing: Law Press, 2009). p. 277.

¹⁴ "Guangdong Province Makes Legislation in Advance to Regulate the Electronic Commerce (Guangdong Shuaixian Lifa Guifan Dianzi Shangwu)", Available online: <http://www.people.com.cn/GB/14576/28320/32776/32778/2421466.html>. [Accessed on 2/1/2015].

¹⁵ "Legislation on Electronic Commerce Initiated (Dianzi Shangwufa Lifa Qidong)", Available online: http://www.npc.gov.cn/npc/xinwen/tpbd/2013-12/30/content_1822039.htm. [Accessed on 2/1/2015].

¹⁶ Ming Chen, "Standardising the Legislative Work by the Legislation Law-- an Interview to the Deputy Chairman of the Law Committee of the National People's Congress, Qiao Xiaoyang (Yi Lifafa Guifan Lifa Gongzuo-- Fang Quanguo Renda Falv Weiyuanhui Fuzhuren Weiyuan Qiao Xiaoyang)",

the NPC. In addition, it is worth mentioning that, in a case where the local regulation made by the sub-national PC is inconsistent with the local rule made by local government, the matter goes to the State Council first. The local regulation is applied if the State Council supports the local regulation. However, if the State Council deems the local rule should be applied, this case is submitted to the NPCSC to make a final resolution.¹⁷ Simply speaking, vertically, there are national and sub-national legislative bodies; horizontally, they can be divided into the legislative and the executive.

Article 58 of the Constitution stipulates that the NPC and its standing committee exercise the ‘national legislative power’. Article 73 of the *Legislation Law* defines the legal documents made by the sub-national PCs as ‘local regulations’ instead of ‘local laws’ or ‘local legislations’.¹⁸ As a result, in this research, local regulations, as well as administrative regulations and local rules, are collectively defined as ‘quasi-legislation’. In the following discussion, a distinction is made between the legislations made by the NPC and the quasi-legislations which are made by the sub-national PCs and the executive (See Figure 1). Quasi-legislations are made for implementing and interpreting legislations. However, for brevity, in the following text, the term ‘legislative body’ refers extendedly to the NPC, the NPCSC, the sub-national PCs, the State Council, ministries, and local governments who have the power to make both legislations and quasi-legislations.

Shanghai People's Congress Monthly, no. 7 (2000). pp. 15-16.

¹⁷According to Article 86 of *Legislation Law of the People's Republic of China*: in the case of difference between a local decree and administrative rule in respect of the same matter, if the applicable provision cannot be decided, the State Council shall give its opinion, and where the State Council deems that the local decree should apply, then the local decree shall be applied in the local jurisdiction; where the State Council deems that the administrative rule should apply, it shall request the Standing Committee of National People's Congress to make a ruling.

¹⁸ See Article 64:2, *Legislation Law of the People's Republic of China*: “...the People's Congress of a province, autonomous region, or municipality directly under the central government and the Standing Committee thereof may enact local decrees for the time being in light of its specific situations and actual needs...”

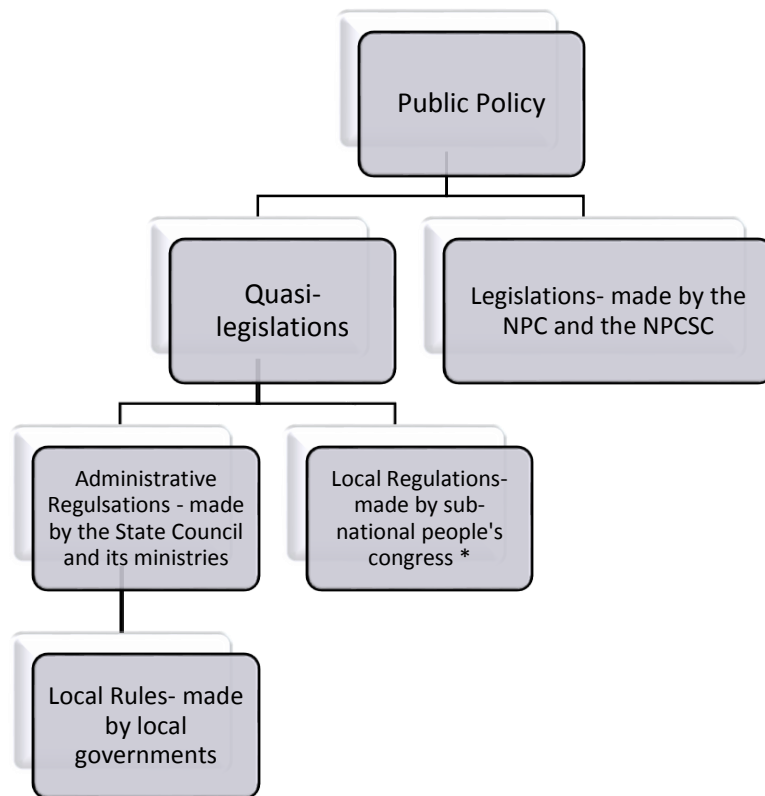


Chart is made by the author

Figure 1: *Hierarchical structure of policy-making in China*

Note: *) Only the People’s Congresses of a province, autonomous region, municipality directly under the central government or a major city have the right to enact local regulations.

In terms of the legislative bodies, the NPC and its standing committee hold the supreme legislative power. The constitutional status of the NPC in the legislative process is higher than that of any other state organs.¹⁹ According to the Constitution, the NPC is the supreme organ of state power in China. The NPC focuses on exercising legislative powers. Under the supervision of the NPC, the executive and judicial powers are delegated to the State Council and ‘two courts’ respectively.²⁰

Vertically, the legislative bodies are divided into the national and sub-national levels. In terms of the PC system, the relationship between the NPC and sub-national PCs is not a coercive leadership relationship, but a relationship of legal guidance on legislative affairs.²¹ The NPC can be further divided into the plenary session and its standing

¹⁹ Lin Li, *Legislative Theory and Institution (Lifa Lilun yu Zhidu)*, (Beijing: Legal Publishing House, 2005). p. 21.

²⁰ The two courts are the Supreme People's Court and the Supreme People's Procuratorate.

²¹ Dingjian Cai, *The National People's Congress (Zhongguo Renda Zhidu)*, (Beijing: Social Sciences Academic Press, 1992). p. 258.

committee. The legal documents²² made by the plenary sessions take precedence over those made by the standing committee.²³ Legal documents made by the sub-national PCs and governments must not conflict with the ones enacted by the national level authorities. The sub-national level can be divided into provincial²⁴ and major cities' levels. The legal documents of the major cities are subject to the ones at the provincial level. In the subsequent discussion, for the sake of brevity, the provincial and major cities' PCs are regarded as the sub-national PCs collectively. The term 'sub-national PC' is different from the term 'local PC'. The latter's scope is bigger. It comprises the provincial and major cities' PCs which have power to make local regulations, and county, town and partial municipal level PCs which are not empowered to make local regulations. Meanwhile, the plenary sessions and the standing committees are usually regarded as a whole in the subsequent discussion. Horizontally, there is a separation of powers of the PC system and the executive. The legal documents made by the executive must be in keeping with the ones made by their counterpart in the PC system (See Figure 2).

²² 'Legal documents' refers to the legislations and quasi-legislations made by the legislature or the executive collectively.

²³ See Legislation Law of the People's Republic of China, Article 88:1: "The National People's Congress has the authority to amend or cancel any inappropriate national law enacted by its Standing Committee and to cancel any autonomous decree or special decree approved by its Standing Committee in violation of the constitution..."

²⁴ The provincial level authorities comprise of the PCs and governments of provinces, autonomous regions, and municipalities directly under the central government.

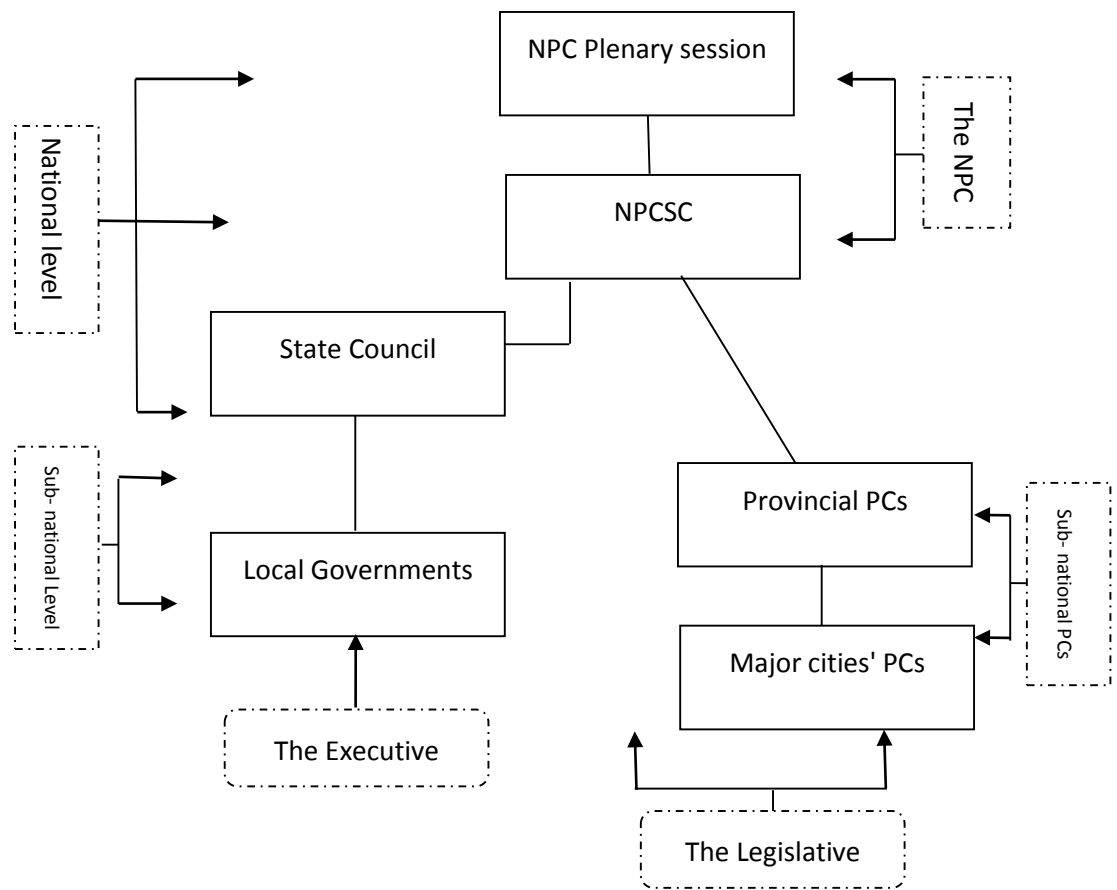


Figure 2: Hierarchical structure of legislative bodies in China

To clarify the concepts and terms used in the following text, this research covers the NPC and the sub-national PCs in the legislative process. Specifically, ‘sub-national PCs’ refers to PCs that have power to enact local regulations, including the PCs of provinces, autonomous regions, municipalities directly under the central government and major cities. ‘Legislative power’ refers to the power of making legislation and quasi-legislation in general; ‘legal documents’ refers to both legislations and quasi-legislations which include the constitution and laws made by the NPC and the NPCSC, the local regulations made by the sub-national PCs, the administrative regulations made by the State Council and its ministries, and the local government rules made by local governments; ‘the Constitution’ refers to the 1982 constitution which is still in force in China; the ‘PC system’ comprises the NPC, the NPCSC and its committees and sub-national PCs collectively;²⁵ the executive (branch) refers to the State Council, its ministries, and local governments.

²⁵ In some contexts, the term ‘the NPC’ also refers to the PC system comprising the NPC, the NPCSC and its committees and sub-national People’s Congresses collectively.

4. Research methods

A combination of comparative-historical method and case study is a feasible way to explore the executive-legislative relations in China.

1. Comparative-historical method. The comparative-historical method allows researchers to analyse and offer important insight into complex and pertinent political issues. Political scientists have used the comparative-historical method to offer insight into many significant topics, such as state building, nationalism, democratisation, and so forth.²⁶ Normally, the comparative-historical method can be used for research to understand both the dynamics of the political phenomenon and the processes that created it.²⁷ This thesis focuses on the legislative development of the PC system, through analysing the dynamic changes of executive-legislative relations in the Chinese legislative process. In addition, looking at the PC system in a historical framework, it provides a tool for necessary consideration of the evolutionary pattern. Historical and comparative methods are not mutually exclusive and they can be used at the same time for description, examination, and prediction. This research used historical comparison of executive-legislative relations in the legislative process at each session of the NPC, which reflects the role of the PC system in a historical framework.

2. Case study. A case study is an in-depth investigation of dynamic processes of a single person, group, or event, which is useful for describing complex phenomena.²⁸ The case study method is often used to observe what happens to, or reconstruct 'the case history' of an event in the light of research interest.²⁹ In this thesis, in order to provide insight into executive-legislative relations in China, the amendment of the *Budget Law* is the case chosen to illustrate the interaction between the NPC and the executive in the legislative process. The amendment of the *Budget Law* has received extensive attention and discussion by the public and scholars because of its high significance and controversy. It took a decade from the drafting to final passage. In addition, the case study also serves an exploratory role.³⁰ The complexity and winding course of the amendment of the *Budget*

²⁶ See Matthew Lange, *Comparative-Historical Methods*, (Los Angeles: SAGE Publications, 2013). pp. 1-2.

²⁷ James Mahoney and P. Larikin Terrie, "Comparative- Historical Analysis in Contemporary Political Science", in *The Oxford Handbook of Political Methodology*, ed. Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier, (Oxford; New York: Oxford University Press, 2008). p. 739.

²⁸ R. Burke Johnson and Anthony J. Onwuegbuzie, "Mixed Methods Research: A Research Paradigm Whose Time Has Come", *Educational Researcher*, 33, no. 7 (2004): 14-26.

²⁹ For more details see John Gerring, *Case Study Research: Principles and Practices*, (New York: Cambridge University Press, 2007). Chapter 3.

³⁰ John Gerring, "Case Selection for Case-Study Analysis: Qualitative and Quantitative Techniques", in *The Oxford Handbook of Political Methodology*, ed. Janet M. Box-Steffensmeier, Henry E. Brady,

Law make it valuable to observe the relations of the NPC with the executive in the legislative process. Moreover, in a case study, the researcher can identify contextual and setting factors as they relate to the research interest.³¹ Thus, the case study will gather in depth information on the amendment of the *Budget Law*, in order to give a complete picture of the executive-legislative relations in the legislative process and support the demonstrations and findings in the other chapters.

5. Data collection

Due to the fact that this research is based on empirical data primarily collected from China, the collection of primary sources is crucial. This section will indicate the data sources of this research in detail. Two types of data source are used in this research, which are primary and secondary sources.

5.1 Primary sources

The primary sources include legislative data and elite interviews. Regarding the legislative data, the author visited the NPCSC in March 2014 during the plenary session and obtained a copy of *Zhonghua Renmin Gongheguo Lifa Tongji (Legislation Statistics of the People's Republic of China, 2013 Edition)* which was not accessible to the public from a member of staff of the NPCSC through personal connection. Based on the data and description in the *Legislation Statistics*, in order to analyse the executive-legislative relations in each legislative stages, the author compiled and coded the laws (amendments and resolutions) and planned legislations (see Appendix 1 and 2). In addition, several bill drafts of local regulations, which can be used for examining the sub-national PC's impact on government bill, were also accessed through personal connection. These are the main source of the legislative data compilation and analysis in the thesis.

A cross-reference data checking strategy is used to improve the reliability of data. Multiple sources from published research and archival documents are used for this purpose. Thus, legislative data from multiple sources like *Zhongguo Renmin Daxue Zhongguo falv fazhan baogao 2010 (Renmin University of China Report on Chinese Legal Development 2010)* edited by a Chinese scholar, Jingwen Zhu, and *Zhonghua renmin gongheguo guohui zhi bianqian: Cong Mao Zedong dao Deng Xiaoping (The transition of Chinese legislature: from Mao Zedong to Deng Xiaoping)* written by a

and David Collier, (Oxford; New York: Oxford University Press, 2008). p. 648.

³¹ Roger Gomm et al., *Case Study Method: Key Issues, Key Texts*, (London; Thousand Oaks, California: SAGE Publications, 2000). p. 32.

Taiwanese scholar, ShengChun Yang and the *Zhonghua Renmin Gongheguo Falv Nianjian (Law Year Book of China)* are used to cross check and supplement legislative data. It is noted that, when data from different sources conflict, the data from an authorised or official source is adopted preferentially.

Elite interviews are a potent source of complementary data for the documentary data collection. Eighteen elite interviews were conducted in China in 2014 (see Appendix 3 for a full breakdown). Interviews are elite not only because of the high status of the interviewees in the PC system and academia, but also because they are top specialists in the studied subject.³² Interviewees were selected by non-probability sampling because of the limited sample frame. The interviewees can be divided into two groups: One group comprises top researchers on the PC system or Chinese politics, composed of university professors and NPCSC researchers. Another group constitutes the members of the NPC and sub-national PCs, including incumbent and retired leaders, staff and deputies.

In reality, the second group of interviewees is relatively difficult to access and they might hide their own opinions for fear of incurring trouble. However, some interviewees were accessed through personal connection. Therefore, a snow-ball sampling strategy was used in accessing interviewees. This means that one interviewee with whom acquaintance is established may introduce another one, who may introduce a third one and so on. This way provides access to more interviewees and reduces the possibility of their hiding their opinions as well, because it is easy to gain trust from interviewees who are introduced by an acquaintance.

An interview outline was prepared before the interviews. If the interviewee requested an opportunity for preparation, the interview outline was sent to them in advance. Parts of interviews were recorded with the permission of the interviewees. In order to maximise the value of the information obtained, before the interview, a commitment was made to the interviewee that the conversation between us would be reported anonymously. All interviews took a semi-structured format whereby, based on what the interviewees said, flexibility was retained for new questions to be brought up in the interview. Those questions provided a relatively broad topic. In interviews, the interviewees were encouraged to expand their opinions or offer examples to support their views. Some interview questions were further extended to obtain more and deeper information.

³² Peter Burnham, et al., *Research Methods in Politics*, p. 233; Jarol B. Manheim, et al., *Empirical Political Analysis*, pp. 302-303.

5.2 Secondary sources

Regarding secondary sources, they can be categorised into four types: (1) Academic journal articles. Although there are few journal articles with the same topic as this thesis, a large number of academic works in Chinese and in English language contain relevant research on the institutional development of the PC system, the PC system's structure and functions and its linkages with other state organs and so on. Journal articles in English were accessible from both libraries of universities and online databases. Journal articles in Chinese were accessed from the universities and public libraries in China such as the National Library of China and Renmin University of China library. They were also accessed from Chinese academic internet databases such as China Knowledge Resource Integrated Database (CNKI): <http://eng.oversea.cnki.net/kns55/> which is the most comprehensive gateway to knowledge of China.

(2) Official documents of the NPC. Documents such as the Gazette and *Renda Jianbao (the NPC Briefing)* were collected in official compilations, such as *Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian (Compilation of People's Congress of People's Republic of China)* and *Zhongguo Renmin Daibiao Dahui Nianjian (Year book of the National People's Congress)*. The more recent documents are also available online from the People Database: <http://data.people.com.cn/directLogin.do>, and the Xinhua Net: <http://www.xinhuanet.com/>.

(3) Memoirs of the NPCSC senior leaders. This type of secondary source is the published memoirs or selected writings of retired senior leaders of the NPCSC, such as *Lifa Suoji (Fragmentary Recollections on Law-making)* written by Song Rufen, *Qiao Shi Tan Minzhu yu Fazhi (Qiao Shi on Democracy and Rule of Law)* written by Qiao Shi, *Lifa yu Jiandu: Li Peng Renda Biji (Legislation and Supervision: Li Peng's Dairy of the NPC)* written by Li Peng, *Qinli Zhongguo Minzhu Lifa (Experiencing China's Democratic Legislation)* written by Nan Zhenzhong, and *Wo Jingli de Lifa Gongzuo (My experience of legislation in China)* written by Gu Angran.³³

(4) News articles and reports or TV interviews: In recent years, an increasing number of the NPCSC or PCSC members and staff, the NPC and the PC deputies, and political or legal scholars have talked about legislation in public interviews. They give ideas or illustrate the details or background of a certain legislative issue. Normally, the NPCSC

³³ Qiao Shi and Li Peng are former heads of National People's Congress; Song Rufen, Nan Zhenzhong and Gu Angran are all members of legislative committee in the National People's Congress Standing Committee.

members who talk to newspapers or give TV interviews are high-ranking officials who are difficult to access. Therefore, the opinions or ideas they disclose in news reports or interviews are valuable for this research. The evidence of the case study in this thesis depends heavily on this type of source. Due to its highly controversial nature and great importance, the amendment of *the Budget law* attracted extensive attention from the public and scholars. Quite a few NPC deputies, the NPCSC high-level officials, and scholars in the field of politics, legal studies, finance and economics, and even some participants in bill drafting, expressed their opinions publicly through traditional media, like newspapers, television interviews, and new media, like online forums, blogs, and social networks. Thus, the comments or insights on certain legislative activity available in the media are a valuable substitute, although certain vital documents for legislative study, like the record of deliberation debate, are not available in China.

6. Methods of data analysis

Data analysis methods in the thesis are a mixture of qualitative and quantitative methods. The primary rationale for using qualitative methods is that it gives an opportunity to study the subject in depth and cause-effect relationship of various constituent parts. It also assists in exploring the subject in terms of various perceptions and interdisciplinary interpretations.³⁴ From the perspective of a researcher, this approach gives more freedom of interpretation and analysis of diverse influential factors that the usual quantitative analysis might miss out. In other words, while the quantitative method provides exact numeric data, the qualitative method gives an opportunity to explore the driving forces behind the development of the studied phenomenon and quantitative data found.³⁵ That is why, for the benefit of this research, the main approach is qualitative and the quantitative is used as a secondary and supportive one.

Regarding the analysis of legislative data, a method of descriptive statistics is used. Normally, descriptive statistics are used to summarize large amounts of data for the purpose of data analysis. This is often a useful way to analyse and measure political phenomena.³⁶ In this thesis, data about legislative planning from the 8th to the 11th NPC, about 402 laws, including amendments and resolutions, which were still in force by

³⁴ James D. Fearon and David D. Laitin, "Integrating Qualitative and Quantitative Methods", in *The Oxford Handbook of Political Methodology*, ed. Janet M. Box-Steffensmeier, Henry E. Brady, and David Collier, (Oxford; New York: Oxford University Press, 2008). pp. 757-776.

³⁵ Ibid.

³⁶ Peter Burnham et al., *Research Methods in Politics*, (Basingstoke, Hampshire; New York: Palgrave Macmillan, 2008). p. 138.

March 2013, passed between the 5th and 11th sessions of the NPC, and the number of laws, local regulations, administrative regulations, rules of ministries, and local government rules from 1987 to 2010 were collected and analysed. Regarding the 402 laws, amendments and resolutions passed between the 5th and the 11th NPC, five important issues were taken into account when compiling the sample: type, drafter, deliberations times, date of first deliberation, and the date of passing (details see appendix 1). In terms of data about legislative planning between the 8th and the 11th NPC, three indicators are examined: the type of proposed law, drafting body, and deliberation status (for details see Appendix 2).

On the other hand, the interviews are analysed qualitatively. The analysis concentrates on obtaining interviewees' opinions, attitudes and details about certain legislative activities. Besides, discourse analysis is used, which emphasises the importance of understanding the situational specifics of talk, and the attitude conveyed in talk or speech.

7. Originality

The main rationale for doing this research is that it can cover research gaps in the field of legislative studies. In the realm of legislative studies, the topic of executive-legislative relations in China is quite undeveloped. The originality of this research lies not in the concept itself, but in its application to the specific case of China. Scholars have studied the PC system, but they did not apply this concept. Thus, the originality is in applying the concept of executive-legislative relations to the case of China. This will be demonstrated in detail in the literature review. The topic of executive-legislative relations in China has been mentioned in a few articles but no systematic analysis of executive-legislative relations, especially the inside story of the interactive relations in the legislative process, was conducted. Although Cabestan's research discusses the relations between the NPC and the State Council, it focuses on the power structure generally in 2000, rather than the legislative process.³⁷ In addition, this thesis emphasises the legislative data until 2013. Therefore, it is the timeframe that is also original.

8. Limitations of the research

Like any thesis, this one also has its limitations. Firstly, interviews with more participants in the legislative process would have contributed more to understanding of the mutual

³⁷ Jean-Pierre Cabestan, "The Relationship between the National People's Congress and the State Council in the People's Republic of China : A Few Checks but No Balances", *American Asian Review*, 19, no. 3 (2001): 35-41.

interaction of the executive and legislative branches in the legislative process. Therefore, the first limitation is the restricted availability of the key participants in the legislative process. The second limitation is that although a variety of legislative data has been used in the research, various materials and evidence behind it, such as the content of deliberation discussion or debate, data on the deputy bills which are transferred to the bills placed on legislative agenda and content of deputy bills, still remain restricted to the public. Therefore, this thesis reflects what its author managed to collect. However, this limitation is common for topics related to Chinese politics. Last but not least, the thesis is inevitably limited by human error, which might occur in the compiling and coding of legislative data.

9. Structure of the thesis

Following this introduction and account of methodology, a literature review of the concept of executive-legislative relations and the Chinese legislature is conducted (Chapter Two). This research does not make hypotheses but goes directly to the analysis of the empirical evidence. Following the discussion of the NPC in context (Chapter Three), Chapter Four focuses on the legislative power and legislative process on paper and in practice in China. The China Communist Party's influence on executive-legislative relations in the legislative process is highlighted in Chapter Five.

Chapter Six is the one with the principal analysis. Based on a large body of primary evidence, the analysis focuses on executive-legislative relations in five legislative stages: the pre-legislative (planning), drafting and initiation, deliberation, vote and promulgation, and post-legislative stages. Chapter Seven offers a case study of the amendment of the *Budget Law*, in order to support and extend the analysis in the previous chapters.

The concluding Chapter Eight generates three models to make sense of executive-legislative relations in the Chinese legislative process, which are the autonomy model, the cooperative coexistence model, and the competing model. Meanwhile, the chapter reveals factors influencing on executive-legislative relations in China's legislative process, and proposes a new classification of the evolution of the NPC. In responding to the research questions, the findings under the new perspective contribute to a better understanding and the establishment of a new exploratory framework of the evolution of the Chinese legislature, the National People's Congress.

Chapter II. Literature Review: Executive-legislative Relations

Executive-legislative relations are problematic in any political system. The division of executive and legislative powers typically dominates debates over the establishment of democratic regimes, fuelling disputes over the fundamental issues of constitutional design and institutional structure.¹ The usual starting point for any discussion of executive-legislative relations is the 1976 pioneering work by Anthony King.² Since 1976, as an important component of legislative studies, along with the development of comparative legislatures, studies on executive-legislative relations have witnessed significant development. It is becoming a mature field with its own theoretical framework and discourse.

Although executive-legislative relations as a specific concept have been studied in some depth since 1976, the early thought related to executive-legislative relations (the concept *per se* did not exist at that time) can be traced back to Montesquieu's *The Spirit of the Laws* (1748), which argued that the separation of powers is the basis of a government as a safeguard against tyranny.³ In addition, Locke put forward the doctrine of the separation of powers even earlier than Montesquieu in his classic work, *Two Treatises of Government* (1689). He divided the national power into the legislative, executive and federative power, of which, the legislative power is supreme. "In all cases, whilst the government subsists, the legislative is the supreme power: for what can give laws to another, must needs be superior to him."⁴ Meanwhile, he clearly pointed out that the legislative power ought to be separated from the executive power because, in his view: "for the same persons, who have the power of making laws, to have also in their hands the power to execute them, whereby they may exempt themselves from obedience to the laws they make, and suit the law, both in its making, and execution, to their own private advantage, and thereby come to have a distinct interest from the rest of the community, is contrary to the end of society and government."⁵

¹ John P. Willerton, William Mishler, Gordon B. Smith, "Hegemony or Rivalry? Decrees, Laws, and the Dynamics of Executive-Legislative Relations in the Russian Federation", *Journal of Politics*, 65, no.1 (2003). p. 111.

² Anthony King, "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany", *Legislative Studies Quarterly*, 1, no. 1 (1976): 11-36.

³ Charles de Secondat Montesquieu, *The Spirit of Laws*, (Cambridge: Cambridge University Press, 1989). Part 2, Book 11. pp. 154-186.

⁴ John Locke, *Two Treatises of Government* [Kindle edition]. Retrieved from Amazon.com. Chapter 13, p. 3786.

⁵ *Ibid.* Chapter 14, p. 3731.

The works of Montesquieu and Locke strongly influenced the founders of the US Constitution, who expounded a theory of executive–legislative relations as one of ‘checks and balances’ in several chapters of their Federalist Papers. For example, in Federalist 51 written by Madison:

“The great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means and personal motives to resist encroachments of the others.”⁶

However, this mutual checks and balances relationship is merely one kind of executive-legislative relationship. The executive-legislative relationship in English parliamentarism is that the executive is subject to the legislature. The executive is elected through parliamentary election. As Walter Bagehot said in his classic work, *The English Constitution* (1867), the cabinet, which is accountable to parliament, had replaced the English monarchy as the efficient part of government.⁷ This statement illustrates the executive-legislative relationship in the United Kingdom, and most other parliamentary countries. Subsequently, the author will review the concept of executive-legislative relations in detail.

1. The Definition of executive-legislative relations

Definitions of executive-legislative relations can be broad. For example, King considers executive-legislative relations as “a distinct political relationship with its own dynamics and structure of power.”⁸ By this account, Jackson, Atkinson, and Hart describe executive-legislative relations as a zero-sum game, where “what one institution loses, the other seems to gain.”⁹ Another very broad definition, widely accepted in the related literature, is Damgaard and Jensen's: “a distinct pattern of interaction – one involving cooperation as well as conflict – among MPs and government ministers.”¹⁰ This definition implies that executive-legislative relations may be studied from different perspectives.

⁶ Alexander Hamilton et al., *The Federalist Papers*, (New York, N.Y.: Signet Classic, 2003). p. 232.

⁷ Matthew S Shugart, "Comparative Executive-Legislative Relations", in *The Oxford Handbook of Political Institutions*, ed. R. A. W. Rhodes, Sarah A. Binder, and Bert A. Rockman, (Oxford; New York: Oxford University Press, 2006). p. 345.

⁸ King, "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany". p. 11.

⁹ Robert J. Jackson et al., "Constitutional Conflict in France: Deputies' Attitudes toward Executive-Legislative Relations", *Comparative Politics*, 9, no. 4 (1977): 399-419. p. 400.

¹⁰ Erik Damgaard and Henrik Jensen, "Europeanisation of Executivelegislative Relations: Nordic Perspectives", *The Journal of Legislative Studies*, 11, no. 3-4 (2005): 394-411. p. 395.

Others, however, are more specific. Pennings defines executive-legislative relations as constitutional control: "the formal powers of parliaments and Heads of State to constrain executive behaviour."¹¹ Loewenberg also identifies executive-legislative relations as being 'chosen instruments of democratisation' emphasising that "they entail regulation of governmental expenditures and appointments, oversight over government decisions, and control over the discretion of the bureaucracy."¹²

Each definition is neither right or wrong, nor more or less correct. However, there is no definition in use agreed universally by researchers studying the phenomenon of executive-legislative relations. For example, Andeweg and Nijzink argue that the concept of 'executive-legislative relations' is confusing because it equates functions (law-making; implementation) with structures (parliament; government) and it limits the study of relations into a 'two-body image', thereby failing to achieve justice to the rich variety of interactions within the parliamentary/governmental complex.¹³

In addition, the 'executive' part of the concept 'executive-legislative relations' is sometimes referred to as 'the government'; 'legislative' is referred to as 'the parliament'. These terms will be used interchangeably in the discussion that follows.

2. Different executive-legislative relations with categories of legislatures

In legislative studies, a fundamental aspect of institutional and comparative studies, categories of legislatures have been widely discussed and the achievements are abundant. Mezey classifies legislatures into five categories: active, vulnerable, reactive, marginal, and minimal on the basis of 'a set of policy-making powers that look to the legislature as a valued and popular political institution' and 'the degree of support accruing to the institution'.¹⁴ According to Mezey's definition, active legislatures have strong decisional capacities and high levels of support; vulnerable legislatures have strong decisional capacities and low levels of support; reactive legislatures have moderate decisional capacities and high levels of support; marginal legislatures have moderate decisional capacities and low levels of support, and minimal legislatures have little or no decisional capacity and high levels of support. Most legislatures can find their own positions in

¹¹ Paul Pennings, "Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets", *European Journal of Political Research*, 42, no. 4 (2003): 541-67. p. 541.

¹² Loewenberg, *On Legislatures: The Puzzle of Representation*. p. 84.

¹³ Lia Nijzink Rudy B. Andeweg, "Beyond the Two-Body Image: Relations between Ministers and MPs", in *Parliaments and Majority Rule in Western Europe*, ed. Herbert Döring, (Frankfurt; New York: St. Martin's Press, 1995). p. 152.

¹⁴ Michael L. Mezey, "The Functions of Legislatures in the Third World", *Legislative Studies Quarterly*, 8, no. 4 (1983): 511-50. p. 540.

Mezey's classification.¹⁵ Mezey's classic typology will be further discussed, based on the Chinese case, in Chapter Eight.

Some typologies are based on the quality of certain competences of legislatures. For instance, Weinbaum constructed five categories of legislatures which he labelled coordinate, subordinate, submissive, indeterminate, and competitive-dominant based on the strength of their decisional roles and the success of the legislature in performing 'integrative' functions.¹⁶ Norton reworks Mezey's classification based on the policy-making capability of a legislature into three categories: legislatures which have a capacity for policy-making, for policy-influencing, for having little or no policy impact:

1. *Policy-making legislatures are those which can not only modify or reject government measures but can themselves formulate and substitute a policy for that proposed by government;*
2. *Policy-influencing legislatures can modify or reject measures put forward by government but cannot substitute a policy of their own;*
3. *And legislatures with little or no policy impact can neither modify or reject measures nor generate and substitute policies of their own.*¹⁷

In addition, Polsby constructed a continuum with 'transformative' legislatures at one end and 'arena' legislatures at the other. The former "possess the independent capacity, frequently exercised, to mold and transform proposals from whatever source into laws";¹⁸ the latter "serve as formalized settings for the interplay of significant political forces in the life of a political system."¹⁹ The UK parliament is a typical example of an arena legislature, and its counterpart in the United States is a typical example of a transformative legislature. Meanwhile, they are also classic modes of parliamentary and presidential systems.

There are diverse categorisations of legislatures with different standards of classification. Each standard of classification provides a different perspective from which to study

¹⁵ Mezey, *Comparative Legislatures*. p. 25.

¹⁶ See M.G. Weinbaum, "Classification and Change in Legislative System: With Particular Application to Iran, Turkey, and Afghanistan", in *Legislative Systems in Developing Countries*, ed. G. R. Boynton and Chong Lim Kim, (Durham, N.C.: Duke University Press, 1975). pp. 35-43.

¹⁷ Philip Norton, "Parliament and Policy in Britain: The House of Commons as a Policy Influencer", in *Legislatures*, ed. Philip Norton, (Oxford; New York: Oxford University Press, 1990). p. 178.

¹⁸ Fred I. Greenstein and Nelson W. Polsby, *Handbook of Political Science*, (Reading, Mass.: Addison-Wesley Publication Co., 1975). p. 277.

¹⁹ *Ibid.*

executive-legislative relations. For instance, on the basis of Norton's category based on capacity of policy-making, we can explore executive-legislative relations in the policy making process. It is not difficult to define roughly the relationship between a policy-making legislature and its executive counterpart, as a kind of legislative-dominant relationship; the relation between a policy-influencing legislature and the executive branch is a balance or competitive relation; legislatures with little or no policy impact are under executive-dominant circumstances. Therefore, when doing research on executive-legislative relations in individual countries, researchers are able to find similar types of legislature for reference or comparison based on typologies. In other words, the typology of legislatures offers researchers an instructive path to explore executive-legislative relations in an individual regime or from a comparative perspective.

3. Executive-legislative relations: functions of legislatures

Like the categories of legislatures, dating from Bagehot's definition of functions of the legislature,²⁰ the categories of functions of legislatures are diverse as well. Even the legislatures of individual countries have their own definitions of functions. Among them, the representative classifications of various functions performed by legislatures from Mezey and Packenham have to be mentioned.

According to Mezey, the functions of legislatures include decision-making, representation, legitimisation, integration, elite recruitment, and mobilisation. To begin with, Mezey specifically describes the decision-making function as the capability of the legislature to affect the shape of policies. Secondly, the representational function is twofold: allocation responsiveness and service responsiveness. The former refers to legislators' efforts to fight for resources and benefits for their constituencies and the latter refers to legislators' service to meet particularized constituency demands. Thirdly, in contrast with the representational function, sometimes legislators need to communicate with their constituencies on behalf of central leaders to gain popular support for and compliance with specific policies. This is the mobilization function. Fourthly, elite recruitment means legislatures are the training ground for future members of executive elites. The fifth function, integration, means that, as multimember institutions, legislatures facilitate integration at the mass level among different groups and regions.

²⁰ Bagehot identified a total of five functions: the elective, the expressive, the teaching, the informing and the legislative functions. See Walter Bagehot, "The House of Commons" in *Legislatures*, ed. Philip Norton, (Oxford; New York: Oxford University Press, 1990). pp. 35-56.

Last but not least, legitimization is the function by which legislatures create support for the government.²¹

Another approach is that of Packenham, who summarised the functions of legislatures from the experience of the Brazilian Congress from April 1964 to July 1965 and extended these functions to the context of developing countries. Packenham firstly divided the legitimation function into three sub-types: legitimation as a manifest function, legitimation as a latent function, and the 'safety-valve' or 'tension -release' function, which means legislatures are the place for releasing those tensions generated by the political process. Secondly, he likened the Brazilian Congress to a training ground for Brazilian politicians and described it as performing the recruitment, training, and socialization functions. Thirdly, the decision-making or influence function was divided into five sub-functions: the law-making function, the conflict-resolution function, the 'exit' function, the administrative-oversight and patronage function, and the interest-articulation function. Of these, the interest-articulation function is a channel by which public opinion draws the political elites' attention.²²

It is well-known that policy-making is the most important function of government. Both the executive and legislature participate in each phase of the legislative process, which is an important component of policy-making. Members from each branch are able to propose bills and debate them in the chamber before passing them. After policies are enacted, the executive is in charge of the implementation of policy but does so under the scrutiny of the legislature. As a result, although there are many functions of legislatures according to various function classifications, these two main functions, legislation and supervision functions, are often connected to research on executive-legislative relations.

The supervision or oversight function gives possible channels of legislative influence on the executive. A broad definition of legislative oversight is given by Ogul: "Legislative oversight is behaviour by legislators and their staff, individually or collectively, which results in an impact, intended or not, on bureaucratic behaviour."²³ The objectives of the legislative supervision are to ensure public policy is efficiently implemented in accordance with legislative intent by the executive and prevent the executive from abusing power. From the perspective of the legislative branch, the executive-legislative

²¹ Mezey, "The Functions of Legislatures in the Third World". pp. 527-528.

²² Robert A. Packenham, "Legislatures and Political Development", in *Legislatures*, ed. Philip Norton, (Oxford; New York: Oxford University Press, 1990). pp. 81-96.

²³ Morris S. Ogul, *Congress Oversees the Bureaucracy: Studies in Legislative Supervision*, (Pittsburgh: University of Pittsburgh Press, 1976). p. 11.

relationship is described in terms of supervisory interaction. Accordingly, Merkel points out a concept of accountability. It means that the executive should be accountable to the legislative.²⁴ This is another way to discuss executive-legislative relations from the perspective of the executive branch. It is also one possible theoretical framework that can be used to interpret the relations between the government and the parliament.

In respect of the legislative function of the legislature, Jean Blondel created the pioneering concept of ‘viscosity’, the capability of the legislature to resist legislation initiated by the executive.

*Where the legislature is very compliant, bills do not merely pass, they pass very easily and in particular, the time spent or the number of speakers engaged in debate is very small. As the legislature became freer, the time spent increases and amendments are discussed and indeed passed.*²⁵

He points out that ‘viscosity’ is a continuum reflecting various degrees of involvement rather than a dichotomous variable and identifies four variations including tabling of opposition amendments, opposition amendments passed, private members’ bills passed, and length of debate to assess executive-legislative relationships in the legislative process. On this basis, he analysed comparatively the ‘viscosity’ of five legislatures (the United Kingdom, Ireland, Sweden, France, and India).²⁶ Similarly, Mezey introduces the concept of ‘constraint’ to describe executive-legislative relations during the legislative or policy-making process. A constraint is defined as:

*“...a limitation that the legislature can place upon the executive branch of government that would not make it- the legislature- directly vulnerable to dissolution, proroguing, or closure. A constraint restricts the action of the executive branch and prevents it from making policy unilaterally.”*²⁷

Both ‘viscosity’ and ‘constraint’ and their evaluation indicators are valuable instruments to study executive-legislative relations in different countries. However, due to limited accessibility of empirical evidence for the indicators, ‘viscosity’ and ‘constraint’ are not able to be used to examine the executive-legislative relations in some countries, like China.

²⁴ See Peter H. Merkl, "Executive-Legislative Federalism in West Germany", *The American Political Science Review*, 53, no. 3 (1959). pp. 732-741.

²⁵ J. Blondel et al., "Legislative Behaviour: Some Steps Towards a Cross-National Measurement", in *Legislatures*, ed. Philip Norton, (Oxford; New York: Oxford University Press, 1990). p. 200.

²⁶ See J. Blondel, "Legislative Behaviour: Some Steps Towards a Cross-National Measurement", *Government & Opposition Government and Opposition*, 5, no. 1 (1970): 67-85.

²⁷ Mezey, *Comparative Legislatures*. p. 25.

Furthermore, the legislative process is the fundamental policy-making mechanism of modern countries. All major public policy initiated by both the executive and the legislative branches must be given assent through the legislative process. The executive-legislative relations vary at differing legislative stages. For example, in the initiation stage, the executive may take dominance. In most countries, the executive initiates the majority of legislation bills, of which 90 per cent are passed.²⁸ In contrast, in the deliberation stage which takes place in the legislature, legislatures try to show assertiveness to the executive by obstructing the government's bills. For instance, in Germany, MPs use committees to perform deliberation, with the result that few bills initiated by the executive are passed without change.

4. Modes of executive-legislative relations

As King argued in his seminal article, executive-legislative relations are a classical topic of political science. This relationship has been studied for a long time according to the Montesquieu formula in which the government and the parliament interact. However, the Montesquieu formula does not refer to the impact of political parties. A more appropriate approach to the study of executive-legislative relations, as King suggested, takes into account the party composition of the government and parliament and the intraparty differences between the government or the front bench opposition, on the one hand, and the respective backbenchers, on the other.²⁹ Such an approach recognizes that there are more than the two political actors constituted by the executive and the legislative powers and thus addresses a larger number of relations and produces a more complex analysis.³⁰ As a result, this approach makes it possible to divide the executive-legislative relations into different modes. In applying his approach to three examples: Great Britain, the Fifth Republic of France, and Western Germany, King singled out five empirically relevant modes of interaction from the numerous hypothetical modes of interaction possible between the greatly increased numbers of political actors. These five are intraparty mode (relations between the government and government backbenchers); interparty mode (relations between the members of parliament from different parties in the coalition); non-party (simple relations between government and parliament), opposition interactions (relations between the government and the opposition) and cross-party mode (relations

²⁸ John Whaley, "Strengthening Legislative Capacity in Legislative-Executive Relations", (National Democratic Institute, 2000). p. 15.

²⁹ King, "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany". pp. 11-12.

³⁰ Wolfgang C. Müller, "Executive-Legislative Relations in Austria: 1945-1992", *Legislative* 18, no. 4 (1993): 467-94. p. 467.

between groups which do not follow party or institutional lines, but rather, other cross-party interests).³¹ However, these five modes are not mutually exclusive. The coexistence of two or more modes at certain times can be found, and there may be some shift from one mode to another within the same regime over a given period.

The modes above provide patterns of relations that help to study executive-legislative relations in reality. On the basis of King's classic typology, some researchers have done specific studies which focus on individual countries. However, they may slightly modify King's modes in order to adapt to the actual situation of different countries.

For example, in order to take into account coalition governments, Andeweg developed King's modes classification. He suggested a modified executive-legislative relations classification, with the following modes: nonparty, interparty (with two sub-modes: opposition and coalition mode), intraparty, and cross-party. Admittedly, the classifications of modes of King and Andeweg differ slightly. For King, each mode is a kind of relationship between specific actors. For example, the opposition mode focuses on the relationship between government and opposition. Andeweg, in contrast, pays more attention to conflict between actors. Each mode is defined by the most important line of conflict; for instance, in the intraparty mode, this line runs between ministers and MPs of the same party. As the review of Müller notes, "in establishing the relative importance of the modes, King takes the angle from the government: the relationship that is most important for the government's survival is the most important one."³² In contrast, Andeweg takes the angle from the political system: the most conflictual relationship is the most important one.³³

Andeweg conducted research on Dutch executive-legislative relations from diachronic and synchronic perspectives. In the diachronic respect, Andeweg divided the development of relations into three stages since the origin of parliamentary government in 1848: (1) the nonparty mode (1848-1900); (2) the intraparty mode (1900-1965); (3) the interparty mode (1965-the present). However, in regard to the cross-party mode, Andeweg found it was difficult to date the occurrence of this mode, but it coexisted with other modes based on the rise of specialised parliamentary committees due to the prevailing corporatism in Dutch politics in the post-war era. At the same time, the discussion about the cross-party mode leads to his opinion of coexistence from a

³¹ King, "Modes of Executive-Legislative Relations: Great Britain, France, and West Germany". pp. 11-36.

³² Wolfgang C. Müller, "Executive-Legislative Relations in Austria: 1945-1992". pp. 467-494.

³³ Ibid. p. 490.

synchronic perspective. In this respect, Andeweg demonstrates that all modes still exist to some extent according to his parliamentary study and he likens the coexistence of different executive-legislative modes to a gear box. Like gears, the different modes could be shifted from one to another under certain circumstances.³⁴

Another example is Müller's examination of executive-legislative relations in Austrian politics over the post-war period, using a modified version of King's classification of modes. In his research in Austria, Müller distinguished four modes of executive-legislative relations: non-party, intra-government, opposition, and cross-party. He concentrated on two of them, the intra-government mode and the opposition mode. Apart from analysing the intra-government mode as a dominant mode in Austria, which was in accordance with King and Andeweg's standpoints, Müller emphasised that the opposition mode had much more importance in Austria than any other countries that had been researched.³⁵ It reflects the dominant modes in differing countries vary.

Before the 1990s, most of the studies on modes of executive-legislative relations were limited to the European established democracies. However, since the 1990s, a growing number of scholars have begun to pay attention to this field in developing countries. For instance, Ahmed's research illustrated the executive-legislative relations in Bangladesh. He focused on two modes, which were the intra-party and opposition modes. He argued that the intra-party mode was the 'dominant' mode in Bangladesh because it was a single-party majoritarian system in which the executive had a clear edge over the legislative. However, he deemed that the opposition mode was important as well in Bangladesh because the existence of opposition can provide some safeguards against the arbitrary use of power by the executive and induced government backbenchers to seek a more participatory role in the parliamentary process. Moreover, he revealed that the most important factor that gave strength to Bangladesh parliament was the 'unity' of the opposing forces, namely, government and opposition MPs.³⁶

5. Executive-legislative relations with different types of political regimes

Executive-legislative relations vary with different types of political regimes. Generally speaking, different distributions and compositions of power provide us with various

³⁴ Rudy B. Andeweg, "Executive-Legislative Relations in the Netherlands: Consecutive and Coexisting Patterns", 17, no. 2 (1992): 161-82. pp. 174-178.

³⁵ See Müller, "Executive-Legislative Relations in Austria: 1945-1992".

³⁶ Nizam Ahmed, "Parliament-Executive Relations in Bangladesh", *The Journal of Legislative Studies* 3, no. 4 (1997): 70-91. p. 70.

perspectives to examine executive-legislative relations. Several hypotheses have been proposed to take account of different relationships between governments and parliaments:

5.1. Majoritarianism and consensus democracy

According to Lijphart's research, in consensus democracies, power-sharing is the central device used to enhance the cooperation between minority groups. The corresponding one is the majoritarian model, which gives the winning party all political power.³⁷ Consensus democracy is generally characterised by coalition government. It provides more room for the manoeuvre of parliaments compared to majoritarian democracies. As a result, in the relations between parliament and government, parliament is dominant. Majoritarian countries are characterised by executive dominance and by weak legislatures because the cabinets stay in power for a relatively long time. For instance, the Westminster concentration of authority leads to executive dominance over the legislature. In practice, this means that as long as the majority party remains united, the executive is unassailable because it enjoys the confidence of the parliamentary majority.³⁸

5.2. Developed and Developing Democracies

The difference between established and fragile democracies is an easy way to account for major differences among modern democratic regimes. In established democracies, parliaments are more developed and better equipped to perform legislative tasks and to counteract the executive than in new democracies.³⁹ Like developed democracies, developing democracies also have many constitutional provisions set in order to limit the power of the executives. However, when Mezey researched Third World legislatures, he mentioned that although their membership was popularly elected and their existence and prerogatives are formally guaranteed by the nation's constitution, these new legislatures are ultimately subordinate to other elements in the political system.⁴⁰

5.3. Parliamentarianism and presidentialism

The difference of executive-legislative relations in parliamentary and presidential systems is a popular hypothesis when scholars are doing research relevant to executive-

³⁷ Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, (New Haven: Yale University Press, 1999). pp. 116-142.

³⁸ See Pennings, "Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets". p. 548.

³⁹ Manfred G. Schmidt, "On the Political Productivity of Democracies", *Scandinavian Political Studies*, 22, no. 4 (1999): 281-94. p. 291.

⁴⁰ Michael L. Mezey, "The Functions of a Minimal Legislature: Role Perceptions of Thai Legislators", *The Western Political Quarterly*, 25, no. 4 (1972): 686-701.

legislative relations. Shaw points out that in the parliamentary system, the executive operates within the legislature and leads it; on the contrary, in the presidential system, the executive is separated from the legislature.⁴¹ Depending on the differentiation, Linz argues that parliament's room for manoeuvre is much higher in parliamentary as opposed to presidential regimes.⁴² The main reason is that presidentialism is based on the principle of the separation of powers, with both legislative and executive branches being elected by the people. This may result in a deadlock between president and legislature. It is assumed that the more power is assigned to the president, the weaker the parliament. However, some scholars take the opposite idea. Loewenberg argues that the control of legislature on the executive branch is greater in presidential systems, compared with parliamentary systems, because the legislatures in presidential systems are more independent compared to the executive.⁴³

Shugart introduces creatively two competing conceptions — 'hierarchy' and 'transaction' to describe the relations between executive and legislative branches in two basic democratic regime types—parliamentary and presidential. In a hierarchy, one institution derives its authority from another institution, whereas in a transaction, two (or more) institutions derive their authority independently of one another. Particularly, in parliamentary democracy, the executive branch is subject to the legislative branch because the latter creates and may terminate the authority of the executive; in presidential democracy, on the basis of the principle of separation of powers, the legislature and the executive are independent and neither is subordinated in a hierarchy to the other because each is elected independently for a fixed term by voters.⁴⁴

6. Factors influencing Executive-legislative relations

Executive-legislative relations are not permanent because some factors influencing them keep changing over time. So, what factors impact executive-legislative relations and how? Scholars have diverse answers. For example, Loewenberg deems that the factors that influence their relations are the level of professionalization of the legislatures, staffing levels, the stability of their membership over time, the party discipline, and the degree of

⁴¹ John David Lees and Malcolm T. Shaw, *Committees in Legislatures: A Comparative Analysis*, (Durham, N.C.: Duke University Press, 1979). p. 399.

⁴² Juan J. Linz, "Presidential or Parliamentary Democracy: Does It Make a Difference?", in *The Failure of Presidential Democracy*, ed. Juan J. Linz and Arturo Valenzuela, (Baltimore: Johns Hopkins University Press, 1994). pp. 3-12.

⁴³ Loewenberg, *On Legislatures: The Puzzle of Representation*. pp. 90-92.

⁴⁴ Shugart, "Comparative Executive-Legislative Relations". pp. 345-384.

stability of parliamentary system(duration of cabinet in office).⁴⁵ In the following, the influencing factors are divided into factors on paper and factors in practice, including internal and external ones.

6.1. Factors on paper: Constitutional forms

In most countries, the relationship between the legislative branch and the executive branch is defined in the Constitution. This is an intuitive way to explore the executive-legislative relations in different countries by examining the constitution content. Pennings regards constitutional control as the core of executive-legislative relations and analyses it with fuzzy-sets instead of conventional monocausal explanations and dichotomous measures, to explore causal patterns behind the changes in constitutional control. He comes to the conclusion that a high level of formal constitutional control of the executive is mostly found in countries with: (1) a consensus democracy (2) either a new democracy or the absence of a thick constitution and (3) no or weak presidentialism.⁴⁶ In order to examine the executive-legislative relations based on constitutional provisions, the presidential-parliamentary dichotomy is a common practice.⁴⁷ For this reason, in the following part, on the basis of the constitutional provisions, executive-legislative relations in both parliamentary and presidential systems will be examined, with the addition of semi-presidential systems.

6.1.1. In parliamentary systems

In parliamentary systems, the constitution provides that the legislative body has absolute sovereignty, and is supreme over all other institutions, including the executive and judicial branches. Parliament holds the real power of the state and controls legislation. The executive agencies just execute the will of parliament. However, with the passage of time, the power of parliament began to be weakened gradually and transferred to the executive branch. There are two main reasons why the power transformation happened in parliamentary countries. One is the development of a party system. In party politics, a party member who would like to campaign to become a parliamentarian must get the support of his/her political party. The party member, after becoming a parliamentarian must abide by the discipline of the party and obey the orders and instructions of the party's leadership. Therefore, the ruling party could influence, even force its members in

⁴⁵ Loewenberg, *On Legislatures: The Puzzle of Representation*. p. 85.

⁴⁶ Pennings, "Beyond Dichotomous Explanations: Explaining Constitutional Control of the Executive with Fuzzy-Sets". pp. 541-567.

⁴⁷ Jean Blondel, *Comparative Legislatures*, (Englewood Cliffs, N.J.: Prentice-Hall, 1973). pp. 29-43.

parliament by party discipline to pass the bills from the executive, because the main source of government's bills is the party's manifesto.⁴⁸ Another reason is that, with economic and social development, law-making is getting increasingly complicated. The executive branch is more capable of developing public policies because it is the actual policy operator. Normally, the executive branch has a better knowledge about how to develop the proper policy in certain areas. This is why there is an increasing amount of delegated decrees that are made by the executive under authorisation of the legislature. The executive gradually dominates the law-making in parliament over time.⁴⁹

Therefore, as Loewenberg mentioned, nowadays, the objective of parliamentary reform is to increase the power of parliament in relation to the executive. For instance, under the influence of repeated warnings of the decline of parliament, all reforms advocated in England- including committee specialization- sought to strengthen the institution.⁵⁰ However, there are still some constraints imposed by the legislative branch on the executive. For instance, parliament has the vote of no confidence and it has the right to dismiss the cabinet. In addition, a bill initiated by the executive branch must be subject to parliamentary approval to take effect. Executive decrees must be in accordance with the purpose and requirements of the parliament's authorisation.

6.1.2. In presidential systems

In presidential systems, the executive is headed by a popularly elected president and the executive has a fixed term in office. The president ordinarily cannot be dismissed by the legislature because he or she is elected by the people directly. There is no existing subordination. Executive-legislative relations in presidential systems are relatively independent. For example, in the Congress of the United States, the status of legislator is highly independent and they are responsible to their constituencies. The executive, headed by the president, plays a role of executor of legislation. Meanwhile, the process of implementation is under the scrutiny of the legislature.

⁴⁸ Philip Norton, *Parliament in British Politics*, (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2013). p. 72.

⁴⁹ Gerhard Loewenberg, *British & French Parliaments in Comparative Perspective*, (New Brunswick, NJ: Aldine Transaction, 2010). p. 20.

⁵⁰ Gerhard Loewenberg, *Modern Parliaments; Change or Decline?*, (Chicago: Aldine Atherton, 1971). p. 10.

6.1.3. In hybrid systems

The hybrid usually is referred to as a semi-presidential system. Duverger advanced the concept of a 'semi-presidential regime' in 1980 as a mix of a powerful and popularly elected presidency with a prime minister leading a cabinet which is subject to the confidence of the assembly.⁵¹ It is a kind of regime between presidential and parliamentary systems. In a semi-presidential regime, as in presidentialism, the executive and legislature are elected by electorates separately. At the same time, it has the key feature of parliamentarism: the executive is accountable to the legislature. Shugart argues that semi-presidential systems vary in the origin of the prime minister, but usually involve great separation from the assembly.⁵² As Shugart describes, the semi-presidential system has a dual executive which mix elements of the parliamentary and presidential systems. As a result, in a semi-presidential regime, both executives (prime minister and president) have different kinds of relations with legislature simultaneously. Actually, executive-legislative relations in a semi-presidential regime are the aggregation of executive-legislative relations in both parliamentary and presidential regimes.⁵³

6.2. Factors in practice: Capability of legislature to constrain the executive

Constitutions are only pieces of paper that sometimes obscure as much as they reveal. For example, the constitution of the former Soviet Union seemed to create a very strong legislature. However, the legislature was in fact subordinate to the Communist Party and its leadership rather than what the constitution said.⁵⁴ As Mezey says, the extent of the legislature's capacity to constrain may have little to do with constitutional forms.⁵⁵ Meanwhile, the relationship that exists in reality depends on how the links between the executive and the legislative are institutionalised and the implementation of the institution. Therefore, the following discussion concentrates on both internal and external factors influencing executive-legislative relations in practice. Among them, internal factors consist of the strength of the legislative staff, the degree of professionalization of legislators and the committee system; the party system and the nature of the policy area involved are the main influencing external factors.

⁵¹ Maurice Duverger, "A New Political System Model: Semi-Presidential Government", *European Journal of Political Research*, 8, no. 2 (1980): 165-87.

⁵² M. S. Shugart, "Semi-Presidential Systems: Dual Executive and Mixed Authority Patterns", *French Politics*, 3, no. 3 (2005): 323-51.

⁵³ *Ibid.* p. 342.

⁵⁴ Mezey, *Comparative Legislatures*. pp. 21-44.

⁵⁵ Mezey, "Executive-Legislative Relations". pp. 142-143.

6.2.1. Internal factors

This section is used to outline which internal factors can have a significant impact on the legislative capability of restraining the executive. In this regard, the emphasis is placed on the professionalization of legislator, specifics of the performance of committee system and the authority of executive decree.

6.2.1.1. The degree of the professionalization of legislator

When Mansfeldova described the process of transformation and the consolidation of democracy in the Czech Republic and the functions of parliament in relation to the state budget, she stated:

In this process, the professionalising of MPs in general and those in the Budget Committee in particular has been a crucial factor. At the beginning of the 1990s, the Budget Committee, like parliament as a whole, was composed of people without any previous experience in high politics. Only rarely did an MP have a background in economics... Gradually, MPs have become more professional and have learned how to work with information, how to obtain it, and how to evaluate it critically. Today, the Budget Committee is considered the most prestigious and most influential parliamentary body.⁵⁶

From the statement above, it is not difficult to see the importance of the professionalization of legislators and their assistants. One of the reasons why the executive tends to dominate legislatures is that the latter are unable to match the policy expertise of the executive. Therefore, the professionalization of legislators not only affects the effectiveness and efficiency of work in the legislature, but also affects the relations between the legislature and the executive. Legislators, under the best of circumstances, tend to be policy generalists who acknowledge many different policy areas.⁵⁷ The higher professionalization of legislator makes the legislature more autonomous to the executive.

6.2.1.2. Committee system

In most parliaments, the committee system plays an important role in legislative and supervisory activities. With the exception of legislation, the most important task of the

⁵⁶ Zdenka Mansfeldova, "Executive-Legislative Relations in the Budgeting Process in the Czech Republic", Available online: <http://nbn-resolving.de/urn:nbn:de:0168-ss0ar-54770>. [Accessed on: 13/05/2014].

⁵⁷ Michael L. Mezey, "The Legislature, the Executive, and Public Policy: The Futile Quest for Congressional Power", *Congress and the Presidency*, 13:1-20 (1986): 1-20.

committees is to supervise the functioning of the executive. Committees are the main practical working instruments through which these tasks are carried out.⁵⁸ For example, the Budget Committee plays a crucial role in the negotiation of the budget. The budget is discussed as a bill, and before being presented at the plenary session the bill is sent first to the Budget Committee. For many years, British governments proposed to strengthen the select-committee system of the House of Commons. The reason is that, as Finer warns, a growth in the powers of the selected committees in the House of Commons would enable the more charged-up party backbenchers to control and direct the minister. An increasing number of backbenchers in the House of Commons have rejected the traditional backbench role of part-time legislator and full-time party loyalist. The real powers of Parliament vis-à-vis the executive would undoubtedly grow under such circumstances.⁵⁹ Many majoritarian systems have established departmentally related select/standing committees with a view to making the government more accountable. Available evidence shows that these committees, which mostly work on a consensual basis, have strengthened the parliament without weakening the executive.⁶⁰

6.2.1.3. The authority of executive decree

A principal focus of executive-legislative relations concerns the authority of the executive to act unilaterally, usually by issuing decrees.⁶¹ The authority of executive decree varies considerably across countries. Especially, in those countries with authoritarian history, executive decree authority can be fairly broad, such that, “whoever wins election to the presidency is thereby entitled to govern as he or she sees fit, constrained only by the hard facts of existing power relations and by a constitutionally limited term of office.”⁶² In the United States, where the legislature is strongly autonomous, in order to shape public policy without the need for approval from the legislature, presidents make extensive use of their power authorised by Congress to issue executive decrees.⁶³ As a result, Nathan points out that presidents routinely make use of executive decrees to bypass the

⁵⁸ Mansfeldova, "Executive-Legislative Relations in the Budgeting Process in the Czech Republic". pp. 443-459.

⁵⁹ Samuel E. Finer, "Princes, Parliaments and the Public Service", *Parliamentary Affairs*, 33, no. 4 (1980): 353-72.

⁶⁰ Ahmed, "Parliament-Executive Relations in Bangladesh". p. 70.

⁶¹ See John M. Carey and Matthew Soberg Shugart, *Executive Decree Authority*, (Cambridge; New York: Cambridge University Press, 1998). p. 15.

⁶² Guillermo O'Donnell, *Delegative Democracy?*, (University of Notre Dame, 1992). Available online: <http://kellogg.nd.edu/publications/workingpapers/WPS/172.pdf?q=democracys>. [Accessed on 15/12/2013].

⁶³ George. A. Krause and David. B. Cohen, "Presidential Use of Executive Orders, 1953-1994", *American Politics Quarterly*, 25, no. 4 (1997): 458-81 and Kenneth R. Mayer, "Executive Orders and Presidential Power", *Journal of Politics*, 61, no. 2 (1999): 445-66.

obstruction of legislature and implement their public policies without the approval of Congress.⁶⁴

Scholars are concerned whether and to what extent the executive exertion of decree authority usurps legislative functions and jurisdictions. Some scholars argue that if executives can bypass the legislature or marginalize its policy-making power, then the quality of democracy will be undermined.⁶⁵ However, others argue that executive decrees are issued independently of parliamentary considerations, normally in support of administrative functions.⁶⁶ Although a growing body of research examines the origins of executive decree authority in new democracies,⁶⁷ very little systematic research examines the uses of decree authority in practice, particularly in the context of legislative-executive relations.

6.2.2. External factors

This section demonstrates the external factors that influence the legislative capability of restraining the executive. In this regard, the issue is discussed in terms of various political party systems where the division of powers is different and consequent degree of impact varies across factors. Moreover, the policy area is discussed.

6.2.2.1. Political party systems

The relationship between the legislature and the executive is conditioned more than anything else by the nature of the nation's political party system.⁶⁸ The party system is a crucial factor to understand the relationship between the legislature and the executive. Party discipline is able to impact executive-legislative relations to a great degree. Subsequently, the executive-legislative relations in four political party modes will be discussed with examples of individual countries.

(1) Single party system. In nations with single party systems, the legislature typically imposes few constraints on the executive. In essence, decisions are made by the governing

⁶⁴ Richard P. Nathan, *The Administrative Presidency*, (New York: Wiley, 1983). p. 4.

⁶⁵ Mishler, "Hegemony or Rivalry? Decrees, Laws, and the Dynamics of Executive-Legislative Relations in the Russian Federation". p. 2.

⁶⁶ Paul C. Light, *The President's Agenda Domestic Policy Choice from Kennedy to Carter*, (Baltimore: Johns Hopkins University Press, 1982). pp. 528-530.

⁶⁷ See Carey and Shugart, *Executive Decree Authority*; Carlos Pereira et al., "Agenda Power, Executive Decree Authority, and the Mixed Results of Reform in the Brazilian Congress", *Legislative Studies Quarterly*, 33, no. 1 (2008): 5-33; Gary Reich, "Executive Decree Authority in Brazil: How Reactive Legislators Influence Policy", *Public Administration Abstracts*, 29, no. 2 (2002): 157-304.

⁶⁸ Michael Mezey, "Parliaments and Public Policy: An Assessment", in *Legislatures in the Policy Process: The Dilemmas of Economic Policy*, ed. David Olson and Michael Mezey, (Cambridge, U.K.: Cambridge University Press, 1991). p. 206.

party. Its members in the legislature, who are usually the members of the executive party, are obliged to follow the party line on all but the most minor issues.⁶⁹ The executive branches in these systems go about their business either unconcerned with legislative opposition or confident that such opposition will not occur. In China, as in other communist countries, although none of them abandoned parliament, the legislatures were subordinated to the Communist Party apparatus, so that specific oversight functions were minimal.

(2) Parliamentary systems where the executive has a strong and disciplined majority of its partisans in the legislature. The relatively stable and cohesive nature of the majority goes hand in hand with strong party discipline, which ensures executive dominance over parliament. For example, in Israel, the lack of a credible political alternative until the late 1960s meant that Labour dominated policy formulation, since its relatively stable position of dominance effectively prevented the opposition from introducing any significant check on the executive. Hence, despite the multi-party format of the system, Labour MPs enjoyed unprecedented executive dominance over parliament.⁷⁰ There is another example, a party-centred system. The Portuguese constitution states that only parties can present candidate lists to parliament and parties strictly control the candidate-selection process. Not only who to select but also their position in the candidate lists, which is decisive as to whether an MP is elected or not, are controlled by the parties.⁷¹ Therefore, the electoral rules result in a highly centralised and party-based system.⁷² The Portuguese parliament plays a marginal role in policy making. Although the Portuguese Parliament has been progressively developed, and it does have important instruments of parliamentary control over the executive, the practice shows that its role is mainly an influential rather than a decisional one.⁷³

However, there is another kind of executive-legislative relation in a parliamentary system with strong partisanship. According to Merkl's research, although with a strong and disciplined party system, the executive-legislative relationship in West Germany is a kind of balance relationship which is different from other modern legislatures that are under

⁶⁹ Mezey, "Executive-Legislative Relations". pp. 780-786.

⁷⁰ Nicholas Baldwin, *Executive Leadership and Legislative Assemblies*, (London: Routledge, 2006). p. 264.

⁷¹ Ingrid van Biezen, "Party Financing in New Democracies: Spain and Portugal", *Party Politics*, 6, no. 3 (2000): 329-42.

⁷² Cristina Leston-Bandeira, "Dissent in a Party-Based Parliament", 15, no. 6 (2009): 695-713.

⁷³ Cristina Leston-Bandeira, "Relationship between Parliament and Government in Portugal: An Expression of the Maturation of the Political System", in *Parliaments and Governments in Western Europe*, ed. Philip Norton, (London; New York: Routledge, 1998). p. 142.

the dominance of the executive branch. The strength of the legislature in Western Germany is based on the 'legislative drafting bureau', its financial control and extensive funds at its disposal and the influence of political parties.⁷⁴ In addition, Merkl emphasises that the executive branch and legislative branch have a strict separation of powers. There are means of mutual control quite reminiscent of the relations between a legislature and its executive.⁷⁵

(3) Parliamentary contexts in which political parties are weaker. Some parliamentary nations, such as Thailand, are characterised by a weak party system that lacks internal cohesion, and has very little influence in both legislative and executive authorities. In such systems, candidates usually shift easily from one cross-party interest group to another or stand outside the party system because they cannot get enough support from parties. Mezey points out that it is often the case, in these systems, that the legislature may exert a great deal of constraint on the executive for a relatively short period. During this period, the executive may be restricted because it is unable to win a majority in the legislature. However, what often happens next is that the executive, sometimes backed by military power, purchases or coerces the support of enough legislators to produce a majority. Then, the executive controls the government by decree, even closing down the legislature. The temporarily strong legislature will quickly become a very weak legislature completely dominated by the executive.⁷⁶ It is not difficult to come to a conclusion that executive-legislative relations in a parliamentary context with weaker political parties are fragile and unstable because the executive-legislative balance is easily broken.

(4) Presidential systems with weaker parties. Bond and Fleisher's research indicates that in a presidential system, the president's capacity to gain congressional support for his or her initiatives is explained consistently by the number of presidential partisans in each chamber of Congress and their ideological proximity to the president's views.⁷⁷ The relatively weak party system in the United States means that the president cannot always depend on the support of those legislators who are members of his party. Members of Congress maintain their primary allegiance to the constituencies, local party leaders, and interest groups that see to their re-election.⁷⁸ When these forces are in conflict with the

⁷⁴ Merkl, "Executive-Legislative Federalism in West Germany". pp. 732-741.

⁷⁵ Ibid. pp. 738.

⁷⁶ Mezey, "Executive-Legislative Relations". p. 142.

⁷⁷ See Jon R. Bond and Richard Fleisher, *The President in the Legislative Arena*, (Chicago: University of Chicago Press, 1990). Chapter 3.

⁷⁸ See David R. Mayhew, *Congress: The Electoral Connection*, (New Haven: Yale University Press,

will of the president, legislators are strongly disposed toward deciding the issue in favour of local interests, even if the president is a member of their own political party.⁷⁹

6.2.2.2. Policy Area involved

On the one hand, some policy areas are highly specialised, such as foreign, military, and budget policies. In such areas, not only the legislative process but also scrutiny by the legislature requires a considerable amount of expertise. Legislators' lack of expertise may result in an imbalance between the executive and legislative branch. On the other hand, areas like the budget and military policy are highlighted. Both the executive and legislature focus more on these areas. Therefore, the importance of public policy may influence executive-legislative relations. For example, the budget can be seen as the government's most important policy. Negotiations on the budget reflect various clashes between political and partial interests in parliament and its committees. The role of the legislature is crucial in the deliberation and approval stages. Generally, the deliberation of the budget is one of the most significant tasks of a legislature.⁸⁰ Mansfeldova argues that negotiations over the budget can be viewed as one typical example of the dynamic and multifaceted interaction that occurs between the executive and the legislature.⁸¹

7. Research on executive-legislative relations in China

Due to its 'rubber stamp' image and inaccessibility of data, the PC system in China has gained far less attention from scholars than the Party and the executive. However, since the Reform and Opening-up in 1978, with the economic and political reforms, scholars have begun to observe and study the systematic development of the PC system.⁸² In this part, core literature on PC system inside and outside China will be reviewed briefly.

7.1. Research on the PC system

In term of the systematic development of the PC system, scholars mainly pay attention to the changes in the structure and function of the PC system. With respect to the function, O'Brien argues that the functions of the NPC comprise law-making, supervision, representation, and regime support.⁸³ Dowdle claims that the functions of the NPC only

1974). Chapter 1.

⁷⁹ Mezey, "Executive-Legislative Relations". p. 143.

⁸⁰ Mansfeldova, "Executive-Legislative Relations in the Budgeting Process in the Czech Republic". [Accessed on: 06/11/2012].

⁸¹ Ibid.

⁸² In mainland China, departments of political science in universities were suspended in the 1950s. They were restored gradually since the late 1970s.

⁸³ Kevin J. O'Brien, *Reform without Liberalization: China's National People's Congress and the*

focus on legislation and supervision. He points out virtually, the function of representation is fairly weak.⁸⁴ However, Manion challenges the viewpoint that the PCs are only honorific institutions with little representation. She argues, based on interviews and survey with 5130 PC deputies, that the PCs especially the ones that were popularly elected now work as substantively representative institutions.⁸⁵

In terms of legislative function, O'Brien points out that the NPC has more autonomy on the drafting of bills and the supervision of the drafting process.⁸⁶ Research notices three positive change of the NPC: (1) the legislative process is more transparent; (2) the PC deputies are more active in deliberation; (3) committees are more active and effective.⁸⁷ While the increasing of the legislative function draws the attention of scholars, some also note that the development of the legislative function has some features of utilitarianism.⁸⁸ The law-making is often regarded as a method of administrative management by the Party. Tanner's research on the NPC shows that the expansion of legislative function of the NPC, in fact, derives from the 'concession' of the Party.⁸⁹

In addition, scholars usually assume that some political force tries to expand its authority by changing the structure of the PC system. Some scholars argue that the development of the structure of the PC system is based on conflict with other organs. The support from voters provides motivation for the PC system to expand its institutional space.⁹⁰ On the other hand, some scholars argue that the development of the structure of the PC system derives from the cooperation with the other organs; examples are O'Brien's

Politics of Institutional Change, (New York: Cambridge University Press, 1990). pp. 157-174.

⁸⁴ See Dowdle, "The Constitutional Development and Operations of the National People's Congress". pp. 1-125.

⁸⁵ Melanie Manion, "Authoritarian Parochialism: Local Congressional Representation in China", *The China Quarterly* *The China Quarterly*, 218 (2014): 311-38.

⁸⁶ Kevin J. O'Brien, "China's National People's Congress: Reform and Its Limits", *Legislative Studies Quarterly*, 13, no. 3 (1988): 343-74; O'Brien, "Is China's National People's Congress a "Conservative" Legislature?", pp. 782-794.

⁸⁷ More information see O'Brien, *Reform without Liberalization: China's National People's Congress and the Politics of Institutional Change*. pp. 148-153; Murray Scot Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*, (Oxford; New York: Oxford University Press, 1999). pp. 93-97.

⁸⁸ Ann Seidman and Robert B. Seidman, "Drafting Legislation for Development: Lessons from a Chinese Project", *The American Journal of Comparative Law*, 44, no. 1 (1996): 1-44.

⁸⁹ Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*. p. 7.

⁹⁰ Murray Scot Tanner, "The Erosion of Communist Party Control over Lawmaking in China", *The China Quarterly*, 138 (1994): 381-403; Kevin J. O'Brien and Laura M. Luehrmann, "Institutionalizing Chinese Legislatures: Trade-Offs between Autonomy and Capacity", *Peace Research Abstracts*, 37, no. 6 (2000): 91-108.

embeddedness model,⁹¹ Xia's network model,⁹² and Cho's adherent development model.⁹³ These three models reveal that the PC system, as a newcomer, structurally overlaps with other highly institutionalised organs. Therefore, the development of the structure of PC system, in fact, is to integrate into the current institutions.

Apart from institutional development, institutional deficiency is the other emphasis. The functional deficiencies of the PC system shown in literature are three-fold: (1) Regarding the legislative function, the distribution of the legislative power is vague and over scattered, such as excessively delegated legislations.⁹⁴ Meanwhile, the efficiency of the legislative function is low. Law-making fails to meet the actual demand. It may have a negative influence on the development of economy and society.⁹⁵ (2) Regarding the supervision function, Cho argues that the supervision power of the PC system derives from the Party. As a result, it is hard to implement this function in practice.⁹⁶ (3) As to the representation function, scholars argue that the NPC/PC deputies undertake 'from top to bottom' representation functions rather than the 'from bottom to top' one which is to express interest on behalf of the constituencies. O'Brien uses the concepts of 'remonstrator' and 'agents' to explain these two different ways of representation.⁹⁷ In his research on provincial PCs, Xia also points out that, in order to make decisions, the central leadership needs information from the local level, the PCs, to a large extent, as 'information brokers', only deliver local information to the central decision-makers, rather than representing the local interest.⁹⁸

⁹¹ Kevin. J. O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development", *Comparative Political Studies* *Comparative Political Studies*, 27, no. 1 (1994): 80-107; O'Brien and Laura, "Institutionalizing Chinese Legislatures: Trade-Offs between Autonomy and Capacity". pp. 91-108.

⁹² Ming Xia, "China's National People's Congress: Institutional Transformation in the Process of Regime Transition (1978-98)", *The Journal of Legislative Studies*, 4, no. 4 (1998): 103-30; Ming Xia, "Informational Efficiency, Organisational Development and the Institutional Linkages of the Provincial People's Congresses in China", *The Journal of Legislative Studies*, 3, no. 3 (1997): 10-38; Ming Xia, *The People's Congresses and Governance in China: Toward a Network Mode of Governance*, (London; New York: Routledge, 2008). pp. 13-17.

⁹³ Young Nam Cho, "From "Rubber Stamps" to "Iron Stamps": The Emergence of Chinese Local People's Congresses as Supervisory Powerhouses", *The China Quarterly*, no. 171 (2002): 724-40; Young Nam Cho, "Symbiotic Neighbour or Extra-Court Judge? The Supervision over Courts by Chinese Local People's Congresses", *The China Quarterly*, 176 (2003): 1068 – 83; Young Nam Cho, *Local People's Congresses in China: Development and Transition*, (Cambridge; New York: Cambridge University Press, 2009). pp. 163-172.

⁹⁴ O'Brien, "Is China's National People's Congress a "Conservative" Legislature?". pp. 782-794.

⁹⁵ Seidman and Seidman, "Drafting Legislation for Development: Lessons from a Chinese Project". pp. 1-44.

⁹⁶ See Cho, *Local People's Congresses in China: Development and Transition*. pp. 143-162.

⁹⁷ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". pp. 99-102.

⁹⁸ Xia, "Informational Efficiency, Organisational Development and the Institutional Linkages of the

Concerning the structural deficiencies of the PC system, studies tend to argue that the number of the NPC deputies is too large; the duration of plenary session is too short; and resources are insufficient due to institutional deficiency.⁹⁹ With regard to the reasons causing the deficiencies, most research mentions that the CCP intervenes in the PC system, because it is afraid that the supervision of the legislature may reduce the administrative efficiency.¹⁰⁰ In terms of the relationship between the NPC and the other political forces, studies focus on institutional overlapping, especially the institution overlapping with the Party. In practice, the higher status of the Party causes some structural conflicts.¹⁰¹

In addition, from the perspective of behaviour, O'Brien argues that the four deficiencies of agenda setting cause the NPC to deliberate bills ineffectively. The deficiencies are: (1) the time for legislative debate is not enough; (2) low professionalization of the deputies; (3) the immunities of speech and behaviour fail to be implemented well; (4) the indirect election of deputies weakens the connection between the deputies and constituencies.¹⁰²

7.2. Research on the executive-legislative relations in China

Few Western scholars have devoted attention to the study of executive-legislative relations in China. Cabetan's article, "*The Relationship between the National People's Congress and the State Council in the People's Republic of China: A few Checks but no Balance*" is the only academic work that can be found specifically on the executive-legislative relations in China. He describes the NPC in his pioneering article as a CCP-led locus in charge of certain tasks that cannot be fulfilled by the executive. However, on the whole, supported by the CCP, the State Council can resist the attempts of the NPC to exert influence on its action. In his view, the NPC's actual influence has remained

Provincial People's Congresses in China". p. 34.

⁹⁹ Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*. pp. 17-19; Murray S. Tanner, "Rethinking Law Enforcement and Society: Changing Police Analyses of Social Unrest", in *Engaging the Law in China: State, Society, and Possibilities for Justice*, ed. Neil J. Diamant, Stanley B. Lubman, and Kevin J. O'Brien, (Stanford, Calif.: Stanford University Press, 2005). pp. 193-212.

¹⁰⁰ Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*. pp. 19-22.

¹⁰¹ Dowdle, "The Constitutional Development and Operations of the National People's Congress". pp. 13-18; Brantly Womack, "The 1980 County-Level Elections in China: Experiment in Democratic Modernization", *Asian Survey* *Asian Survey*, 22, no. 3 (1982): 261-77.

¹⁰² Melanie Manion, "When Communist Party Candidates Can Lose, Who Wins? Assessing the Role of Local People's Congresses in the Selection of Leaders in China", *The China Quarterly*, 195, no. 607-630 (2008); O'Brien, *Reform without Liberalization: China's National People's Congress and the Politics of Institutional Change*. pp. 168-172.

marginal, and it is still a subordinate and additional participant in the drafting of the laws.¹⁰³

In contrast, some other Western scholars regard the development of the NPC optimistically. For instance, Tanner argues that the NPC has become an assertive actor in China's policy-making process. Moreover, on the basis of three years residing in Beijing to observe the NPC, Dowdle gives the NPC fairly positive comments. He states in his article:

*"In fact, in comparison with many Western parliamentary systems, one of the most striking features of the NPC is its relative independence from the executive and even from the controlling party. The NPC plays a much more active institutional role in China's legislative development than does the Japanese Diet or the British House of Commons."*¹⁰⁴

O'Brien creates a new perspective on executive-legislative relations in China. He denies that the executive and the legislative, as the main actors in the policy-making process of China, are competitors. He deems that executive support and attention play an essential role in the organisational development of the NPC instead of confrontation, which dominates most legislative histories.¹⁰⁵ Cho supports O'Brien's idea: "Legislative-executive relations are thus considered as a division of labour, not a separation of powers."¹⁰⁶

In terms of the relationship between the executive and the PC system, it is a matter of debate in China's academia, whether the combination of legislative and executive powers exists in China's polity. The concept of the combination of legislative and executive powers originated from Marx's comments on the Paris Commune. Mao designed the institution of representation of China with reference to this concept. Thus, in the early days, the concept of the combination of legislative and executive powers was used to label China's polity. However, nowadays, some scholars have pointed out, due to the organisation structure, the combination of legislative and executive powers is not suitable to describe China's polity anymore, because the NPC and the State Council are two

¹⁰³ Cabestan, "The Relationship between the National People's Congress and the State Council in the People's Republic of China: A Few Checks but No Balances". pp. 35-41.

¹⁰⁴ Michael W. Dowdle, "The Constitutional Development and Operations of the National People's Congress", *Columbia Journal of Asian Law*, 11, no. 1 (1997): 1-125. p. 123.

¹⁰⁵ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". pp. 86-90.

¹⁰⁶ Young Nam Cho, "From Rubber Stamps to Iron Stamps: The Emergence of Chinese Local People's Congresses as Supervisory Powerhouses", *The China Quarterly*, 171 (2002): 724-40.

separate state organs. The NPC supervises the executive, while the executive is subject to the NPC.¹⁰⁷ In contrast, others insist that, in essence, China's polity still follows the principle of the combination of legislative and executive powers because all the national powers belong to the people.¹⁰⁸

Aside from the argument on the concept of the combination of legislative and executive powers, in Chinese academia, with respect to research focused on the executive-legislative relations, there are few monographs and articles concentrating on this topic. Only dispersed sections and paragraphs can be found in some research output with such titles as 'Institution of NPC', 'Supervision of NPC', 'Reform of NPC system' and so forth. To sum up, the research on the PC system in the Chinese language mainly focuses on seven aspects: interpretation of basic institutional design and structure,¹⁰⁹ problems and suggestions for the PC system's development,¹¹⁰ constitutional and prescriptive analyses on legislative responsibility of and potential for the redistribution of powers,¹¹¹ supervision through the budget,¹¹² legislative supervision,¹¹³ and comparison of institutions between China and the West.¹¹⁴ Although there are some meaningful findings, it is obvious that there are few theoretical explorations of executive-legislative relations

¹⁰⁷ Yuming Wang, "The Combination of Legislative and Executive Powers Is Not Organisation Principle in China (Yixing Heyi Bushi Woguo Guojia Jigou De Zuzhi Yuanze)", *Law Science*, no. 8 (1989).

¹⁰⁸ Yezhong Zhou, *Comparative Studies on Representative Institution (Daiyi Zhidu Bijiao Yanjiu)*, (Wuhan: Wuhan University Press, 2005). pp. 60-61.

¹⁰⁹ More information sees Dingjian Cai, *National Supervision System (Guojia Jiandu Tixi)*, (Beijing: China Legal Press, 1991); Dingjian Cai, *People's Congress System in China (Zhongguo Renmin Daibiao Dahui Zhidu)*, (Beijing: China Law Press, 1992); Qixin Wang, *Introduction to National Supervision Organs (Guojia Quanli Jiguan Jiandu Lun)*, (Jinan: Shandong People Press, 1994); Xiangqing Cheng, *National Supervision System and Supervision Work (Guojia Quanli Jiguan de Jiandu Zhidu he Jiandu Gongzuo)*, (Beijing: Democracy and Legal Press, 1999). pp. 12-28.

¹¹⁰ Zhenxiang Dong, "Discuss on People's Congress System Building (Renmin Daibiao Dahui Zhidu Jianshe Lunlve)", *People's Congress Study*, no. 10 (1999): 17-23; Dingjian Cai, "On the Reform and Perfection of the NPC System (Lun Renmin Daibiao Dahui Zhidu de Gaike yu Wanshan)", *Journal of China University of Political Science and Law*, 22, no. 6 (2004): 8-18.

¹¹¹ Joseph Y. S. Cheng, "How to Strengthen the National People's Congress and Implement Constitutionalism", *Chinese Law & Government*, 16, no. 2-3 (1983): 88-122.

¹¹² Muhua Lin and Jun Ma, "On the Budgetary Supervision of Local People's Congresses in China (Zhongguo Difang Renmin Daibiao Dahui Yusan Jiandu Yanjiu)", *Social Science in China*, no. 6 (2012): 73-90; Shujie Wang, "Analysis Macro-Factors Influencing Ability of Parliamentary Supervision on Governmental Budget (Yingxiang Yihui Jiandu Zhengfu Yusuan Nengli de Hongguan Yinsu Fenxi)", *Local Fiscal Research*, no. 8 (2008): 14-31.

¹¹³ Xuedong Yang, "Three Paradigms to Research of Power of Local People's Congress Supervision (Difang Renda Jianduquan de Sanzhong Yanjiu Fangshi)", *Comparative Economic & Social Systems*, no. 2 (2005): 89-99; Weihong Zhang, "Discuss on Innovation of Local People's Congress Supervision (Lun Difang Renda Jiandu Zhidu Chuangxin)", *People's Congress Study*, no. 11 (2002): 20-23.

¹¹⁴ Binbin Sui, "System Incentive, Legal Incentive and Concept Incentive: Comparison of Supervision Incentive Mechanism between China's National People's Congress and British Parliament (Tizhi Jili Falv Jili yu Linian Jili dui Zhongguo Renda yu Yingguo Yihui Jiandu Jili Jizhi de Bijiao)", *People's Congress Study*, no. 3 (2009): 32-37.

in China. First of all, academic research on executive-legislative relations in China arose mainly from practical needs so that it is problem-oriented or suggestion-oriented, rather than theoretically-oriented. Besides, Chinese scholars make good use of the methods of summing up work experience and making rules for implementation of law, while failing to use research methods like theoretical deduction, model building or empirical research methods.

As the above review shows, academic research on executive-legislative relations covers a wide scope. Based on the existing literature, although there are a few discussions on the theoretical framework of research of executive-legislative relations, the most popular research method is to analyse empirical evidence from specific countries or regions during certain periods, because the executive-legislative relations vary considerably from country to country. There is a remarkably diverse body of literature consisting of case studies of individual legislatures conducted by scholars working independently from one another and in geographically dispersed research areas. In the beginning, several scholars drew inspiration from King's seminal article and analysed executive-legislative relations in Germany, the Netherlands, Austria, Western Europe and the Nordic countries. However, along with the Third Wave Democracy, a growing number of scholars began paying attention to the executive-legislative relations in Latin America, Eastern Europe, Southern Europe, and Southeast Asia. As a result, we can get access to an increasing amount of research findings focused on an individual country or area. However, so far, there are still very few relevant studies that focuses on executive-legislative relations in non-democratic countries, because of the inaccessibility of data and material and lack of transparency of political process in the non-democratic countries. Research on executive-legislative relations in China is an academic gap that needs to be filled, although it is a very challenging task.

Chapter III. The National People's Congress in Context

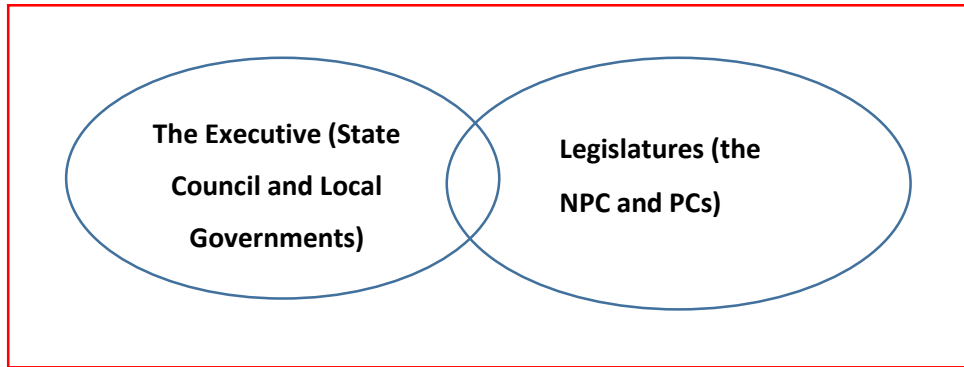
1. Introduction to the Chinese political system

In 1949, a communist regime was installed in mainland China after decades of war. Nowadays, it is the world's second-largest economy, the only Communist Party-led state in the G-20 grouping of major economies.¹ As a result, its political system is distinguished from other mainstream major economies. In China's political system, the key actors consist of the Chinese Communist Party (CCP or the Party) and its military - the People's Liberation Army (PLA),² the executive – the State Council and local governments, and the legislative - the National People's Congress (NPC) and the PCs.³ Today, the CCP still maintains a monopoly on ruling the state. It possesses the final say over the legislative and executive branches. Meanwhile, the executive and the legislative have independent jurisdictions, while having overlapping functions. The relations between these three main actors in the Chinese political system can be seen in Figure 3. The Communist Party's Politburo Standing Committee (CPPSC) consisting of seven members is China's senior decision-making body. The members of the CPPSC play a 'collective leadership' role because China has had no single leader with supreme power since the death of Deng Xiaoping in 1997. The members shoulder different responsibilities for specific portfolios. For example, Zhang Dejiang, a member of the CPPSC serving concurrently as chairman of the NPCSC currently is in charge of the Chinese legislature - the National People's Congress.

¹ The G-20 countries are Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Republic of Korea, Russia, Saudi Arabia, South Africa, Turkey, the United Kingdom, and the United States.

² The PLA is an army belonging to the Communist Party, with the Party's exercise of 'absolute leadership' over the military. As a result, the PLA will not be discussed as a separate political actor below.

³ Other political actors with little substantive power include the Supreme People's Court, the Supreme People's Procuratorate, the Chinese People's Political Consultative Conference (CPPCC), eight minor political parties, business community, media, official and quasi-official research institutes, NGOs, etc..



China's Communist Party

Chart by author

Figure 3: *Venn diagram of China's executive and legislative bodies under domination of the party*

An official document describes China's political system as one of 'multi-party cooperation and political consultation led by the Communist Party of China' - "The system means that the CCP is the only party in power in the People's Republic of China while under the precondition of accepting the leadership of the CCP, the eight other political parties participate in the discussion and management of state affairs, in cooperation with the CCP."⁴ The party controls the state through the network of party units incorporated into all official and semi-official institutions and organisations, including universities and state-owned enterprises.

However, the Party's leadership role is not mentioned in any of the articles of the constitution, it is only referenced in the preamble to the constitution. The statement in the preamble mentioning continuous Communist Party rule states: "Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism and Mao Zedong's Thought, the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and follow the socialist road..."⁵

⁴ "The System of Multi-Party Cooperation and Political Consultation", Available online: <http://www.china.org.cn/english/Political/29034.htm>. [Accessed on 14/1/2013].

⁵ Preamble, the Constitution of the People's Republic of China.

On the contrary, according to China's constitution, the NPC is the one having 'the highest organ of state power'.⁶ It has the right to supervise the executive- State Council, as well as four other institutions: the Supreme People's Court, the Supreme People's Procuratorate, the military, and the Presidency. However, in reality, the NPC is not as powerful as it is described in the Constitution. Although the NPC has shown a growing measure of assertiveness in recent decades, it is still a relatively weak legislature under the leadership of the CCP. Most of the nearly 3000 NPC's deputies are part-time. According to calculations by the South Metropolitan News, in all, 85 per cent of the current NPC deputies hold concurrent posts as CCP members, civil servants or state officials.⁷ In Lawrence and Martin's description, the NPC is a 'Strong on Paper, Weak in Practice' legislature.⁸

The State Council and layers of 'people's governments' under the national level implement policies passed by the PCs, and the day-to-day administration of the country. The senior officials of the State Council at every level of administration usually hold senior Party posts concurrently, to ensure the Party's control. The State Council's Office of Legislative Affairs (OLA), which is the institution reflecting the overlapping jurisdiction between the NPC and the State Council, plays an important role in the formulation of laws and regulations. It is in charge of the legislative work of the State Council. Administrative regulations and rules are promulgated by the State Council or its ministries. The OLA also undertakes the legal interpretation of administration regulations, and reviews regulations promulgated by ministries and local governments for consistency with the Constitution, host laws, and national-level administrative regulations.⁹

2. Introduction to the National People's Congress

The NPC was established by the first constitution of the People's Republic of China promulgated in 1954. So far, the institution has evolved and been shaped for nearly 60 years. There is a unique characteristic in that the NPC is divided into the NPC plenary session and the NPC Standing Committee (NPCSC), which is convened between plenary

⁶ Article 57, the Constitution of the People's Republic of China.

⁷ "Clearing the Channel for Expression of Public Opinions and Improving the Composition of Deputies (Youhua Daibiao Jiegou Changtong Minyi Biaoda)", *South Metropolitan News editorial*, 10/03/2012.

⁸ Susan V. Lawrence and Martin F. Michael, "Understanding China's Political System", *Congressional Research Service*, Available online: <http://www.fas.org/sgp/crs/row/R41007.pdf>. [Assessed on 1/2/2013].

⁹ For more information see the official website of the State Council's Legislative Affairs Office. Available online: <http://www.chinalaw.gov.cn/article/english/about/> [Assessed on 1/2/2013].

sessions of the NPC. The NPCSC replaces the NPC plenary session to exercise constitutional authority when the NPC is not in session, and thus acts as a *de facto* legislative body.

2.1. The powers of the NPC given by the Constitution

China's Constitution of 1982 describes the country's unicameral legislature, the NPC, as 'the highest organ of state power'.¹⁰ According to the Constitution, the NPC has the power to amend the constitution; to enact and amend the basic laws governing criminal offences, state organs, civil affairs, and other matters; and to make decisions on the appointment and removal of the leading personnel of state organs. The NPC is also empowered to make decisions on other important state matters as well,¹¹ of which, the NPC's most notable power is its ability to initiate and formulate legislation. In addition, the NPC, like the PCs at every level,¹² is expected to approve budgets, other bodies' work reports, and economic and social development plans put before it. Last, but not least, the Constitution stipulates that the NPC has power to "supervise the enforcement of the Constitution"¹³ and empowers the NPCSC to "interpret the Constitution and supervise its enforcement" and "to interpret statutes."¹⁴

The Constitution follows the principle of 'democratic centralism' which is characterised by a system in which the government maintains centralised administrative power while the people, through representative bodies, exercise influence over governmental policies. On paper, like many Western European parliaments, the NPC is guided by the principle of parliamentary supremacy, according to which the parliament is the highest legislative, as well as constitutional authority, in charge of supervising other constitutional organs. Thus, as the highest state organ, theoretically the NPC's power is supreme. In fact, however, the CCP continues to exercise the ultimate power in China. All other state organs, including the NPC, are accountable and subordinate to it.

¹⁰ Article 57, the Constitution of the People's Republic of China.

¹¹ Article 62, the Constitution of the People's Republic of China.

¹² Local People's Congresses are established in provinces, autonomous regions, and municipalities directly under the Central Government, autonomous prefectures, counties, autonomous counties, cities, municipal districts, townships, ethnic townships and towns. Standing Committees are established at people's congresses at and above the county level.

¹³ Article 62, the Constitution of the People's Republic of China.

¹⁴ Article 67, the Constitution of the People's Republic of China.

2.2. Internal structure of the NPC

The NPC plenary session convenes every March for approximately two weeks. The Presidium is a leading body of the NPC during the plenary session. It is elected by all the NPC deputies and it only exists during the plenary session. At the first meeting of each NPC plenary session, it nominates the Chairman, Vice-Chairman, and Secretary-General of the NPCSC, the President and Vice President of China, the President of the Supreme People's Court, and the Chairman of the Central Military Commission for election by the NPC. Due to the fact that the annual plenary session of the NPC is very short, much of the NPC's work is undertaken by its standing committee (NPCSC), which currently has 161 members and convenes every two months. The NPCSC is composed of the Chairman, several Vice-Chairmen,¹⁵ the Secretary-General and other members who are elected among the deputies at the first meeting of each NPC plenary session. The Chairman, Vice Chairmen and Secretary-General constitute the Chairmen's Council, which handles the important day-to-day work of the NPCSC. Normally, members of the NPCSC are composed of the heads of the eight democratic parties, recently retired senior Party and state officials, and 'leading figures from every field or profession.'¹⁶ Other important NPC units that meet outside of the plenary session include nine special committees of deputies and the Deputy Credential Examination Committee, and five work commissions. Like the State Council, the NPC has a Communist Party Group (*Dang zu*) embedded within it.

The NPC establishes nine special committees comprising the Law Committee, Internal and Judicial Affairs Committee, Ethnic Affairs Committee, Financial and Economic Committee, Environment and Resources Protection Committee, Foreign Affairs Committee, Agriculture and Rural Affairs Committee Education, Science, Culture and Health Committee, and Overseas Chinese Affairs Committee. These special committees, under the leadership of the NPC and the NPCSC, are responsible for examining, discussing and drawing up relevant bills and undertaking the routine legislative and supervisory tasks. The NPCSC appoints work commissions. The five work commissions, comprising the General Affairs Office, Legislative Affairs Commission, Budgetary Work Commission, Hong Kong and Macao Basic Law Committees conduct the detailed work necessary to fulfil the legislative and other functions of the NPCSC (the internal structure of the NPC sees Figure 4). The members of the NPCSC, the nine committees and the

¹⁵ There are 13 vice-chairmen for the current 12th NPC.

¹⁶ Jinsong Jiang, *The National People's Congress of China*, (Beijing: Foreign Languages Press, 2003). p. 99.

Deputy Credential Examination Committee are all NPC deputies. The members of the five work commissions under the NPCSC are not all NPC deputies, but are all full-time staff.

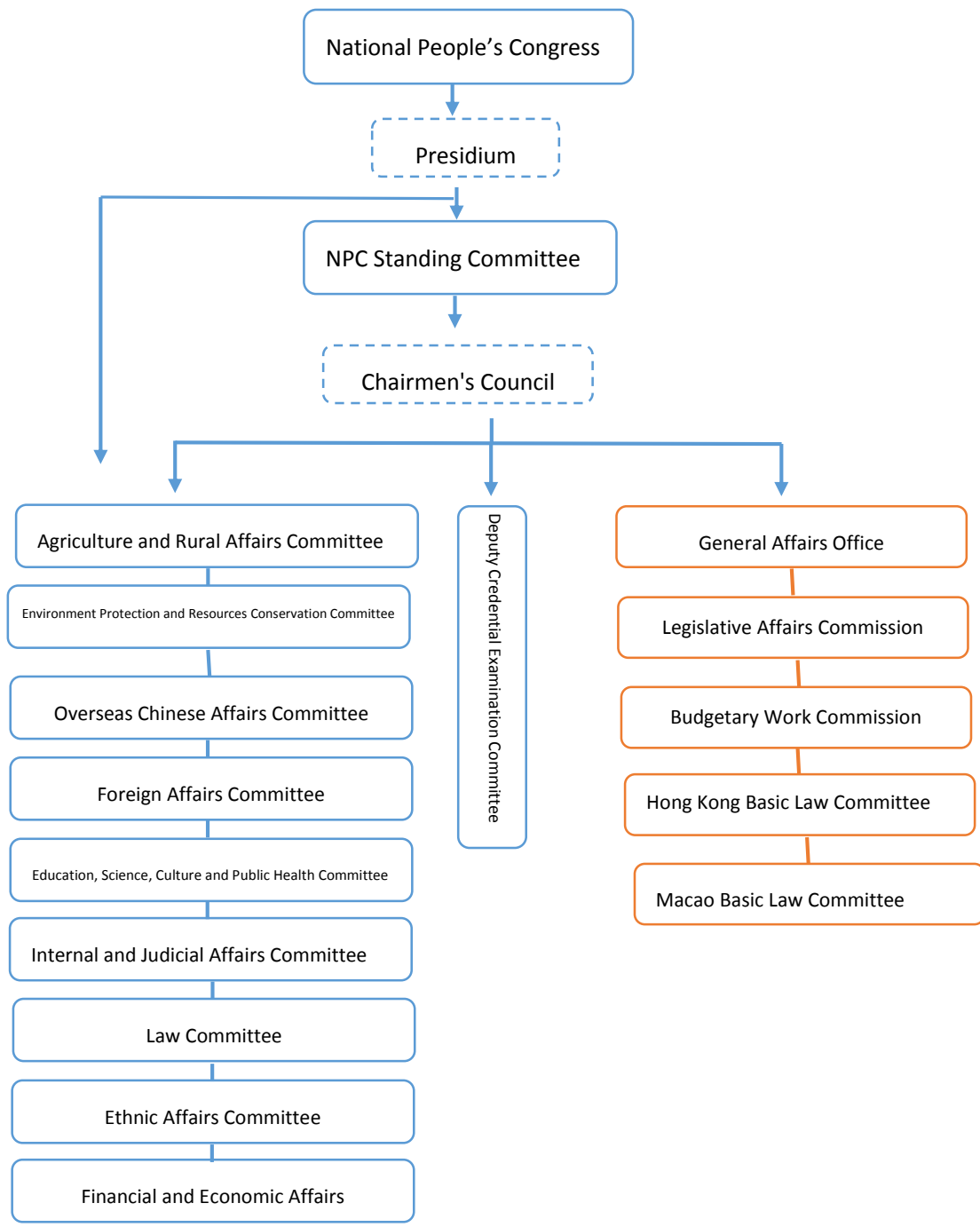


Figure 4: Internal structure of the NPC

Source: “National People’s Congress”, Xinhua News Agency, http://news.xinhuanet.com/ziliao/2004-11/15/content_2221419.htm.

2.3. Electing deputies to the NPC and members of the NPCSC

The NPC consists of almost 3,000 deputies.¹⁷ The deputy to the NPC is elected by indirect election through a hierarchy of People's Congresses. Of the five levels of People's Congresses – national, provincial,¹⁸ municipal,¹⁹ county,²⁰ and town²¹ – the three higher levels' deputies are indirectly elected, with NPC deputies elected by provincial congresses, provincial-congress deputies elected by municipal congresses, and the municipal congress deputies elected by county level congresses. Deputies to the PCs of county and town levels are elected directly by their constituencies.²²

In the election, there is a limit on the number of candidates in proportion to the number of seats available.²³ At the national level, for instance, the ratio is 110 candidates per 100 seats. This ratio increases for each lower level of PCs. At the provincial level, a maximum of 120 candidates are allowed for 100 seats.²⁴ As the former President Jiang Zheming stated the intention is, “upholding the principle of the Party directing cadres and simultaneously supporting the people's congresses conducting appointments and recalls.”²⁵ Although deputies for the two lowest levels of PCs are directly elected, the final candidate lists are manipulated by the CCP. Due to the fact that the elections at these two levels are direct elections, the election is organised by a temporary ‘election committee’, while at the higher level PCs, the PCSCs preside over the election. The Party keeps a firm hand on the election committee and the standing committees. In order to meet quotas of females, national minorities, ‘democratic parties’ members, and other

¹⁷ Article 15 of the Electoral Law of China stipulates that the number of the deputies to the NPC shall not exceed 3000.

¹⁸ Provincial level includes the People's Congresses of provinces, autonomous regions, and municipalities directly under the Central Government.

¹⁹ Municipal level consists of the People's Congresses of autonomous prefectures and cities which are divided into districts.

²⁰ County level comprises the People's Congresses of cities not divided into districts, municipal districts, counties and autonomous counties.

²¹ Town level means the People's Congresses of townships, ethnic minority townships and towns.

²² Town's People's Congresses have been directly elected since the first elections in 1954. The Electoral Law of 1979 provides for direct election at the county level, as well as for multicandidate elections.

²³ Andrew J. Nathan, "China's Constitutionalist Option", *Journal of Democracy*, 7, no. 4 (1996): 43-57.

²⁴ Jianyong Li, "The Role of the People's Congress System in China's Politics", in *Parliaments in Asia: Institution Building and Political Development*, ed. Yongnian Zheng, Liang Fook Lye, and Wilhelm Hofmeister, (London: Routledge, 2014). p. 55.

²⁵ Zemin Jiang, "On Upholding and Perfecting the People's Congress System (Guanyu Jianchi he Wanshan Renmin Daibiao Dahui Zhidu)", in *Document and Material Collection of People's Congresses 1949-1990 (Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenjian Ziliao Huibian 1949-90)*, ed. Research Section of the NPCSC General Office (Quanguo Renda Changweihui Bangongting Yanjiushi), (Beijing: China Democracy and Law Press, 1990). p. 624.

categories and to ensure that top party officials are included, usually, the election committee and standing committees are supplied with a list of candidates that must be chosen.²⁶ However, it is noteworthy that, since 2011, a wave of independent candidates contesting elections for PCs in city districts and townships has been seen in China. Against the concern that electoral competition would create an out-of-control PC system, some scholars argue that a more competitive election would be good for the CCP.²⁷ They point out that if the party faced real competition, it would facilitate the advancement of the CCP.

In addition, there is a phenomenon of a high proportion of ‘official deputies’ of the NPC in China, which weakens the representativeness of the NPC. ‘Official deputies’ of the NPC means that some officials of the executive are deputies of the NPC concurrently. Statistically speaking, official deputies account for 40 per cent of the total number of NPC deputies. There were 1231 ‘official deputies’ in the 9th NPC (41.32 per cent), 1296 in the 10th NPC (43.43 per cent),²⁸ 1249 in the 11th NPC (41.48 per cent), 1042 in the 12th NPC (34.88 per cent),²⁹ and in many PCs, the proportion of official PC deputies has been around 50 per cent.³⁰

In the legislative process, the ‘official deputies’ of the NPC always stand for the executive. Therefore they cannot exercise deliberation objectively. This has an impact on the legislative function of NPC to some extent. In addition, the ‘official members’ of the NPC encroaches on the scope for the political participation of the other social groups. Thus, it hinders the expression of people's interests.

Meanwhile, Zhou points out a dilemma: most ‘official deputies’ have rich political experience. On the one hand, if the number of ‘official deputies’ of the NPC is reduced, it will seriously impact on the quality of deputies. On the other hand, keeping the high proportion, it will conflict with the representative nature of the NPC, because these ‘official members’ mainly represent the interests of the executive.³¹ However, as

²⁶ Nathan, "China's Constitutionalist Option". p. 47.

²⁷ Ibid. p. 49.

²⁸ Weimin Shi, Zhi Liu, *Indirect Election (Jianjie Xuanju)*, (Beijing: China Social Sciences Publishing House, 2004). p. 398.

²⁹ "The List of the 12th NPC Deputies Published (12 Jie Quanguo Renda Daibiao Mingdan Gongbu)", Available online: http://guoqing.china.com.cn/2013-02/28/content_28081965.htm. [Accessed on 28/11/2015].

³⁰ Xinghong Liu, Xiaonan Liu, and Xiaomu Yuan ed. *Interview Records of Cai Dingjian (Cai Dingjian Fangtan Lu)*, (Beijing: Law Press China, 2011). p. 62.

³¹ Zhe Sun, *A Study of the National People's Congress of China (Quanguo Renda Zhidu Yanjiu)*, (Beijing: Law Press, 2004), p. 258.

mentioned above, NPCSC members cannot hold a concurrent post in state administrative organs, courts and procuratorates as stipulated by the Constitution.³² This is because the standing committee of the NPC, the NPCSC, most of time exercises the legislative and supervision powers. The NPCSC members are full time, which enables the NPCSC members to concentrate on legislative work and supervise the executive work effectively.³³”

3. The NPC in China’s political system

Under the present Constitution, the NPC is sovereign. There is no division of powers. The other state branches including the executive report to the NPC. However, in the NPC, the CCP’s leadership is exercised in a number of formal and informal ways. It can be said that the CCP is the centre of the whole political system. The party plays a crucial role through a crucial subunit, called the Party Group (*Dang zu*). According to traditions and for obvious reasons, this Party Group is headed by the NPC chairman. The party organisation within the NPC controls its budget, determines the agenda of legislation, and drafts much of the legislation that the NPC considers. Despite plans to abolish party groups within state organisations in 1987, party groups remained and continued to report the PC’s work to party committees. As a result, in the author’s perception, both the Chinese people and international media pay more attention to the elections in the National Congress of the CCP than to the NPC plenary session.

In addition, the CCP members make up an absolute majority of the members of the NPC, including the Presidium, the NPCSC, and eight special committees, especially their heads, as well as the bulk of its full-time staff and experts working for the five entities under the NPCSC. Party members who participate in the PCs are subject to party discipline. Surveys and interviews suggest that, in the 1980s, roughly 60 per cent – 80 per cent of all deputies were CCP members.³⁴ This rate has changed little over time. In order to ‘carry out work well’, most chairmen of district and county PCs are members of the Party Standing Committees. In provincial and municipal congresses, a majority of chairmen are party

³² See Article 65 of the 1982 Consitution of China: “No one on the Standing Committee of the National People’s Congress shall hold office in any of the administrative, judicial or procuratorial organs of the State”.

³³ Pingxue Zhou, *Empirical Study on Repräsentative System Reform in China (Zhongguo Daibiao Zhidu Gaige de Shizheng Yanjiu)*, (Chongqing: Chongqing Press, 2005). p. 54.

³⁴ Shaotang Pang, Yu'e Bao, and Yezhong Sun, "Investigation of the Nanjing City People's Congress (Guanyu Nanjingshi Renmin Daibiao Dahui De Diaocha)," in *Democratic Politics and Local People's Congresses (Minzhu Zhengzhi Yu Difang Renda)*, ed. Zhilun Wu and Baoxu Zhao, (Xi'an: Shaanxi Press, 1990). p. 109.

secretaries at the same level.³⁵ Roughly four fifths of legislative leaders are former cadres transferred from the executive or the Party.³⁶ However, nowadays, it is a trend that the full-time legislative staff, including staff and experts working for the five working commissions and members of the NPCSC, comprises mostly young or middle-aged graduates of law schools and a sprinkling of older cadres.³⁷

3.1. Limitation of the NPC's structure and behaviour

Apart from the CCP's strict control as an external factor, the NPC's structure and behaviour also limit its ability. Firstly, the main reason for the NPC's weakness is the deputies' dual identity. The heads of all the state organs over which the NPC is meant to supervise are members of the NPC, including the President of State and the Premier of the State Council. However, it is noteworthy that heads of executive, judicial, and procuratorial positions are banned from serving in the NPCSC, the elite body that takes charge of the work of the NPC when the plenary NPC is out of session. During the NPC plenary sessions, these nearly 3000 deputies convene in full only to vote, and there is no shortage of 'two hands deputies' who only applaud and vote 'yes'. In contrast to the legislators in Western democracies, who typically serve full-time, the NPC deputies serve part-time and have only the responsibility of attending the NPC plenary session once a year, after which they return to their regular employment. In addition, debate and discussion only happen inside the provincial delegations instead of the plenary session.

Secondly, the NPC deputies are elected indirectly. The NPC members are elected for a five-year fixed term. Deputies are elected by the next lower level PCs of twenty three provinces, the four municipalities directly under the Central Government and five autonomous regions, the special administrative regions of Hong Kong and Macau and the armed forces. The Party nominates candidates for positions as deputies. The next lower level PCs elect deputies from among the nominees. In addition, due to the indirect election of deputies, the deputies (legislators) in these higher level PCs have no close connection with the constituencies. They are not directly responsible to the public.

Thirdly, there is a minimal electoral connection between the deputies and those who elect them. Voters are usually only given information about a candidate's age, profession,

³⁵ By 2013, 24 of 31 provinces and municipalities' party secretaries headed congresses at the same level.

³⁶ Yu Shi, "Establishing County-Level People's Congress Standing Committees Is An Important Reform (She Xianji Renda Changweihui Shi Yixiang Zhongyao Gaige)", *Neibu Wengao*, 23 (1988): 12-14. p. 14.

³⁷ Interview, 14/03/2014.

current position, and general background, rather than the information about the person's political capabilities. The candidates are not given the opportunity to make speeches or express their view on how they would achieve their goals and what they would do for the people if elected. Candidates do not meet with voters and opinion polls are not conducted. Once in office, the PC deputies have been found to lack first-hand information about such matters as social problems, the bills that need to be initiated, and how laws are being implemented, as well as time and adequate funds to conduct investigations in the field.

3.2. The NPC's status in the light of the ranking of its leader in the CCP leadership

In addition, due to the fact of the party-state system in which the Communist Party's hierarchical cadre system is a pillar of the Chinese polity, the rankings of the chairmen of the NPCSC in the party hierarchy reveal the importance of the NPC to some extent because like most other political organs in China, the NPC is led by a Party member. The powerful leadership interpretation indicates that in a political system where personalistic behaviour runs deep, "influential and well connected leaders who possess power accumulated in a different arena and in different areas are essential to organisational development."³⁸ As a result, the NPC blessed with a powerful leader has more resources to elbow its way into political decision-making and to win jurisdiction, budgets, facilities, and staff support than certain other political bodies.³⁹ Likewise, the communist leaders of the NPC also try to utilize this institution to keep or strengthen their influence in the CCP leadership. For example, Li Peng, the former chairman of the NPCSC, at times forced the NPC to block or slow the bold reform projects initiated under former Premier Zhu Rongji.⁴⁰

³⁸ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". p. 95.

³⁹ Tanner, *The Politics of Lawmaking in Post-Mao China : Institutions, Processes, and Democratic Prospects*. pp. 74-75.

⁴⁰ Cabestan, "The Relationship between the National People's Congress and the State Council in the People's Republic of China : A Few Checks but No Balances". pp. 35-41.

Table 1: *The ranking in the CCP of chairmen of the NPCSC*

Session	Name	Age	Ranking in the CCP
First Session(1954-1959)	Liu Shaoqi	56	2
Second Session(1959-1965)	Zhu De	73	3
Third Session (1965-1975)	Zhu De	79	9
Fourth Session (1975-1978)	Zhu De	89	4
Fifth Session (1978-1983)	Ye Jianying	81	2
Sixth Session (1983-1988)	Peng Zhen	81	Member of the Political Bureau ⁴¹
Seventh Session (1988-1993)	Wan Li	72	Member of the Political Bureau
Eighth Session (1993-1998)	Qiao Shi	69	3
Ninth Session (1998-2003)	Li Peng	69	2
Tenth Session(2003-2008)	Wu Banguo	62	2
Eleventh Session(2008-2013)	Wu Banguo	67	2
Twelfth Session(2013-2018)	Zhang Dejiang	67	3

Source: (1) Li Jinshan, “The NPC System and Its Evolution: From Nomenklatura to Selectorate,” *Issues & Studies*, vol.34, no.3(March 1998), p. 18.

(2) The author collects data by following the tradition of reporting in China’s state media. Generally, China’s state media report the members of the Standing Committee of the Political Bureau following the ranking in the CCP hierarchy.

The importance of the NPC can be measured by its chairman’s status in the party hierarchy. As Table 1 shows, after the Cultural Revolution, the chairmen of the 6th and 7th sessions of the NPCSC were merely members of the political bureau instead of

⁴¹ Although the members of the Politburo Standing Committee are ranked, regular Politburo members are of equal rank.

members of the Standing Committee of the Political Bureau. However, during the 6th and 7th sessions of the NPC, it was going through its fastest-ever period of growth. Ladany explained that Peng Zhen and Wan Li had not become members of the CPPSC and thus were excluded from the core decision-making organ of the party. That exclusion had made Peng Zhen and Wan Li anxious and they began to use the NPC as a base to augment their prestige and power.⁴² They enhanced the position of the NPC by gaining attention, accruing tasks and building capacity. In other words, the NPC grew rapidly when it was led by leaders who were seeking to occupy institutional space and to enhance their own political status. In addition, political elite individuals or groups can come to view the legislature as another arena in which to gain power if they do not manage to capture power from other organs. If so, they will want the legislature to have enough power to influence the legislative process. As a result, during the sixth and seventh sessions, the NPC saw a rapid development of institutionalisation and professionalization.

Since the 8th session of the NPC, the ranking of the NPC's chairmen in the CCP hierarchy had been raised. Qiao Shi, the chairman of the 8th session of the NPCSC was the third ranked leader in the CCP. Li Peng, the chairman of the 9th NPC and Wu Bangguo, the chairman of both the 10th and 11th sessions of the NPC, ranked second in the CCP, only second to the general secretary of the Communist Party, even higher than the head of the executive – the Premier. After successive high ranking in three sessions, it seemed that this ranking, which is in accordance with the constitutional provisions that the status of the NPC is the higher than the executive, would be consistent. However, it is noted that the ranking in the CCP of the latest chairman of the NPCSC, Zhang Dejiang has dropped again to third. This is consistent with Wu's opinion that the NPC is becoming 'a third power centre' in addition to the Communist Party and the executive branch.⁴³ From the author's perspective, the description of the NPC as the third power centre is consistent with the political reality in China.

3.3 The changing trend of the NPC

With the development of a market economy in China, the complicated social affairs inevitably render the legislative affairs complex. It demands an increased

⁴² Laszlo Ladany and Marie-Luise Nath, *Law and Legality in China: The Testament of a China-Watcher*, (Honolulu: University of Hawaii Press, 1992). p. 89.

⁴³ Guoguang Wu, "From Factional Competition to Systemic Competition (Cong Paixi Jingzheng Dao Zhidu Jingzheng)", in *The Party-State System across the Strait of Taiwan and Democratic Development (Liang'an Dangguo Tizhi Yu Minzhu Fazhan)*, ed. Jialung Lin, (Taipei: Yuetan Publishing Co., 1999). pp. 327-338.

institutionalisation and professionalization of the NPC to cope with the complex legislative affairs. In particular: (1) the development of the special committee system, from the 1st NPC when there were only two special committees with 118 members to the 9th NPC when there were nine special committees with 205 members. In the subsequent three terms (10th -12th NPC), the NPC remained stable with nine special committees with 235 members.⁴⁴ Currently, more than 70 per cent of the NPCSC members are also members of the special committees. During the adjournment of the NPCSC, they work for these special committees, conducting in-depth research into bills, and preparing for the deliberations of the NPCSC. It can be said that the NPCSC members are virtually full-time deputies of the NPC.⁴⁵ (2) The members of the NPCSC are not allowed to hold any position in the other state administrative, judicial and procuratorial organs, in order to concentrate on their legislative work. (3) The procedure for the legislative work has been improved. The meeting time, frequency, meeting rules and other regulations of the NPC and the NPCSC have been specified. (4) The NPCSC is continuously improving the work mechanism in the legislative process, for example, through making the five-year legislative plan and annual legislative plan to screen proposed legislative bills. It has constantly improved the deliberation, and a number of important laws and regulations were deliberated many times in practice, such as the Property Law, which was passed after eight rounds of deliberation by the NPCSC.

Due to the fact that institutionalisation and professionalization inevitably bring reinforced autonomy to a legislature,⁴⁶ the NPC's capability in policy-making is being strengthened.⁴⁷ With the greater professionalization and institutionalisation, the legislature has shown a growing measure of assertiveness. For instance, in 1986, the NPCSC refused to clear a draft of the *Bankruptcy Law* for presentation to the NPC plenary session. It had to be returned to the relevant government agency for redrafting. In 1989, a substantial number of delegates opposed a State Council-drafted bill relating to the delegation of certain legislative powers to the Shenzhen Special Economic Zone. Hence, the bill was postponed and later replaced by one that responded to the members' objections. In 1992, only two-thirds of the deputies voted in favour of a proposal to build

⁴⁴ For more details see the discussion in Chapter 8, Table 17 and 18.

⁴⁵ Qiusheng Li, "The National People's Congress of China- a Representative Body with Chinese Characteristics (Zhongguo Quanguo Renmin Daibiao Dahui- Juyou Zhongguo Tese De Daiyi Jigou)", in *Parliamentary Institutions and Legislative Theories and Practice (Yihui Zhidu Ji Lifa Lilun Yu Shijian Zongheng)*, ed. Xiaomin Wang, (Beijing: Huaxia Press, 2002). pp. 9-10.

⁴⁶ See Nelson W. Polsby, "The Institutionalization of the U.S. House of Representatives", *American Political Science Review*, 1, no. 62 (1968): 144-68.

⁴⁷ Tanner, "The Erosion of Communist Party Control over Lawmaking in China". p. 387.

a huge dam on the Yangtze River at the Three Gorges. As a result, the approval was postponed. In 1994, 337 votes were cast against the *Budget Law*, with a further 274 abstentions and invalid ballots. In 1995, the NPC deputies cast a total of 1,006 abstentions, spoiled ballots, and votes against the nomination of Jiang Chunyun as vice-premier, and many withheld support from the *Central Bank Law* and *Education Law* bills and from the work reports (reports of work performed over the past year and plans for future work) of the Supreme Procuratorate and the Supreme People's Court. In 1996, hundreds of delegates voted against or abstained from voting on the work reports of the procurator-general and the chief judge of the Supreme People's Court.⁴⁸ In April, 1999, members of the 9th NPCSC rejected a bill, known as the *Highway Act Amendment Bill*, introduced and advocated by the State Council.⁴⁹ Recently, in the March 2013, over 30 per cent of deputies withheld their support from the work report of the Supreme People's Court, and nearly 22 per cent withheld their support from the budget report.⁵⁰

These events above indicate that the NPC deputies are taking their roles more seriously. As the common theme of the NPC reform proposals is to increase the autonomy of the NPC and reduce the CCP's authority over it, the NPC deputies and staff have begun to gain a greater sense of responsibility as institutionalisation and professionalization have expanded. The NPCSC, the special committees and the work commissions of the NPCSC have also gradually grown their influence on the policy-making process in some areas, such as the legislation. Certainly, it is not convincing enough to demonstrate the assertiveness of the NPC based on these discrete events, which are perhaps idiosyncratic occurrences. Hence, in the following parts of this thesis, further empirical evidence will be provided to explore the role of the NPC in the legislative process.

⁴⁸ Nathan, "China's Constitutionalist Option". pp. 43-57.

⁴⁹ South China Morning Post, April 30, 2000. p. 8.

⁵⁰ "Highest Number of Opposing Votes for Reports at the Two Congresses in Five Years, Supreme People's Court Gets 605", *Caixin*, 17/03/2013.

Chapter IV. Legislative Power, Procedure and Process in China

This chapter is devoted to the discussion of both theoretical and practical dimensions of legislative power in China. Thus, the legislative jurisdiction of the PC system and the executive is explained. Moreover, the details of the legislative process in the NPC are explained.

1. Legislative power on paper

This section of the chapter aims to demonstrate the theoretical framework of legislative powers distribution in China and how various entities interact in the legislative process. In this regard, attention is paid to the analysis of the reflection of legislative powers' distribution in various editions of the Constitution.

1.1. The legislative power and procedure of the PC system

Since 1949, China has promulgated four constitutions in 1954, 1975, 1978, and 1982. In each constitution, the distribution of legislative power is essential to map the structure of the state powers. Apart from the constitutions, the *Legislation Law of the People's Republic of China* enacted in 2000 and the *Organic Law of the People's Republic of China on the Local People's Congresses and the Local People's Governments* made in 1979 are the other two laws stipulating the legislative power in China. In this part, the distribution of legislative power in China, on the basis of legal text, will be examined.

1.1.1. Legislative power of the NPC and the NPCSC

In terms of legislative power at the national level, China's first constitution, the 1954 Constitution, which was passed at the first meeting of the 1st NPC, on 20th of September, 1954, established a highly centralised system for the exercise of legislative power. Article 22 of the 1954 Constitution stipulated, "The National People's Congress is the sole organ exercising the legislative power of the state"; Article 27 stated, "The National People's Congress exercises the functions and powers to amend the Constitution and to make laws..."; Article 31 read: "The Standing Committee of the National People's Congress exercises the functions and powers to make decrees, to interpret laws, to annul decisions and orders of the State Council which contravene the Constitution, laws or decrees, and to alter or annul inappropriate decisions of the organs of state power of provinces,

autonomous regions, and cities directly under the central authority.”¹ In the subsequent constitutions, Article 17 of the 1975 Constitution and Article 22 of the 1978 Constitution also stipulated that the main function of the NPC is to amend the Constitution and make laws.²

More importantly, in the current Constitution, the 1982 Constitution, Article 58 stipulates explicitly that the NPC and the NPCSC exercise legislative power. According to Article 62 of the Constitution, the legislative power of the NPC plenary session is twofold: one is to amend the Constitution. It is a supreme legislative power which is different from the general legislative powers. It requires the votes of two thirds of the NPC deputies to pass,³ unlike general legislation, which requires a simple majority to pass. The other power is to make and amend basic laws such as criminal, civil, and administrative laws. On the other hand, according to Article 67 of the Constitution, the legislative powers of the NPCSC are: (1) to enact and amend laws, with the exception of those which should be enacted by the NPC plenary session; (2) when the NPC is not in plenary session, to partially supplement and amend the laws enacted by the NPC plenary session, with the proviso of being consistent with the basic principles of these laws. However, the NPC plenary session has power to alter or annul inappropriate amendments made by the NPCSC;⁴ (3) to interpret laws including the Constitution and supervise their enforcement; and (4) to annul administrative regulations, ministerial rules made by the executive and local regulations made by the sub-national PCs that contravene the Constitution or the laws.

1.1.2. Legislative power of the NPCSC special committees

Committees exist in most legislatures.⁵ The functions of committees in the legislative process vary in different countries. Committees in the British Parliament primarily play an assistant or supporting role in the legislative process. They are to accelerate the

¹ See the 1954 Constitution in Research Section of the NPCSC General Office, *Documentary Compilation of the People's Congress System (1949-1990)* (*Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian 1949-1990*), (Beijing: Democracy and Legal Press, 1990). pp. 66-72.

² Research Section of the NPCSC General Office, *Documentary Compilation of the People's Congress System (1949-1990)* (*Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian 1949-1990*), (Beijing: Democracy and Legal Press, 1990). pp. 86-94.

³ See Article 64 of the Constitution: Amendments to the Constitution are to be proposed by the NPCSC or by more than one-fifth of the deputies to the NPC and adopted by a vote of more than two-thirds of all the deputies to the Congress.

⁴ See Article 62, the 1982 Constitution.

⁵ John D. Lees and Malcolm T. Shaw, *Committees in Legislatures: A Comparative Analysis*, (Durham, N.C.: Duke University Press, 1979). p. 3.

legislative process by improving the legislative mechanisms.⁶ Committees in the US Congress play a decisive role at each stage of the legislative process. The U.S. Congress makes most of its legislative decisions in committees and subcommittees.⁷ The British Parliament and the U.S. Congress are typical examples of the legislative role of the committee played in the legislature. The role of the committee system in the NPC is more like the British model, which is characteristic of a promoting role, rather than a decisive one in the legislative process.

In terms of the NPC special committees, strictly speaking, they have no legislative power. As permanent institutions, their duties are to assist the NPC and the NPCSC in drafting and deliberation. The former NPC leader, Peng Zhen, has pointed out that the special committees are the right arm of the NPC and the NPCSC. He outlined that “the bills submitted to the NPC or the NPCSC are relevant with many important and complex issues about the socialist modernisation. In order to help the NPC and the NPCSC solve problems and make decisions, the special committees are to conduct investigation, to listen to opinions from all sides, to compare the various options available.”⁸ Peng Zhen also has listed four reasons why the NPC and the NPCSC need the assistance of the special committees: firstly, it is easy to do research and discussion in the special committees because the members of the special committees are far fewer than the NPC deputies; secondly, each special committee concentrates on one particular area, so as to do research on the area thoroughly and deeply; thirdly, the bill initiators and all interested parties can sit in on the special committees’ meetings, to express their opinions, and join the discussion; finally, if necessary, the special committees invite outside experts to attend the meeting in order to contribute opinions.⁹

The special committees do not issue orders in their own names because they are not independent state organs endowed with legislative power. Although they do issue some resolutions, the resolutions are to propose bills or suggestions to the NPC or the NPCSC. The functions of the special committees in ‘assisting’ the NPC and the NPCSC are

⁶ Stuart A. Walkland, "Committees in the British House of Commons", in *Committees in Legislatures: A Comparative Analysis*, ed. John D. Lees and Malcolm T. Shaw, (Durham, N.C.: Duke University Press, 1979). pp. 242-287.

⁷ Lees, "Committees in the United States Congress". pp. 11-60.

⁸ Peng Zhen, "Speech at the First Plenary Meeting of 6th National People's Congress (Liuji Renda Yici Huiyi De Jianghua)", in *On Building of Socialist Democracy and Legal System at New Era (Lun Xinshiqi De Shehui Zhuyi Minzhu He Fazhi Jianshe)*, ed. Peng Zhen, (Beijing: Central Party Literature Press, 1989). p. 189.

⁹ Peng Zhen, "How Does the Specialised Committees Work (Quanguo Renda Zhuanmen Weiyuanhui Zenme Gongzuo)". p. 183.

threefold: firstly, they deliberate bills given by the NPC presidium or the NPCSC and present a deliberation report;¹⁰ secondly, they deliberate administrative regulations and local regulations which are considered to be in contradiction with the Constitution and relevant laws; finally, they organise legislative research and legislative hearings, in order to provide the NPC and the NPCSC with reference on legislative issues.

The NPC and the NPCSC are the legislative bodies because the Constitution empowers them to exercise legislative power. However, in an era of executive domination, the legislative status of the NPC is in danger of being eroded by the executive branch or the Party. Some Chinese scholars maintain the opinion that the NPC should dominate the legislative process. As Zhou stated: “As a legislative authority, the NPC ought to have the final say on legislation ...without the dominance in the legislative process, the NPC would not have the virtual legislative power.”¹¹

Some scholars think positively that the NPC system has been reforming and improving in many respects, especially on legislation: “In terms of the legislative effect, the NPC has become a leading player from a passive one; regarding to the legislative sense, the NPC makes laws proactively instead of passively; with respect to legislative guiding thoughts, it has changed from law instrumentalism to legislation based on protection of rights. All those changes mirror the NPC has started to exert its legislative power substantially, rather than nominally.”¹²

1.1.3. Quasi-legislative power at sub-national level

In terms of the legislative power at sub-national level, it has evolved as follows: in the beginning, the sub-national PCs had no legislative power. Liu Shaoqin, the then president of People’s Republic of China, mentioned in the report of the 1954 Constitution draft, “The workload of the NPC is much bigger than the sub-national PCs because the NPC exercises the legislative power, instead, the sub-national PCs don’t.”¹³ This was the first

¹⁰ See Article 30 of the Legislation Law: “The legislative bill placed on the agenda of a meeting of the NPCSC shall be deliberated by the relevant special committee, which shall offer its opinions after deliberation and have them printed and distributed at the Standing Committee meeting”.

¹¹ Wangsheng Zhou, "50 Years of China's Legislation (Zhongguo Lifa 50 Nian)", in *Legislative Studies* (Law Press, 2000). p. 79.

¹² Dingjian Cai, "Legislative Development and Historic Change of the National People's Congress for 20 Years (20 Nian Renda Lifa De Fazhan Ji Lishixing Zhuanbian)", in *The Development and Reform of the National People's Congress for 20 Years (Renmin Daibiao Dahui Ershinian Fazhan Yu Gaige)*, ed. Mingguang Wang and Dingjian Cai, (Beijing: China's Procuratorial Press, 2001). p. 57.

¹³ Liu Shaoqi, "Report on the Constitution of the People's Republic of China Draft (Guanyu Zhonghua Renmin Gongheguo Xianfa Caoan De Baogao)", in *Documentary Compilation of the People's Congress System (1949-1990) (Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian 1949-1990)* ed. Research Section of the NPCSC General Office, (Beijing:

confirmation that there was no legislative power for the PCs. Subsequently, the 1975 Constitution and the 1978 Constitution followed the stipulations of the 1954 Constitution on legislative power, that only the NPC had legislative power, while the sub-national PCs did not.

Legally speaking, the sub-national PCs had no legislative power until the *Local Organisation Law* was passed at the second meeting of the 5th NPC in July, 1979. Articles 7 and 38 of the *Local Organisation Law* stipulated that, “depending on the local circumstances and the actual needs, the PCs and their standing committees of provinces, autonomous regions and municipalities directly under the central government can formulate and promulgate local regulations on condition that the local regulations do not contradict the Constitution and laws.”¹⁴ From that point, the sub-national PCs obtained the power to make local regulations. At the same meeting of the 5th NPC, Peng Zhen explicitly explained why legislative power was conferred on the sub-national PCs. The first reason was, “the CCP centre and Mao Zedong emphasise repeatedly the need to expand the local jurisdiction and motivate the initiative of both the central and local governments.”¹⁵ The second was that, “by learning from the long-standing experience of political, economic, and cultural reform, empowering the legislative power to sub-national PCs was imperative.”¹⁶ After the Constitution was promulgated in 1982, Article 100 of the Constitution asserts the power of the sub-national PCs and their standing committees to make local regulations. Moreover, the *Legislation Law*, which was promulgated in 2000, contains more detailed provisions concerning the power of the sub-national PCs and their standing committees to make local regulations, such as the scope and principles of local regulation-making.

It is noted that Article 100 of the 1982 Constitution grants the sub-national PCs and their standing committees’ ‘power of making local regulations’ instead of ‘local legislative power’. It reflects that the Constitution does not confer legislative power on the sub-national PCs. In addition, technically, the local regulations made by the sub-national PCs are subject to the laws enacted by the NPC, and they must be submitted to the NPC for the record. As a result, strictly speaking, the power of the sub-national PCs should be defined as ‘quasi-legislative power’. However, for short, for the purposes of this thesis

Democracy and Legal Press, 1990). pp. 72-86.

¹⁴ See the *Local Organisation Law*.

¹⁵ Peng Zhen, *On Building of Socialist Democracy and Legal System at New Era (Lun Xinshiqi De Shehui Zhuyi Minzhu He Fazhi Jianshe)*, (Beijing: Central Party Literature Press, 1989). p. 4.

¹⁶ *Ibid.*

the term ‘legislative power’ is used to express the combination of the NPC’s power to make laws and the sub-national PCs’ power to make local regulations.

1.2. Legislative procedure in the PC system

On September 20, 1954, the first meeting of the 1st NPC passed *the Organic Law of the National People’s Congress*. It provided a rough legislative procedure of the initiation, discussion, and resolution. However, it did not stipulate a detailed agenda on discussion and the settlement of disputes. Therefore, in the initial phase of the NPC, the legislative procedure was less rigorous. The law-making process relied on the organiser’s decision and the prevailing political atmosphere. The legislative agenda often changed due to some events. The NPC did not have an explicit legislative procedure until *the Rules of Procedure of the National People’s Congress Standing Committee* was passed in 1987 at the 23rd meeting of the 6th NPCSC. It was followed by the *Rules of Procedure of the National People’s Congress* enacted in 1989 at the second meeting of the 7th NPC. By then, there was an explicit legislative process in the NPC and the NPCSC. *The Rules of Procedure* made detailed provisions on initiation, deliberation, inquiries, questions, vote, and bill withdrawal, the frequency and the duration of speaking in deliberation and so forth. These were the legal ground for the legislative activities in the NPC and the NPCSC. In 2000, the *Legislation Law* made the procedure more standardised.

The *Legislation Law* stipulates the legislative procedure for the NPC plenary meeting and the NPCSC separately. The legislative procedure for the NPC plenary meeting includes: (1) Initiation: first, the presidium of the NPC may initiate a bill to the NPC plenary meeting; second, the NPCSC, the State Council, the Supreme People’s Court, the Supreme People’s Procuratorate, the Central Military Commission, and the special committees of the NPC may initiate a bill to the NPC presidium. The NPC presidium decides whether to place the bill on the agenda; third, a delegation or 30 deputies may initiate a bill to the NPC Presidium jointly. The NPC Presidium decides whether to place the bill on the agenda; (2) deliberation: first, the delegations deliberate the bill after the NPC plenary session has listened to the initiator’s introduction to the bill; second, the special committees deliberate the bill; third, the Law Committee deliberates the bill; fourth, a meeting of heads of delegations is convened to discuss the significant issues of the bill; (3) vote: the Law Committee puts forward the final bill draft by drawing on the deliberations of the delegations and the special committees to the NPC plenary session for vote. The bill is to be adopted by a simple majority vote of all the deputies of the NPC;

(4) promulgation: a law adopted by the NPC shall be promulgated by *the Order of the President* signed by the President.¹⁷

The legislative procedure for the NPCSC is as follows: (1) initiation: the Council of Chairmen of the NPCSC may initiate a bill to the meeting of the NPCSC for deliberation; second, the State Council, the Supreme People's Court, the Supreme People's Procuratorate, the Central Military Commission, and the special committees of the NPC may initiate a bill to the Council of Chairmen. The Council of Chairmen may decide whether to place the bill on the agenda; third, 10 members of the NPCSC may initiate a bill jointly to the Council of Chairpersons. The Council of Chairpersons decides whether to place the bill on the agenda; (2) deliberation: first, when a bill is placed on the agenda of a meeting of the NPCSC, its draft shall be delivered to the members of the NPCSC by seven days before the meeting; second, the deliberation shall be conducted at group meetings of the NPCSC members or special committees; third, the Law Committee conducts a unified deliberation on the basis of the opinions of the members of the NPCSC and special committees after group deliberation; fourth, the NPCSC listens to the opinions offered by all sides through holding forums, seminars, hearings, and so forth; fifth, a bill might be published for soliciting opinions; (3) promulgation: a law adopted by the NPCSC shall be promulgated by Order of the President signed by the President.¹⁸

Regarding sub-national PCs, Article 68 of the *Legislation Law* empowers the sub-national PCs to make their own local legislative procedure by referring to the *Local Organisation Law* and the provisions on the NPC and the NPCSC's legislative procedures. Apart from some minor differences in specific provisions, the legislative procedures of the sub-national PCs are the same as the ones of the NPC and the NPCSC.¹⁹

1.3. The Legislative power and procedure of the executive

This section provides a description of the legislative power and procedure of the executive stipulated by the Constitution and laws.

¹⁷ See Section 2 of the *Legislation Law*.

¹⁸ See Section 3 of the *Legislation Law*.

¹⁹ Liwen Cui, "Comparative Evaluation on Procedure of the Local Regulations-Making (Zhiding Difangxing Fagui Chengxu Bijiao Pingxi)", in *Legislative Studies* ed. Wangsheng Zhou, (Beijing: Law Press, 2003). pp. 307-321.

1.3.1 The legislative power of the executive on paper

According to the Constitution, the State Council is ‘the executive body for the highest organ of state power.’²⁰ The State Council is to implement the laws or decisions passed by the NPC, which means that the State Council is subordinate to the NPC. Article 89 of the Constitution grants the State Council 18 powers and functions, of which there are five related to quasi-legislation: “(1) to enact administrative regulations and rules in accordance with the Constitution and laws; (2) to initiate bills to the NPC; (3) to alter or annul inappropriate orders, directives and regulations issued by the ministries or commissions; (4) to alter or annul inappropriate decisions and orders issued by local organs of state administration at different levels; (5) to exercise such other functions and powers as the NPC or the NPCSC may assign it.”²¹

Under the Constitution, the State Council can only make administrative regulations to implement the existing national laws, which shall not contravene the Constitution and laws, and which must be reported to the NPCSC for recording.²² The mechanism is confirmed by Article 56 of the *Legislation Law* as well.²³ However, it is noteworthy that the Constitution grants the State Council one open-ended authority: “to exercise such other functions and powers as the NPC may assign to it.”²⁴ Therefore, some of the powers given to the State Council are at the discretion of the NPC. On April 10, 1986, in the third session of the 6th NPCSC, a resolution was passed to authorise the State Council to make temporary regulations in reforms of China’s economic system and its opening up to the world. The *Legislation Law*, which was promulgated in 2000, allows the NPC and the NPCSC to authorise the State Council to enact administrative regulations on the matters exclusively belonging to the jurisdictions of the NPC and the NPCSC.²⁵ However, the authorisation cannot be extended to areas concerning crimes and punishments, restriction and appropriation of citizens’ political rights and personal freedoms, and the judicial system. The authorisation has to be specific as to the purpose and scope, and is not transferable.²⁶ The authorised power expires upon the enactment of a relevant national law on the same matter.²⁷

²⁰ See Article 85, the 1982 Constitution.

²¹ See Article 89, the 1982 Constitution.

²² See Articles 5, 58, and 100, the 1982 Constitution.

²³ Yahong Li, "The Law-Making Law : A Solution to the Problems in the Chinese Legislative System?", *Hong Kong Law Journal*, 30, no. 1 (2000): 120-40.

²⁴ See Article 67, the 1982 Constitution.

²⁵ Articles 9 and 56, the *Legislation Law*.

²⁶ Article 10, the *Legislation Law*.

²⁷ Article 11, the *Legislation Law*.

Prior to the 1982 Constitution, literally according to legal documents, the State Council and its ministries did not have any quasi-legislation-making power. Article 49 of the 1954 Constitution stipulated that the State Council only had power, to “issue measures, resolutions and orders, and review the implementation of these resolutions and orders in accordance with the Constitution, laws and decrees”, “to initiate bill to the NPC or the NPCSC”²⁸; The subsequent 1975 Constitution (Article 20) and the 1978 Constitution (Article 20) had the same stipulation.²⁹ However, when the 1982 Constitution was enacted, it stipulated explicitly that the State Council and its ministries have the power to make administrative regulations and rules which are defined as quasi-legislations in chapter one. Apart from conferring on the agencies the right of making administrative rules directly under the State Council which has administrative functions, in 2000, the *Legislation Law* further stipulated the State Council’s and its ministries’ policy-making power in details: Article 56 of the *Legislation Law* stipulates, “the State Council shall, in accordance with the Constitution and laws, formulate administrative regulations; the administrative regulations may be formulated to govern the following matters: (1) matters requiring the formulation of administrative regulations in order to implement the provisions of law; (2) matters within the administrative functions and powers of the State Council as provided in Article 89 of the Constitution; (3) matters which have been governed by the administrative regulations formulated first by the State Council under authorisation of the NPC or the NPCSC.”³⁰

Article 71 of the *Legislation Law* stipulates: “The ministries and commissions of the State council, the People's Bank of China, the State Audit Administration as well as the other organs endowed with administrative functions directly under the State Council may, in accordance with the laws as well as the administrative regulations, decisions and orders of the State Council and within the limits of their power, formulate rules.”³¹ Moreover, “Matters governed by the rules of departments shall be those for the enforcement of the laws or the administrative regulations of the State Council.”³²

It is worth mentioning that, in terms of the content of the administrative regulations and rules, in the 1980s and the 1990s, in order to incorporate the ‘reform and opening’ policies,

²⁸ Research Section of the NPCSC General Office, *Documentary Compilation of the People's Congress System (1949-1990)* (*Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian 1949-1990*). pp. 66-72.

²⁹ *ibid.* pp. 86-94.

³⁰ Article 56, the *Legislation Law*.

³¹ Article 71, the *Legislation Law*.

³² *Ibid.*

the focus of the administrative regulations and rules was in the field of economy. By the 2000s, it changed, especially when the *State Council Work Planning* which was enacted in 2008, mentioned, “The priority of the administrative regulations and rules is to change from primarily in the economic field to the field of social management and public services and the field of economic regulation and market supervision.”³³ From the author’s observation, nowadays, administrative regulations on people’s livelihood and the environment attract much attention.

1.3.2. The legislative procedure of the executive

The procedure for making administrative regulations and rules was not mentioned in first three constitutions. In the 21st century, a series of administrative regulations was made to complete the procedure of administrative regulation and rule-making. For instance, in 2001, the State Council enacted the *Administrative Regulation-making Procedure Ordinance* and the *Recording of Administrative Regulations and Rules Ordinance*.

The procedure of the administrative regulation and rule-making comprises of proposal, drafting, deliberation, and promulgation. (1) Proposal: first, the relevant departments submit proposals to the Office of Legislative Affairs of the State Council (OLA); second, the OLA protocols the annual legislative plan of the State Council after doing research on all proposals it has received; third, the State Council examines and approves the annual legislative plan.³⁴ (2) Drafting: the administrative regulations and rules can be drafted by one or more ministries of the State Council or the OLA. First, the annual legislative plan confirms the drafter of a certain administrative regulation or rule; second, the drafter completes the draft for examination and approval; third, the draft for examination and approval signed by the head of the drafting body is submitted to the State Council for deliberation.³⁵ (3) Deliberation, first, the OLA examines the draft and modifies or returns it. Eventually, it forms a final draft and instruction; second, the draft is put forward by the head of the OLA or the drafting body to the executive meeting of the State Council for deliberation. (4) Resolution and promulgation: first, while deliberating the draft in the executive meeting of the State Council, the deputies of the OLA and the drafting body attend and address instructions. Then the OLA modifies the draft again by drawing on the deliberation opinions; second, the OLA submits the modified draft to the Premier of the

³³ Kangtai Cao, "China's Political and Legal Construction for 30 Years (Woguo Zhengfa Fazhi Jianshe Sanshi Nian)", in *Law Yearbook of China 2009 (Zhongguo Falv Nianjian 2009)*, (Beijing: Law Yearbook of China Press, 2009). p. 41.

³⁴ See Article 7, 8, 9, the Administrative Regulation-making Procedure Ordinance.

³⁵ See Article 10, the Administrative Regulation-making Procedure.

State Council; third, the Premier of the State Council signs the decree of the State Council to promulgate the administrative regulation or rule.³⁶

In conclusion, the Constitution and laws focus on the rights, obligations, and procedures of the executive and the PC system in the legislative process. However, both the Constitution and the *Legislation Law*, which might define the interactive relations between the executive and the PC system, have remained unclear on executive-legislative relations in the legislative process. This leads to the ambiguity of executive-legislative relations in practice.

2. Legislative work in practice

This section of the chapter is intended to outline the practical aspects of the legislative work in China, paying attention to the different types of laws that the NPC enacts and distinctive legislative practices of the NPC, the NPCSC and the sub-national PCs. Additionally, the legislative practice of the executive is analysed.

2.1. The types of laws enacted by the NPC

In China, there were 402 laws, including amendments and resolutions which were in force by March 2013, passed by the NPC or the NPCSC between the 5th NPC and the 11th NPC. According to *the Legislation Statistics*, edited by the Legislative Affairs Commission (LAC) of the NPCSC, laws in China can be divided into seven types comprising constitution-related laws, criminal law, litigation and non-litigation procedural law, civil and commercial law, administrative law, economic law, and social law.³⁷ Based on the data collected and compiled by the author (see Appendix 1), the composition of legislations in China can be seen as below (Table 2):

³⁶ Zhu Jingwen, *Renmin University of China Report on China Law Development 2010 (Zhongguo Renmin Daxue Zhongguo Falv Fazhan Baogao 2010)*, (Beijing: Renmin University of China Press, 2010). pp. 238-243.

³⁷ The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji 2013)*, (Beijing: China Democracy and Law Press, 2013). pp. 92-100.

Table 2: *Types of laws*

	Number	Percentage
Constitutional-related laws	67	16.7 %
Criminal law	12	3.0 %
Litigation and non-litigation procedural law	15	3.7 %
Civil and commercial law	59	14.7 %
Administrative law	119	29.6 %
Economic law	102	25.4 %
Social law	28	7.0 %
Total	402	100.0 %

Collected and compiled by the author

Source: The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*, (Beijing: China Democracy and Law Press, 2013).

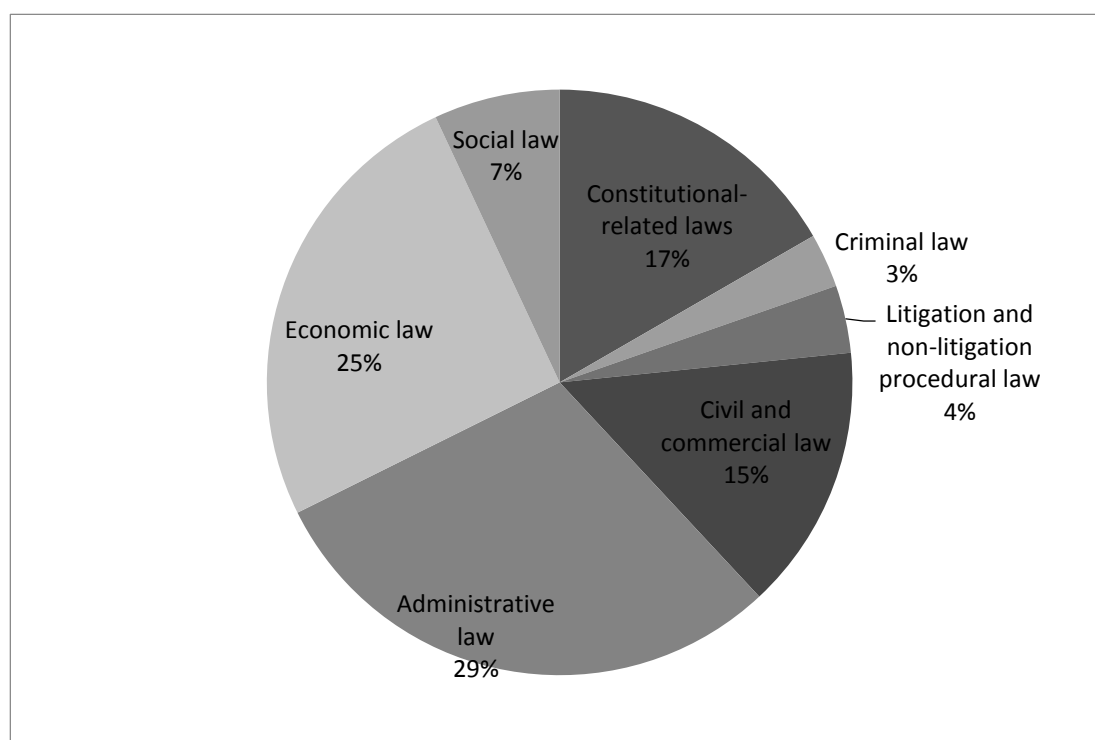


Figure made by author

Figure 5: *Pie chart of the types of laws*

As shown in Figure 5, it is clear that the largest category is administrative law with 119, which accounts for 29.6 per cent of all laws. The next largest is economic law, consisting of 102 laws, which accounts for 25.4 per cent. Constitution-related law is the third, 67, 16.7 per cent of all the laws, followed closely by civil and commercial law, 59, accounting for 14.7 per cent. The above four types of laws account for 86.4 per cent of the total. By contrast, social law, litigation and non-litigation procedural law and criminal law make up the smallest percentage, which are 7 per cent, 3.7 per cent and 3 per cent respectively. In terms of the roles the NPC and the executive play in different types of laws, further research on this matter will be conducted by analysing further data concerning the legislative stages in Chapter Six.

2.2. Legislative practice of the NPC and the NPCSC

In the case of China, it is necessary to be concerned about matters related to the connection between form and substance. In appearance, the NPC has almost always approved bills submitted to it.³⁸ However, in practice, every bill must go through a fairly institutionalised process of deliberation and formal approval, which has contributed to the expansion of the NPC's influence in the legislative process.

In recent years, law-making was clearly the area with the great achievements. Between 1979 and 2013, the NPC and the NPCSC passed 423 laws (including the Constitutions and amendments), 16 legal interpretations, and 199 legal decisions.³⁹ Although the PC system has soberly accepted the Party's leadership, it suggests good ideas, provides the legislative techniques, and solicits opinions from all stakeholders on legislation. As a result, the PC system has emerged not just as a 'rubber stamp' legislature, but as a key legislative arena.

Dowdle even argues that the NPC is relatively independent from the executive, and even from the controlling party. Since 1995, the CCP has suffered 25 per cent or more defection rates among NPC delegates in seven instances.⁴⁰ As a whole, the NPC as a legislation forum debates issues on people's livelihood, social problems, and the policies of the

³⁸ This is typical of parliamentary systems everywhere, and almost all presidential systems as well. More information see Kent R. Rockman and Bert A. Weaver, *Do Institutions Matter? Government Capabilities in the United States and Abroad*, (Washington, D.C.: Brookings Institution, 1993). p. 33.

³⁹ Some of these laws or legal decisions had been annulled. See the Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi)", *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji 2013 Ban)*"! p. 196.

⁴⁰ Dowdle, "The Constitutional Development and Operations of the National People's Congress". p. 123.

country more openly than the CCP. O'Brien pointed out in his research that the NPC staff strengthened contacts with the executive counterparts. Legislative leaders would be invited to attend the meetings on legislation convened by the government, and relevant officials of the executive may have to attend some meetings convened by the NPC.⁴¹ This shows that the PC system never stops trying to obtain the dominant status in legislation, as prescribed in the Constitution and the *Legislation Law*.

In addition, the NPCSC, the special committees and the work commissions have also gradually increased their influence in the legislative process.⁴² Every special committee is empowered to draft bills, but in most cases, if a bill originates from the NPC, the Legislative Affairs Commission (LAC) and the Law Committee will be in charge of or heavily involved in the drafting. Since 1982, the number of special committees and work commissions of the NPCSC has expanded. Supported by successive chairmen of the NPC since 1979 (Ye Jianying, Pen Zhen, and Wan Li), this reform was accelerated by Qiao Shi (1993-98) and Li Peng (1998-2003). There is no doubt that these changes have allowed the NPC, and, in particular, the NPCSC, to play a more active role in the legislative process. Apart from the NPCSC and its special committees, sub-national PCs are the other significant legislative bodies. China's size and complexity make it impossible for the NPC and its standing committee to pass all the needed laws. Many scholars argue that delegating power to sub-national PCs and having several layers of legislative bodies help improve the legislation quality and increase autonomy of the PC system.⁴³ The practical status of the NPC in the legislative system can be summarised by O'Brien's statement which concludes: "The NPC sits at the centre of a laterally and vertically integrated legislative system, linked sideways to the State Council, ministries and the Party, and downwards to sub-national PCs."⁴⁴

2.3. Legislative practice of the sub-national PCs

In 1954, when the first Constitution was enacted, it did not empower the sub-national PCs with the right to make legal documents. This can be attributed to the highly centralised political structure of the Soviet Union, which China tried to imitate. Mao argued, "The

⁴¹ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". pp. 95-99.

⁴² Cabestan, "The Relationship between the National People's Congress and the State Council in the People's Republic of China: A Few Checks but No Balances". pp. 35-41.

⁴³ Shengping Liu, "On Our Country's Legislative System (Lun Woguo Lifa Tizhi)", *Politics and Law (Zhengzhi yu Falv)*, no.5 (1985): 29-31.

⁴⁴ Kevin J. O'Brien, "Legislative Development and Chinese Political Change", *Studies in Comparative Communism Studies in Comparative Communism*, 22, no. 1 (1989): 57-75. p. 62.

Constitution stipulates that the local authorities have no legislative power. Legislative power fully belongs to the NPC. This is what we learn from the Soviet Union.”⁴⁵

Nevertheless, afterwards, Mao realised it was necessary to expand the powers of the local. In his work *On the Ten Major Relationships*, he stated, “Although the Constitution stipulates the legislative power belongs to the NPC, without prejudice to the central’s policy, based on the local circumstance and demanding, the local should be able to make local regulations and rules.”⁴⁶ While he was talking with Edgar Snow, an American journalist, who is known for his books on Communism in China and the Chinese Communist Revolution, he even mentioned that China should learn from the United States to distribute power to the local level, in order to improve its autonomy.⁴⁷

From the quantitative perspective, according to Wu’s research, from 1954 to 1979, due to their lack of legislative power, the sub-national PCs had no record of making local regulations.⁴⁸ However, now, the local regulation-making has become a significant part of the legal system in China. The number of local regulations made by sub-national PCs is far bigger than the number of laws made by the NPC. In terms of the legislative relationship between the central and the local, the sub-national PCs are subject to the NPC: (1) local regulations are to implement the laws; (2) local regulation-making must be supervised by the NPC; (3) the NPC has the final say in the event of any legislative conflict between the national and the sub-national PCs. The *Legislation Law* lists the scope of law-making of the NPC. However, the NPC delegates it to the sub-national PCs partially for making precedent or experimental legislations. Nevertheless, after the relevant laws introduced, local regulations should be subordinated to the national-level laws.⁴⁹

To sum up, the local regulation has two distinctive features. One is subordination. Local regulations ought to be in accordance with the laws made by the NPC. For effectiveness, they are lower than the laws. Meanwhile, local regulations need to be submitted to the

⁴⁵ Xiangyang Xin, *Game of Hundred Years- the Relations of the Central and the Local in China for 100 Years (Bainian Boyi- Zhongguo Zhongyang Yu Difang Guanxi 100 Nian)*, (Jinan: Shangdong People’s Press, 2000). pp. 182.

⁴⁶ Ibid. p.182.

⁴⁷ Ibid. pp.183-184.

⁴⁸ Daying Wu, *Issues on Chinese Socialism Legislation (Zhongguo Shehui Zhuyi Lifa Wenti)*, (Beijing: Masses Publishing House, 1984). p. 241.

⁴⁹ Ming Chen, "Regulating Legislative Work through the Legislation Law- Interview with the Deputy Director of Law Committee of the NPCSC Qiao Xiaoyang (Yi Lifa Fa Guifan Lifa Gongzuo- Fang Quanguo Renda Falv Weiyuanhui Fuzhuren Weiyuan Qiao Xiaoyang)", *Shanghai People's Congress Monthly (Shanghai Renda Yuekan)*, 7 (2000). pp. 15-16.

NPCSC for the record. The NPCSC is entitled to nullify any local regulation which is in conflict with the Constitution and laws. The second feature is autonomy. Local regulations are enacted to solve local problems. Accordingly, the legal effect of a local regulation is limited to a specific region. Regarding the scope of local regulations, normally there is a statement that "the regulations apply to the administrative region." As a result, the significance of local regulations is not only to deal with local problems, but also to be a 'testing ground' to gain experience for law-making at national level. Deng Xiaoping used to point out: "...for the huge workload of legislation, due to the limited manpower, in the beginning, law can be made relatively rough. Local regulations could be made in advance. And then we can make or improve national laws on the basis of the trial of local regulations."⁵⁰

2.4. Legislative practice of the executive

The development of the parliamentary system has gone through two stages: the 'parliamentary supremacy' stage and the 'administrative dominance' stage. Although the evolution of parliaments varies by countries, during the period of the late 19th century and early 20th century, parliaments were in decline after their golden age. This is a common trend of the administrative state. The phenomenon of "parliament in decline and the executive in the ascendant"⁵¹ prevails. In the legislative process of most polities, the executive branch becomes the key actor, exercising a *de facto* monopoly power over legislation.⁵²

In China, since the Reform and Opening, the rapid economic growth transformed China to a market-oriented from a centrally-planned economy, necessitating the development of a legislative system which is capable of fostering and protecting the economy. Due to the dominance of the executive in economic affairs and the inefficiency of law-making of the NPC, some scholars in the 1980s believed that law-making should be an important function of the executive, and the executive should primarily bear the burden of legislative work.⁵³ O'Brien has a similar idea. He has identified the Chinese pattern of

⁵⁰ Deng Xiaoping, *Selected Writings of Deng Xiaoping (Deng Xiaoping Wenxuan)*, (Beijing: People Press, 1994). p. 174.

⁵¹ James Bryce, "The Decline of Legislatures", in *Modern Parliaments; Change or Decline?*, ed. Gerhard Loewenberg, (Chicago: Aldine-Atherton, 1971). pp. 21-32.

⁵² Ann Seidman and Robert B. Seidman, "Beyond Contested Elections : The Process of Bill Creation and the Fulfillment of Democracy's Promises to the Third World", *Harvard Journal on Legislation*, 34, no. 1 (1997): 1-52.

⁵³ Dengkui Yao and Quangan Deng, "On the Features of Our Country's Legislative System (Qianlun Woguo Lifa Tizhi De Tedian)", *Legal Study Quarterly*, No.2 (1985). p. 7; Shuhai Huang and Weijiu Zhu, "On Empowered Legislation (Shilun Shouquan Lifa)", *Legal Studies*, no.1 (1986). p. 9; Shuyi

legislative development as 'legislative embeddedness' which is characterised by expanded jurisdiction and capacity through the cooperation with and subordination to the strong executive branch.⁵⁴ In the author's opinion, undoubtedly, in China, the executive does play a key role in the legislative process.

In terms of the organisational structure, the executive is capable of making legislation. The State Council has its own legislative unit. In 1954, Zhou Enlai established a unit called the Bureau of Legislative Affairs (*Fazhi Ju*), which is in charge of all issues related to the legislation in the executive branch. It reports directly to the State Council. The main responsibilities of the Bureau of Legislative Affairs are to draft bills or to assist ministries in drafting bills, to make the State Council's legislative plan, and to examine decree drafts of the ministries. However, it stopped working during the Anti-Rightist, Anti-Right-Deviationism, and Cultural Revolution movement since 1957. Then in 1982,⁵⁵ Zhao Ziyang re-established the Office of Legislative Affairs (*Fazhi Ban*) under the State Council General Office. Nowadays, the OLA recruits a large number of legal professionals and has gradually become responsible for leading the drafting work for all bills to be submitted to the NPC/NPCSC and the administrative regulations and rules.

To sum up, in China, the legislative influence of the executive is mainly reflected in two aspects. On the one hand, as in most parliamentary systems, the drafting of legislation is performed by the cabinet and its ministries. The executive has enormous influence over the detailed content of a legislation bill and its implementation. In China, over half of all bills are drafted by the executive. However, it is notable that, increasingly, in the deliberation stage, the executive makes compromises with the PC system on the content of bills. On the other hand, after legislations are made by the PC system, in order to implement them, the executive enacts the administrative regulations and local rules. Between 1979 and 2009, the executive in China enacted 1140 administrative regulations and 26612 local rules.⁵⁶

Zhang, "Coordinated Legal Development within Economic System Reform (Tizhi Gaige De Fazhi Xietiao Fazhan)", *Legal Studies*, no.7 (1986). p. 10.

⁵⁴ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". p. 100.

⁵⁵ In 1981, before the reestablishment of the Legislation Bureau, Zhao Ziyang established the Economic Legislation Research Centre which is similar to the Legislation Bureau.

⁵⁶ Zhu, *Renmin University of China Report on China Law Development 2010 (Zhongguo Renmin Daxue Zhongguo Falv Fazhan Baogao 2010)*. pp. 209-210.

3. Legislative process in the NPC

The legislative procedure is both statutory and formal. It can be distinguished from the legislative process, although they have a lot of overlaps. The concept of legislative process refers to the order of activities by which a bill moves through the legislative system, and becomes an adopted law from an idea. It focuses on the relevance, integrity, and actors' interaction in the legislative activities. In terms of the stage division of the legislative process, most Chinese scholars believe that the legislative process consists of three phases, namely the planning phase, the deliberation phase, and the resolution phase.⁵⁷

From the perspective of organisational politics, Tanner divides the process of a bill becoming a law in the NPC into five stages: agenda-setting; inter-agency review; top leadership approval; the NPC debate and passage; and the explication, implementation or adjudication of the law as policy. As a law gets through these stages, it moves among China's three major 'arenas' of law-making institutions: the NPC and the NPCSC the State Council, and the Communist Party Central Apparatus.⁵⁸

To be concrete, firstly, agenda-setting means getting a draft law on the agenda of major state law-making agencies. Secondly, the inter-agency review is described by Tanner as a consensus-building process among major state agencies.⁵⁹ Generally, the executive becomes the dominant actor, and the process becomes a slow, muddy trudge of bargaining and consensus building. This is followed by the third stage, "top leadership approval of a draft in principle" and the fourth stage of the NPC review: debate and passage.⁶⁰ For most bills, the NPC review stage begins virtually when either the Presidium of the NPC plenary session or the Council of Chairmen of NPCSC refers the bill to one or more special committees. Upon the feedback of special committees, the Presidium or the Council of Chairmen determines when to list the bill for vote. When a bill encounters significant opposition, in order to protect the bill initiators from the embarrassment of a public display of 'no' votes, the NPC leadership withholds the bill from a vote, insisting on significant revisions before putting it to the vote again. The final stage is the implementation of law. It includes 'implementing regulations' for explication of the law,

⁵⁷ Huaide Ma, ed., *Legal System, Procedure and Supervision of China*, (Beijing: China Legal Publishing House, 1999). pp. 229-270.

⁵⁸ Murray Scot Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking", *The China Quarterly*, 141 (1995): 39-64. p. 39.

⁵⁹ *Ibid.* p. 42.

⁶⁰ *Ibid.* p. 45.

plus its actual adjudication or implementation as policy.⁶¹ This stage usually is downplayed by students of the legislative process in China. Tanner points out that “the key legislative actors will re-join the battle to define how the provisions of the newly promulgated law will be interpreted and carried out, if at all.”⁶²

Inspired by the division above, in this research, the legislative process is divided into five phases (see Figure 6) for further discussion in Chapter Six: pre-legislative (planning), drafting and initiation, deliberation, resolution (vote and promulgation), and post-legislative (legal interpretation and implementation):

(1) Pre-legislative (planning): generally refers to the legislative activities conducted prior to the initiation of bill. In the NPC, it mainly refers to the making of the annual legislative plan and five-year legislative plan. In China, once a legislative proposal is included in the legislative plan, it has a strong chance of becoming a law in the end.

(2) Drafting and initiation: some scholars include the drafting phase in the pre-legislative phase, whereas initiation is considered as the beginning of the legislative process. However, in the NPC, the drafter and the initiator of a bill are usually the same. Therefore, when we explore the interaction between the executive and the legislative, the drafting and initiation are often regarded as a single phase.

(3) Deliberation: during this phase, the procedures and steps are more determined, formal and complex. The bills are deliberated by the deputies of the NPC (when the NPC is in a plenary session) or the members of the NPCSC and the special committees which are relevant to the bill simultaneously. Bills are examined article by article. However, as Jiang states, deputies of the NPC and members of the NPCSC offer their opinions but not amendments to the bill.⁶³ The Law Committee, which is the only unit empowered to amend a bill, assembles all opinions from the deputies of the NPC or the members of the NPCSC and the special committees to consider what opinions are to be accepted and amend the bill accordingly. This is ‘unified deliberation’ conducted by the Law Committee.⁶⁴ Then the Law Committee submits the final amended bill to the Presidium or the Council of Chairmen.

(4) Resolution phase (vote and promulgation): in established democracies, this phase attracts most attention, and it is also the most intense phase. However, in the NPC, this

⁶¹ Ibid. p. 45.

⁶² Ibid. p. 60.

⁶³ Jiang, *The National People's Congress of China*. p. 201.

⁶⁴ More information see Jiang, “National People’s Congress”. pp. 201-202.

phase is mainly in form, because most of bills will be passed when reaching this phase. The real conflict occurs prior to this phase.

(5) Post-legislative phase, generally refers to the interpretation and implementation of laws. The law is generally relatively abstract and broad, in order to implement, it needs to be interpreted. In China, the post-legislative phase mainly refers to the legal interpretation made by the NPC, the local regulations made by the sub-national PCs, and the administrative regulations and rules enacted by the executive.

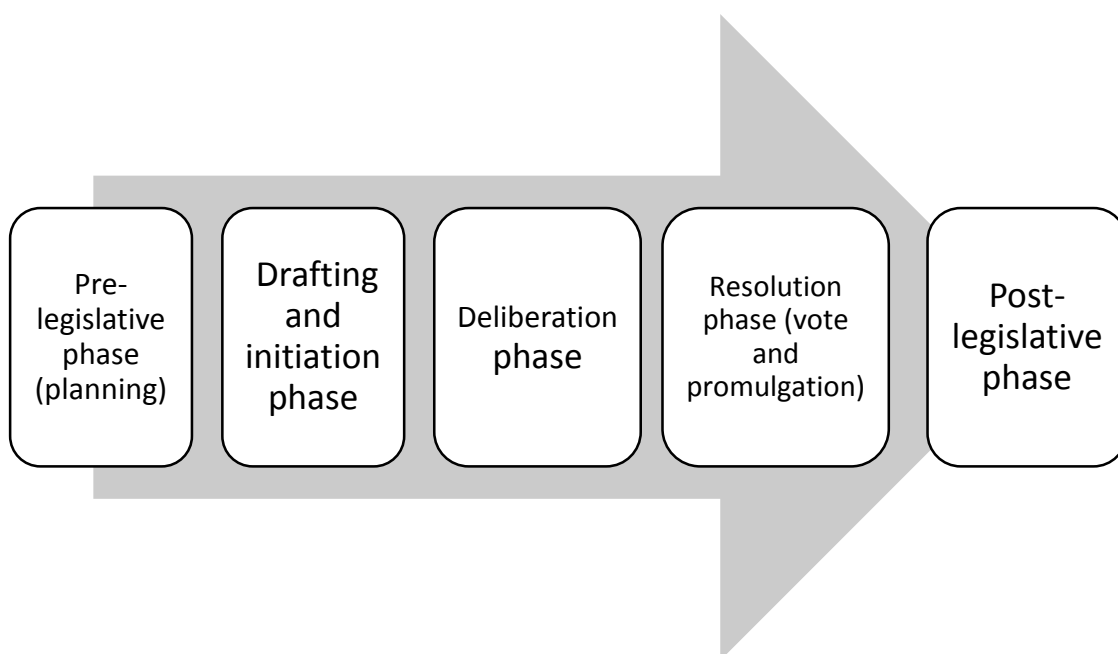


Figure 6: *Five phases of the legislative process in China*

In China, the NPC, the NPCSC and its committees, the Party, and the executive are thought as the crucial actors in the legislative process. Regarding the reactive relations among these main actors in the legislative process, the following phenomena are mentioned frequently: (1) Government bills account for the majority of the bills passed in the NPC system; (2) The bills passed in the NPC are mainly drafted by the executive. Some sub-national PCs do not exert their legislative powers effectively. In contrast, the local governments ‘steal the thunder’ because the number of local rules is much higher than the local regulations;⁶⁵ (3) In terms of the legislative planning of the PC system, the

⁶⁵Luo Gan, "Analysis on the Political Consequences of the Local Legislative Power Expansion in China (Woguo Difang Lifaquan Kuozhang De Zhengzhi Houguo Fenxi)", *Public Administration & Law*, no. 7 (2012). pp. 96-97.

legislative plans need to be reported to the Party committees at the same level and put into effect with the Party committees' approval. In some sub-national PCs, bills cannot go through to the voting phase without the permission of the Party committees;⁶⁶ (4) The bills which have got into the legislative procedure always pass; (5) The PC system modifies bills substantially, while the times of deliberation of bills have been increasing;⁶⁷ (6) The special committees and work commissions in the PC system play an increasing role in the legislative process. Many substantial modifications of bills are often made by the special committees.⁶⁸

In the following, the political phenomena at each legislative stage mentioned above will be explored by analysing empirical data. However, before examining the executive-legislative relation at each legislative stage, another crucial actor in legislative process—the Party is too influential to be ignored, especially in China, a regime with deep party-state characteristics.

⁶⁶ Interview, 05/03/2014.

⁶⁷ Interview, 20/02/2014.

⁶⁸ Chien-Min Chao and Chun-eh Chang, "Would Specialization Lead to Autonomy? A Systemic Approach to China's National People's Congress", in *the Eleventh Workshop of Parliamentary Scholars and Parliamentarians* (Wroxton College, Oxfordshire, UK: 2014).

Chapter V. The Party's Role in Executive-legislative Relations

1. Introduction

One of the reasons why executive-legislative relations in China are fairly indistinct and difficult to sort out is because both the legislatures (the NPC and PCs) and the executive (the State Council and local governments) are subject to the CCP's leadership, whose influence is very wide and deep. In appearance, the executive and the legislative are relatively independent; however, in effect, there is an implicit linkage between the two bodies, which is the CCP. The exploration of the role of the CCP in the legislative process is essential in any attempt to clarify executive-legislative relations in the legislative process.

Generally speaking, the relationship between the political party and the legislature is indirect. The political party does not dictate to the legislature directly, but controls or influences it by the establishment of the parliamentary group embedded in a legislature. The influence of the political party on the legislation is twofold: first, the party engages in the legislative process. In some countries, political parties have the constitutional right to initiate bills. Second, it is pervasive, meaning that through the organisations and the members of political parties within the legislature, the party influences the legislative process. For instance, in the British Parliament, before a parliamentary meeting, the MPs will receive an orientation manual from their own party groups. This requires the party members to safeguard the interests of the party in general. For important motions, members are required to be scrupulously consistent with the party's instruction when they give speeches and vote. Otherwise, they will be subject to punishment by party discipline; they may even lose the support of the party for the next election.¹ Therefore, elected MPs attribute their election not only to the electorate, but also to the party that nominates and supports them. In the evolution of representative institutions, political parties played a decisive role in the government structure. Due to the fact that there are party whips in a parliamentary group whose role is to ensure party discipline in the legislature, although parliamentarians represent the benefits of the constituencies who elect them, they are simultaneously constrained by the party discipline. As Norton has pointed out, a major

¹ According to the notes based on the speech from Richard Quirk, former Annunciator Superintendent in the House of Commons, at the graduate workshop in University of Hull, 19/07/2013.

source of initiating legislation is the party. The party's manifesto provides the basis for the government's flagship legislation.² At this point, the NPC is in a similar situation.

In the Chinese case, the mainstream view is that, in China's legal institutions, law is designed to advance the party's policy, not to restrain it.³ In other words, as Cabestan stated, the NPC has emerged as a CCP-led institution in charge of certain tasks that cannot be done by the executive.⁴ Thus, law instrumentalism prevails in China. To discuss this standpoint, the author of this thesis will examine the ways in which the CCP impacts on the NPC, the political discourses on the leadership of the Party to the NPC, and the Party's influence over the legislative stages.

2. The ways in which the CCP impacts on the NPC

The purpose of this section is to show the practical aspect of the CCP intervention into the NPC, paying attention to the roles of party members in the NPC, actions of party groups. Moreover, the implications of the potential CCP's non-intervention into the NPC are discussed.

2.1. Party members in the NPC

Unsurprisingly, due to the one-party system in China, the CCP has an absolute majority in the NPC (see the charts below).

Table 3: *The percentage of the Party members in the NPC*

Session	1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th
Deputies	1226	1226	3040	2885	3497	2978	2970	2978	2979	2984	2979	2987
Party members	668	708	1667	2217	2545	1861	1986	2036	2130	2178	2195	2157
Percentage (%)	54.5	57.8	54.8	76.9	72.8	62.5	66.9	68.4	71.5	73	73.7	72.2

Source: (1) Jingwen Zhu, "Zhongguo Renmin Daxue Zhongguo Falv Fazhan Baogao 2010 (Renmin University of China Report on China Law Development 2010)", Beijing: Renmin University of China Press, 2014. Pp. 107-108.

² Norton, *Parliament in British Politics*. p. 72.

³ Sebastian Heilmann and Elizabeth J. Perry, "Embracing Uncertainty: Guerrilla Policy Style and Adaptive Governance in China", *Harvard Contemporary China Series*, 17 (2011): 1-29.

⁴ Cabestan, "The Relationship between the National People's Congress and the State Council in the People's Republic of China: A Few Checks but No Balances". pp. 35-41.

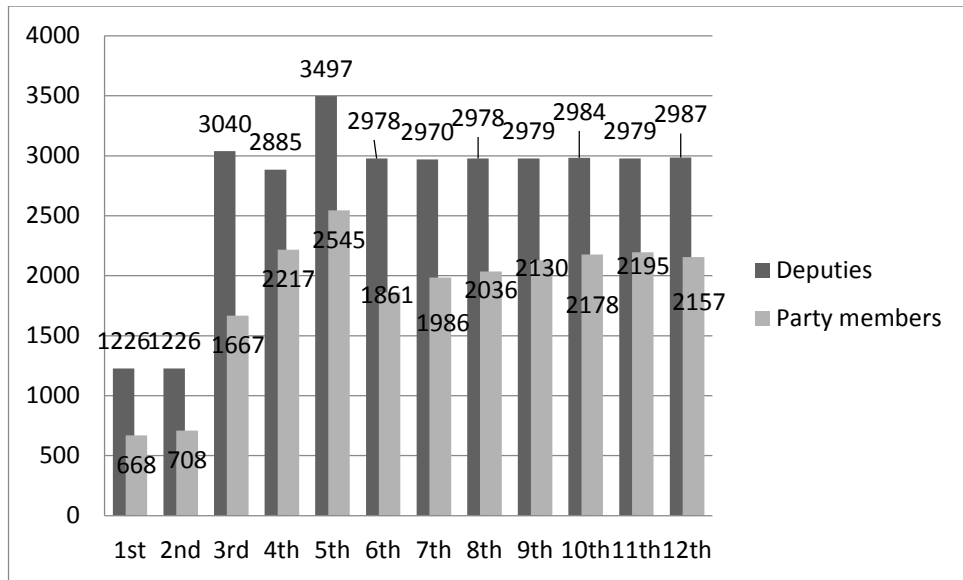


Figure made by author

Figure 7: Number of NPC deputies and party members

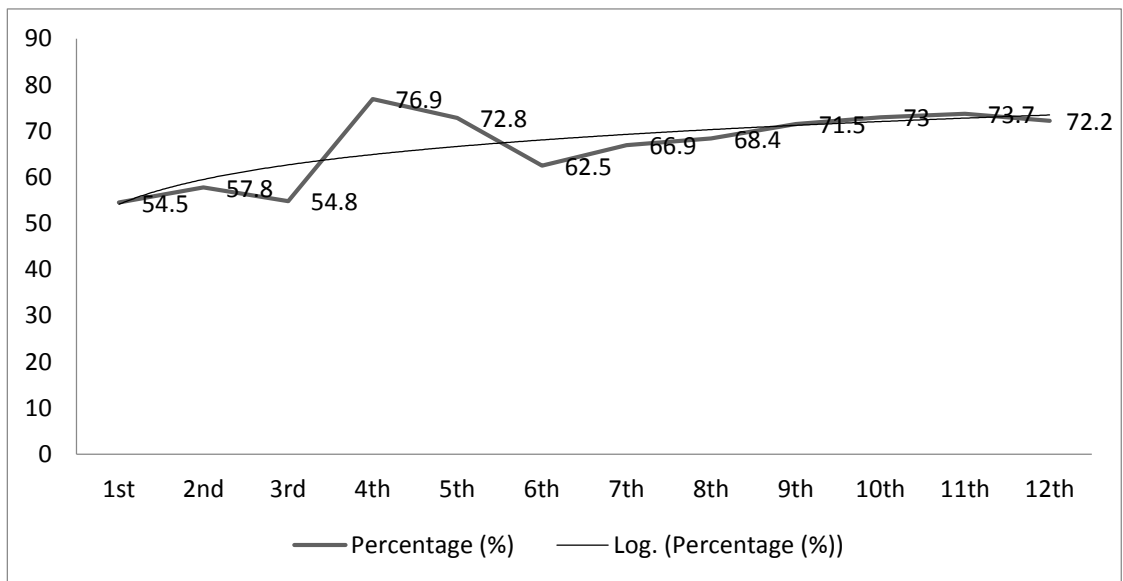


Figure made by author

Figure 8: The percentage of party members among the NPC deputies

Table 3 and Figure 7 demonstrate that the members of the ruling party, the CCP, constitute the absolute majority of the NPC deputies. Figure 8 shows that from 1st to 6th NPC, the percentage of the Party members in the NPC deputies fluctuated in a range between 54.5 per cent and 76.9 per cent. Since the 6th NPC, the percentage has increased from 62.5 per cent to 73.7 per cent. The percentage remained stable at approximate 73 per cent between the 9th and 12th NPC. Due to the majority of the CCP members in the NPC, it is possible

for the Party to exercise a great influence on the NPC by issuing orders to its members. It creates the conditions for the Party to legitimise its policies through the legislation in the NPC.

In addition, both the NPC and the State Council are headed by top leaders of the CCP. At the national level, since March 2013, the State Council has been headed by Li Keqiang who ranks second in the seven-member CPPSC, which is at the top of the hierarchy of the CCP. The NPC has been chaired by Zhang Dejiang, the number three in the CPPSC. At the sub-national level, until February 2014, 24 out of 31 provincial PCs were headed by the Party secretaries, who are the top leaders of local party committees.⁵ Meanwhile, after Xi Jinping became the president of China, several 'Leading Groups' have been established. The CCP's centre status, which is higher than that of any other state organs, has been even strengthened. The CCP's leadership over the NPC is guaranteed mainly by a prior review and personnel penetration. On the one hand, the CCP guides the work of all state organs and staff with discipline. According to the Central Committee Document 18 of 1986,⁶ the CCP committee evaluates all important decisions of the NPC and the State Council to ensure correctness and authoritativeness. According to the opinions of the Chinese public, the NPC is weakly representative and rarely challenges the Party's powers and decisions.

Futhermore, the CCP instructs the NPC whom to elect to crucial posts such as the President, the Chair of the Military Affairs Commission, and the Head of the Supreme People's Court.⁷ At the annual plenary sessions, the NPC deputies always vote to give assent to the law bills, reports, and candidates put in front of them, usually by enormous margins. As a result, few ordinary people and media take the NPC seriously. They pay more attention to the National Congress of the CCP than to the NPC plenary session.

However, there is an interesting phenomenon which is worth mentioning. During the interviews conducted for this thesis, when legislators were asked what they took into consideration while deliberating or drafting bills, only one interviewee mentioned partisanship.⁸ Interestingly, the interviewee is a member of the China Democratic

⁵ Feng Kan, "24 Secretaries of Provincial Party Committees Hold Concurrent Posts of the Directors of Provincial People's Congresses (24 Shengfen Shuji Jianren Renda Zhuren)", Available online: <http://news.sina.com.cn/c/2014-02-15/000929474696.shtml>. [Accessed on 13/10/ 2014].

⁶ Jiang, "Guanyu Jianchi He Wanshan Renmin Daibiao Dahui Zhidu (On Upholding and Perfecting the People's Congress System)". p. 624.

⁷ Nathan, "China's Constitutionalist Option". pp. 43-57.

⁸ Interview, 10/02/2014.

League⁹ rather than the CCP. Most of the interviewees said they thought about many factors including past work experience, public opinions, and their professional knowledge.¹⁰ Furthermore, one interviewee mentioned that some deputies tended to insist on the opposite stance from the government, on behalf of public opinion.¹¹ The PC deputies or staff do not take the Party membership in account as much as expected when they engage in the legislative process. This phenomenon is in accordance with Manion's finding in her research based on the surveys of 5130 PC deputies. She suggests that the PC deputies regard themselves and act as 'delegates' of the people, instead of Party agents.¹² The PC deputies have a dual identity when they are elected. They attend the PC meetings with the identity of their occupations or locations, rather than their partisanship. However, partisanship affects the PC members' behaviour as a latent attribute, and it is hard to evaluate.

2.2. Party Group

Apart from the majority of the Party members in the NPC, the Party impacts the NPC's behaviour through its embedded branch. According to Article 46 of the CCP constitution, "a leading Party members' group would be formed in the leading body of a central or local state organ, mass organisation, economic or cultural institution or other non-Party unit."¹³ As a result, there is a Party Group (*dang zu*) playing a significant role embedded in the NPC. This party organisation within the NPC reports the NPC's work to the CCP.

Guo has pointed out that the Party Group in the NPC plays a role of leading and coordination, and the Party Group is led by the Party Central Committee. Legislation with a significant impact must be reported by the Party Group in the NPC to the Party Central Committee for a final decision.¹⁴ In practice, in the PC system, although according to the Constitution, the PCs are the highest authorities at their regions, the Party Groups in the PCs have the final say. For the issues the Party regards as important, the Party might get actively involved through the Party Group. In other cases, the CCP might be involved passively in the legislative process. When conflict happens between the executive and the NPC regarding certain legislative issues, if they cannot reach an acceptable compromise

⁹ The China Democratic League is one of the eight legally recognised political parties in China.

¹⁰ Interview, 18/02/2014; Interview, 19/02/2014; Interview, 20/02/2014; Interview, 26/02/2014; Interview, 28/02/2014; Interview, 14/03/2014;

¹¹ Interview, 20/02/2014.

¹² Manion, "Authoritarian Parochialism: Local Congressional Representation in China".

¹³ See Article 46, the Constitution of Communist Party of China.

¹⁴ Daohui Guo, *Legislation in New China (Dangdai Zhongguo Lifa)* (Beijing: China Democracy and Law Press, 1998). p. 212.

the NPC has to turn to the Party Group for help.¹⁵ In this situation, the Party Group in the NPC has the final say.

However, the Party's deliberation over legislation is not a part of the legislative procedure stipulated by the Constitution and the *Legislation Law*. Thus, legally speaking, the Party is no more than an influencing actor in the legislative process. As an actor in the legislative process, the CCP's influence is regarded as far reaching. According to Yu's suggestion, normally, bills with the Party's 'implicit' consent go through with less obstruction.¹⁶ This reflects the particular relationship between the NPC and the CCP. Before the Reform and Opening in 1978, with the guiding ideology of 'governance by the Party', the CCP had established a political structure of a highly integrated 'party-state' in China. After 1978, although the CCP started to adjust the party-state system, the integration of the Party and state was not greatly changed. With the integration of the Party and state, legislation is bound to be subject to the Party's policy so that legislation is the legitimising tool of the Party's policy.¹⁷ It follows that the legislation is significantly impacted by the party's policy.

3. Political discourse on the leadership of the Party to the NPC

The discourse of Chinese politicians on the leadership of the CCP to the NPC seems divergent. While the NPC leaders emphasise upholding the Party's leadership to the NPC, the Party leaders suggest the Party should not intervene in the NPC's legislative work.

3.1. Discourse on upholding the Party's leadership

In China, upholding the Party's leadership to the NPC is seen as a fundamental principle. The leaders of the NPC always emphasise in their speeches that the NPC is to accept the party's leadership and keep the party's policy as a guide. The former leader of the NPC, Peng Zhen frequently emphasised that the legislation is to implement the party's policy. The laws are used to legitimise and materialise the party's policies. Therefore, it requires the legislators to learn and comprehend the party's policies. For significant issues related to the law-making, the NPC needs to ask the party centre for instructions. In effect, Peng Zhen was inclined to ask the party centre for instructions when he was in charge of legislative affairs. From time to time, he drafted a requesting instruction report with

¹⁵ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". pp. 64-65.

¹⁶ Zhaobo Yu, "Comparative Study of the Legislative Bodies (Lifa Juece Zhuti Bijiao Yanjiu)", *Law and Business Study*, no. 4 (2002). pp. 114-121.

¹⁷ Wangsheng Zhou, "Three Strategy on China's Legislative Reform: Rule of Law, System, Decision-Making (Zhongguo Lifa Gaige Sance: Fazhi, Tizhi, Juece)", *Journal of Peking University (Philosophy and Social Sciences)*, no. 5 (1995): 21.

regard to submitting drafts and amendments of legislation to the party centre for approval. For instance, while the *Local Organisation Law* was being made in 1979, on the issue whether the PCs above the county level needed standing committees; he wrote a report to the Party Central Committee for instructions.¹⁸

On September 28, 2000, after reviewing all the previous amendments of the Constitution since the third Plenary Session of the 11th Central Committee of the CCP, the then chairman of the NPCSC Li Peng stated that, after the congress of party representatives,¹⁹ the party's ideas and policies are translated into legislation through legal procedures by the NPC. This fully reflects the party's leadership over the NPC.²⁰ In the meantime, Li Peng also mentioned that the NPC legitimised the party's ideas and policies by law-making: "...the NPC is to make the party's policies through legal procedure and become the will of state, the laws and regulations, and the code of conduct of all the people..."²¹ Likewise, at the Fourth Session of the 10th NPC, Li Peng's successor, Wu Bangguo also made a statement that "in order to improve the PC system, most importantly, it is to uphold the party's leadership... the party's leadership is the fundamental guarantee for keeping the PC system running well..."²² On another occasion, in 2011, Wu Bangguo pointed out that "the formation of a socialist legal system with Chinese characteristics is a significant achievement made by millions of Chinese people led by the CCP." At the 60th anniversary of the establishment of the NPC, the incumbent president of China, Xi Jinping, gave a speech stating that "in order to improve the PC system, we must adhere to the leadership of the CCP unswervingly... We must adhere to the party's core function of considering all-round and coordinating all sides; we must guarantee the effective and complete implementation of the party's policies by the PC system; in order to make the state organs carry out their work in accordance with the Constitution and laws actively,

¹⁸ Angran Gu, *Reading Notes on Legislation--Introduction to Part of Law-Making Situation (1982-2004)* (*Lifa Zhaji--Guanyu Woguo Bufen Falv Zhiding Qingkuang De Jieshao(1982-2004)*), (Beijing: Law Press, 2006). p. 89.

¹⁹ In China, generally, the NPC plenary session is held after the plenary session of the central committee of the CCP.

²⁰ "Li Peng: To Guide the Work of the National People's Congress with the 'Three Represents' Thought", *People's Daily*, 29/9/2000.

²¹ "Li Peng: Depends on National Conditions, Go Our Own Political Development Way – the Speech of the Chairman Li Peng at the Meeting with the Deputies of the Third Congress of Party Representatives of the National People's Congress Authorities (Cong Woguo de Guoqing Chufa Zou Ziji de Zhengzhi Fazhan Daolu-- Li Peng Weiyuanzhang Jiejian Zhonggong Quanguo Renda Changweihui Jiguan Disanci Dangdaihui Daibiao Shi De Jianghua)", *National People's Congress of China*, no. 15 (2002). p. 2.

²² "Wu Bangguo's Work Report of the National People's Congress Standing Committee at the Fourth Plenary Meeting of the 10th National People's Congress", Available online: <http://www.npc.gov.cn/npc/oldarchives/dbdh/dbdh/common/zw.jsp@label=wxzlk&id=347872&pdm c=zxhd.htm?undefined?=undefined>. [Accessed on 10/01/2014].

we need to strengthen and improve the leadership of the Party constantly, to transfer the Party's will into the state's will through the PC system, to appoint the candidates nominated by the Party to the leaders of the state organs..."²³

It is not surprising that the NPC leaders keep emphasising the leadership of the CCP over the NPC. In China's party-state system, for every single state organ, the primary organisation principle is to uphold the Party's leadership.

2.3. Discourse on non-intervention of the Party to the NPC

In contrast to the discourse of upholding the Party's leadership, there is a different viewpoint shown in the CCP leaders' discourse, that the Party should not directly manipulate the state organs, such as the State Council and the NPC, when they talked about the Party's leadership over the state organs. As early as 1928, Mao opposed the Party's reckless intervention in the state organs' affairs. He mentioned in his article, '*Fighting at the Mountain Jinggang*' that "except for the propaganda, the Party should not exercise its policies through state organs."²⁴ Deng Xiaoping used to criticise the wrong understanding of the Party leadership: "Some comrades (party members) misunderstand the Party leadership. The Party's leadership is interpreted wrongly as 'the Party above all else'. They change the government decrees and interfere in governmental work arbitrarily; they make appointment without going through administrative procedures; in some places, without the Party's order, the government decrees do not work."²⁵ These situations cause confusion and disorder in the political regime.

In recent years, a number of documents of the Party offered a new interpretation of the Party leadership over the state organs by using more tentative words, like 'suggesting' and 'recommending', instead of 'directing'. For example, in 2002, the report of the 16th National Congress of the CCP mentioned, "Party leadership is mainly on political, ideological and organisational aspects. The concrete methods of leadership include making fundamental policies, proposing suggestions on legislations, recommending important cadres, doing ideological propaganda..."; at the fourth session of the 16th National Congress of the CCP, it put forward a concept of 'governing scientifically,

²³ "The Speech of Xi Jinping at the 60th Anniversary of the National People's Congress (Xi Jinping Zai Qingzhu Quanguo Renmin Daibiao Dahui Chengli 60 Zhounian Dahui Shang De Jianghua)". Available online: http://www.npc.gov.cn/npc/xinwen/2014-09/06/content_1877767.htm. [Accessed on 1/10/2014].

²⁴ Mao Zedong, *Mao Zedong Select Writings (Mao Zedong Xuanji)*, (Beijing: People's Publishing House, 1990). p. 73.

²⁵ Deng, *Selected Writings of Deng Xiaoping (Deng Xiaoping Wenxuan)*. p. 11.

democratically, and by law'. Furthermore, by drawing on past ruling experience, it proposed the Party should "adhere to the rule by law, to abide by the law, to assure law enforcement and continuously push forward the legalisation and standardisation at aspects of economy, politics, culture and social life."²⁶

Recently, at the 18th Party National Congress, the amendment of the CCP Constitution reiterated that "the Party's leadership is mainly on politics, ideology and organisations"; "the Party must be in accordance with the principles of looking at the whole picture and coordinating all sides, and playing a crucial role in the state organs at various levels"; "the Party should ensure the legislative, the judicial and other state organs work together proactively, independently, responsibly, and harmoniously."²⁷ In October, 2014, the fourth plenary session of the 18th session of the central committee of the CCP was themed, 'rule of law'. At this meeting, a resolution with the title of "*the Central Committee of the CCP's decision on a number of major issues on fully advancing the rule of law*" was passed. The resolution mentioned that "...the Party is to improve the legislative system, to strengthen the Party's leadership over the legislative work, to improve the procedure of party's decision-making on major issues of the legislative work, to improve the institutional mechanisms of the NPC who dominates the legislative power on legislative work ..."²⁸ The discourse on non-intervention of the Party in the NPC reflects the efforts of some Party leaders to reduce their influence and direct control over the NPC and legislation in particular.

Based on the discourse outlined above, it is not difficult to conclude that the CCP tends to lead the NPC 'behind the scenes' at the political, ideological and organisational aspects. However, this Party's leadership, participation and influence on the legislative process remain opaque. So far, there are very few public documents mentioning a detailed involvement of the Party in the legislative process. Meanwhile, the NPC leadership also discloses little on the Party's involvement in the legislative process. Even in the interviews with some NPCSC staff, they were not able to clarify when and how the Party examined and approved laws.²⁹

²⁶ Xinhua News Agency, 19/09/2004, Available online: http://news.xinhuanet.com/newscenter/2004-09/19/content_1995366.htm, [Accessed on 23/10/2014].

²⁷ Xinhua News Agency, 23/10/2014, Available online: http://news.xinhuanet.com/politics/2014-10/23/c_1112953884.htm, [Accessed on 23/10/2014].

²⁸ Ibid.

²⁹ Interview, 14/03/2014.

3. The Party's impact on the legislative process

In the Constitution and laws, there are few statements related to the Party's leadership over the legislative process. In the main body of the Constitution, the Party is not mentioned. The Party is only mentioned in the preface.³⁰ Clearly, the Constitution does not empower the CCP with legislative power. Article 3 of the general provisions of the *Legislation Law* stipulates that "Laws shall be made in compliance with the basic principles laid down in the Constitution... upholding leadership by the Communist Party of China..."³¹ It also does not grant the Party legislative power.

Neither the Constitution nor the *Legislation Law* interprets the explicit procedure for how the Party leads the legislation. As a result, it can be seen as a kind of latent leadership of the Party over the legislation. The CCP impacts the legislative process indirectly. Legally speaking, due to the supremacy of the Constitution, all the state organs and political parties must comply with the Constitution unconditionally. Therefore, the activities of the Party cannot exceed the scope of the Constitution and the laws. The CCP should follow the legislative procedure in the NPC as an influential actor. This means that the influence of the Party on the legislative process must be latent and indirect.

Although the CCP impact the legislative process latently and indirectly, undoubtedly, its influence is utterly significant. Based on the limited literature, we can have a glimpse of the actual impact of the CCP in differing degrees at different stages of the legislative process. Foster's research has pointed out that the party involvement in law-making primarily occurs in the earliest legislative stage, which is legislative planning and near the end reviewing and approving a bill.³² O'Brien also argues that the available evidence suggests that "party committees set the law-making process in motion and check the results; state organs do much of the work."³³ Tanner also has similar findings that the Party Group is actually the authority in the NPC that can decide whether to put a bill on

³⁰ See preamble, the Constitution of the People's Republic of China: "Under the leadership of the Communist Party of China and the guidance of Marxism-Leninism, Mao Zedong's Thought, Deng Xiaoping's Theory and the important thought of 'Three Represents', the Chinese people of all nationalities will continue to adhere to the people's democratic dictatorship and the socialist road, persevere in reform and opening to the outside world, steadily improve socialist institutions, develop the socialist market economy, develop socialist democracy, improve the socialist legal system..."

³¹ Article 3, Legislation Law of the People's Republic of China, "Laws shall be made in compliance with the basic principles laid down in the Constitution, principles of taking economic development as the central task, adhering to the socialist road and the people's democratic dictatorship, upholding leadership by the Communist Party of China, upholding Marxism-Leninism, Mao Zedong's Thought and Deng Xiaoping's Theory and persevering in reform and in opening to the outside world."

³² Frances H. Foster, "Codification in Post-Mao China", *The American Journal of Comparative Law*, 30, no. 3 (1982): 395-428.

³³ O'Brien, "Legislative Development and Chinese Political Change". p. 59.

the legislative agenda. As long as the CCP leadership supports a bill, it goes onto the legislative agenda without much opposition.³⁴ However, at the following legislative stages, the Party often fails to exercise its influence fully, either because members cannot reach consensus on detailed content of a bill, or because they lack the expertise or the interest to concern themselves with the details of a draft bill.³⁵

Explicitly, based on the discussions above and interviews, through its Party Groups in the PC system, the CCP's decisive influence over the legislative process concentrates on the planning and voting stages. The control over the legislative planning is reflected in two aspects: first, it provides leadership in timing, the decision when to start the legislative planning needs the Party's consent. Second, it provides leadership in guiding the principle of legislation. The scope of legislation in a certain period and how to do the legislative planning need to be reported to the Party for approval.³⁶ In fact, before it is submitted to the NPCSC by the Commission of Legislative Affairs, the planning draft needs to go through the meeting of the Party Group in the NPC. In the voting phase, the near 100 per cent pass ratio and high share of the vote reflect the fact that the main conflicts and compromises take place prior to the votes occurring.

At the legislative planning stage, the Party sets the principle of the legislation. In the drafting and deliberation stages, the Party gives way to the NPC and the executive to a large extent. The Party leaders encourage meticulous deliberation and mention that when a draft is 'rather controversial' and 'many standing committee members hold different opinions,' voting should be postponed and no attempt should be made to try to push the bill through.³⁷ My interviews support this point of view as well. Some interviewees mentioned that "the main work is done before the voting."³⁸ The bill has already taken into account the interests of all parties, and been accepted by all interest groups. "It is not going to be pushed to a vote rashly if a bill is unable to reach a consensus among all the interested parties, without doubt, including the CCP."³⁹

With regard to the PC system, especially the sub-national PCs, in recent years, a growing number of studies show that the control of the Party over legislation has been eroding.

³⁴ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". p. 53.

³⁵ Tanner, "*The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*". pp. 49-50.

³⁶ In February, 1991, the CCP Central Committee issued 'Several Opinions on Strengthening the Leadership over the National Legislative Work' proposing that legislative plan should be reported to the CCP Central Committee for approval.

³⁷ O'Brien, "Legislative Development and Chinese Political Change". p. 61.

³⁸ Interview 21/02/2014; Interview, 20/02/2014.

³⁹ Interview 12/03/2014; Interview, 18/02/2014.

For instance, Yan has pointed out that, in Shanghai, even in the legislative planning stage, which used to be the key stage under the control of the local Party Committee, the Party tends to approve the legislative planning which is submitted by the PC with few changes.⁴⁰ There is a trend towards decentralization of the legislative power. A gradual erosion of the Party Centre's control over the legislative process has been coupled with the institutional development of the PC system. The CCP turns the responsibility for drafting and deliberation over to the PC system and other organisations, and it only indirectly checks the legislative process in accordance with its policy through party members who work in a non-party setting and non-party capacity. In addition, the PC system usually obtains the Party's advice through some informal channels, such as an informal talk.⁴¹

4. Conclusion

To sum up, by and large, since the 5th NPC in 1978, the CCP's direct involvement in the legislative process has been eroded substantially, as the PC system is an increasingly influential actor in determining the content of laws. Although the Party's manifesto still influences the legislative process significantly, the Party's leadership over the NPC tends to be indirect and in principle instead of in details of individual laws. A parliamentary scholar also considers that the CCP leads the NPC by means of a 'gentle leadership'.⁴² The main reason why the CCP changed its leadership from a 'rigid leadership' to a 'gentle leadership' is that the power of the Party within the legislative process is fragmented. Factions within the Party represent various interests. Often, they are not able to achieve consensus on a draft bill internally. They will unavoidably be drawn to the battle in another arena – the PC system. The NPC (PCs) provides an arena for these interest groups to fight with their adversaries to secure their own interests. Nowadays, if a political actor loses a legislative battle within the CCP or the executive, it is still possible to block or significantly amend a bill in the arena provided by the NPC (PCs). In this arena, while the executive and the Party compete in the name of their departmental or partisan interest, the NPC (PCs), as the representatives of the people, fight in the name of the public.

⁴⁰ Rui Yan, "Research on the Dominant Function of the Local People's Congresses in the Legislative Process: Based on the Case of Shanghai (Difang Renda Zai Lifa Guochengzhong De Zhudao Gongneng Yanjiu: Yi Shanghaishi Weili)", Ph.D. Thesis, (East China University of Political Science and Law, 2013). Chapter 3.

⁴¹ Interview, 27/02/2014.

⁴² Interview, 06/03/2014.

Thus, power within the legislative process is divided between numerous individuals and organisations. Various legislative organisations continue to develop their own power that allows them to influence the legislative process to differing degrees, at different stages of the process. In the following chapter, based on the division of legislative stages above, the interaction between the executive and the legislative in each legislative stage will be analysed. The three stages in the legislative process which probably have the greatest influence on the content of legislation – planning, drafting and the deliberation – will be focused on when the executive-legislative relations in the legislative process are examined.

Chapter VI. Executive-legislative Relations in the Legislative Stages

Since the Reform and Opening in 1978, China's legislative system has undergone an unprecedented expansion. The emphasis on law-making contributed to the growing autonomy and capacity of the PC system during this period. Due to a shifting distribution of authority in the legislative process, the legislative arena is populated by actors who engaged in co-operation and conflict at virtually every single stage of the legislative process. Among these actors, the executive and the legislature are the most important ones. Based on interviews, legal data, and observations, this chapter explores executive-legislative relations in the Chinese legislative process.

1. Pre-legislative stage: legislative planning

According to the *Legislation Law*, the legislative procedure excludes planning.¹ As a result, for the purposes of this thesis, it is defined as the pre-legislative stage. Legislative planning refers to a process during which the legislature reviews, discusses and confirms potential legislative projects. Zhou points out that the legislative planning stage is “not only expectation but arrangement to be implemented in law-making”, “in fact it is semi-law”.² In China, legislative planning primarily consists of five-year legislative plans and annual legislative plans.

1.1. Background of legislative planning in China

China's compilation of legislative plans was influenced by the Soviet Union. Legislative work in the Soviet Union was highly affected by the planned economy system, which stressed planning in advance. On the 18th and 19th May 1978, the International Conference on Legislative Planning in Socialist Countries was held in Warsaw, Poland. The conference concluded that legislative planning gives legislative activity a pre-determined target, which can help avoid making legislation hastily and create an ideal environment for high-quality legislative work.³ Apart from the Soviet Union, some Western countries also make legislative plans. For instance, the UK has a history of over 100 years of making legislative plans. The Cabinet is in charge of making a list of legislation proposed for introduction. Taking the United States for another example, in 1912, President

¹ See Section 2, the Legislation Law.

² Wangsheng Zhou, *On Legislation (Lifa Lun)*, (Beijing: Beijing University Press, 1994). p. 460.

³ Xi Liang, "Legislative Planning in the Soviet Union (Sulian de Lifa Guihua)", *Global Law Review*, no. 4 (1983). pp. 10-15.

Woodrow Wilson started to propose legislative plans to the Congress in the name of the President, which has been practised ever since by subsequent presidents.⁴ So far, most legislatures incline to make legislative plans which are regarded to improve the efficiency of the legislative process. As with any legislation, with scarce legislative resources and pressed drafting time, the drafters are forced to prioritise legislative projects. Otherwise, precious legislative resources will be wasted on projects less important, if the principle of first come, first served, is followed.

1.2. The evolution of legislative planning in China

In April 1988, the NPCSC Chairman Wan Li proposed to make a five-year legislative plan at the first meeting of the 7th NPCSC for the first time. Later in June 1988, the NPCSC started organising the compilation of legislative plans and it was in the 7th NPCSC that the *Preliminary Proposal of the Law Committee of the Nation People's Congress on the Five-year Legislative Plan* was approved.⁵ To make the legislative work more planned and focused, in 1991, the 7th NPCSC chairmen's committee held a legislative work meeting. The meeting mapped out the key aspects of 1991 and 1992 legislative work, and decided to officially initiate the compilation of the five-year legislative plan, with all the planned legislations to be deliberated during the two years before the completion of the 7th NPCSC term.⁶ Ever since, the five-year legislative plan has been renewed by each session of the NPCSC during its term of office. So far, the NPCSC has made four five-year legislative plans. The practice of legislative planning comprises a schedule for every year, a plan for every five years, and an outline for the long-term. There are two types of five-year legislative plan: the first type is the so-called 'official legislative projects' which are 'ripe' legislative projects, that can be placed on the list of the projects for deliberation within the term of the current session of the NPCSC; the second type is the 'preparatory projects' which are in-progress legislative projects to be submitted once the projects are considered 'ripe', not necessarily within the term of the current session of the NPCSC.

⁴ Jinsong Jiang, *The Mother of Parliament*, (China Democracy and Law Press, 1998). pp. 454-457.

⁵ The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee, "*Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*". p. 219.

⁶ "Accountabilities & Measurements of the 7th National People's Congress Standing Committee", Available online: http://www.npc.gov.cn/wxzl/gongbao/2000-12/26/content_5002140.htm. [Accessed on 5/3/2014].

1.3. Procedure of legislative plan-making

Regarding the legislative plan making procedure, prior to compilation, the drafter usually would do some preliminary research to get general knowledge about the legislative demands of all parties, and then officially solicit opinions. Taking the compilation of the five-year plan, for example, the preliminary work includes summarising implementation condition of the previous five-year plans; collating and analysing legislative proposals submitted by the executive, PC system, or other legislative bodies; reviewing legislations in force and so forth.

When looking at the NPC's practice, for example, after the first meeting of the 10th NPC in March 2003, the NPCSC at once started to compile the five-year legislative plan. By mid-May, the NPCSC had written to the State Council, the Supreme People's Court, the Supreme People's Procuratorate, the Central Military Commission, and the special committees of the NPCSC to call for their legislative proposals, which they hoped would be listed in the five-year legislative plan.⁷ In recent years, some sub-national PCs started to expand the objects of calling for legislation proposals. In 2003, the PCs of Yunnan, Fujian, Gansu, Guizhou, Sichuan, and Chongqing all started to collect legislative proposals from the public, and the PC of Sichuan province included nine legislative projects proposed by the public in its legislative plan.⁸

Then, after the NPCSC collates all the legislative proposals received, it solicits opinions on these proposals from all parties in the form of a forum again. In the end, based on opinions obtained from the forum, the NPCSC organises an assessment to select the legislative projects to be included in the legislative plan. In addition, the NPCSC needs to determine the maximum number of legislative projects to be selected in the legislative plan, on the basis of the prediction of resources and the time to be used for legislation for the next five years. For instance, the 10th NPCSC decided to include around 70 legislative projects in the five-year legislative plan, on the basis of past experience and current circumstances.⁹

⁷ Huining Zhuang, "Five-year Legislative Plan: People's Benefit Is Supreme (Wunian Lifa: Renmin Liyi Zhishang)", *Outlook Weekly*, no. 49 (2003). pp. 4-6.

⁸ "News on People's Congresses All over China (Gedi Renda Dongtai)", *National People's Congress of China*, no. 1 (2003).

⁹ Zhuang, "Five-year Legislative Plan: People's Benefit Is Supreme (Wunian Lifa: Renmin Liyi Zhishang)". pp. 4-6.

1.4. Two forms of legislative plan in China

In this section, both the five-year legislative plan and annual legislative plan are explained in their theoretical and practical aspects. Moreover, comparative analysis of both types of plans is conducted.

1.4.1. The five-year legislative plan

The five-year legislative plan is a schedule of legislative work compiled in accordance with certain principles and procedures by a legislative body.¹⁰ Likewise, Zhou believes that the five-year legislative plan is the legislative body's prediction of the legislative work within its term, based on some principles and procedures aimed at achieving certain goals by using certain legislative skills. The five-year legislative plan's primary goal is to ensure that legislative work proceeds in a planned and purposeful manner, which will make the law-making organised scientifically and systematically.¹¹ Zhu and Zhang describe the five-year legislative plan as a plan put forward by the legislative body, with reference to national policies and principles, economic and societal development plan and, on the basis of scientific legislative forecast, pertaining to legislative target, measures and steps.¹² To sum up the definition, first of all, a five-year legislative plan is an action concerning the practice of legislation, which is performed by a national authority entitled to make legislation. Secondly, a five-year legislative plan is a preparatory arrangement by the legislature regarding future legislative work over a certain period of time, which is predictive. However, the listing of legislative projects in the five-year legislative plan does not mean submission of bills for deliberation. Thus, the five-year legislative plan is directive rather than compulsory.

At the sub-national level, by following the NPC, some sub-national PCs decided to make legislative plans. For instance, in 2003, the PC of Guizhou province made *the Legislative Plan of the 10th PCSC of Guizhou Province*.¹³ The PCSC of Hubei province started to

¹⁰ Guo, *Legislation in New China (Dangdai Zhongguo Lifa)*. p. 254.

¹¹ Wangsheng Zhou, *Legislative Study (Lifa Xue)* (Beijing: Peking University Press, 1988). p. 501.

¹² Shuguang Zhang and Liu Zhu, *Legislative Study (Lifa Xue)*, (Beijing: Renmin University Press, 2006). p. 185.

¹³ Ying Yue, "Research on Local Legislations in Guizhou Province (Guizhou Sheng Difa Lifa Yanjiu)", Ph.D. Thesis, (Southwest University, 2006). p. 7.

make five-year legislative plans in 2007.¹⁴ So far, an increasing number of sub-national PCs have started to make legislative plans. In addition, there are 44 sub-national PCs enacting *Local Regulation-making Rules*, of which 14 have rules stipulating the legislative plan.¹⁵

1.4.2. The annual legislative plan

The annual legislative plan is the other form of legislative planning, and is supplementary to the five-year legislative plan. In China, the legislature draws up a detailed annual legislative plan based on the five-year legislative plan. In terms of differences between these two plans, Sun believes, compared to the five-year plan, the annual plan focuses on legislative work over a relatively short time: “It is difficult for us to predict what happens over a five-year period, while one year is much easier.”¹⁶ Therefore, the annual legislative plan is more accurate and well-predicted than the five-year plan. That is to say, the annual legislative plan is drawn up to materialise a five-year legislative plan. It is more specific, accurate and practical. Ever since the *Preliminary Proposal of the Law Committee of the National People’s Congress on the Five-year Legislative Plan* was adopted in 1988, the NPC has been compiling annual legislative plans yearly. At the sub-national level, the PC of Hunan province started to make annual legislative plans in 1993. It was the first sub-national province to do so.¹⁷ As for the executive, the State Council issued the *1982-1986 Economic Five-year Plan (draft)* in November 1982. After that, in light of the *Five-year Plan*, the State Council compiled a yearly ‘legislative’ plan of the legislative bills which were planned for submission to the NPC in the coming year.¹⁸

So far, in China, legislative projects involved in legislative plans come from various sources. At national level, there are the special committees of the NPC, the State Council and its ministries, the Legislative Affairs Bureau of the Supreme People's Court, the Supreme People's Procuratorate, and the Central Military Commission. However, the majority of the projects that are finalized into the five-year legislative plan and annual legislative plan are contributed by the State Council. As Yuan argues, “The State Council

¹⁴ Mingpu Li, "Keep Legislations in Accordance with Reform and Development (Jianchi Lifa yu Gaige Fazhan Xiangshiying)", *Hubei People's Congress*, no. 7 (2008). p. 12.

¹⁵ The 14 Local Regulations-making Rules are made by the PCs of Jiangsu province, Hainan province, Haikou city, Wuxi city, Kunming city, Nanchang city, Baotou city, Hohhot city, Shijiazhuang city, Lhasa city, Suzhou city, Xuzhou city, Nanjing city and Tsitsihar city respectively.

¹⁶ Yuwei Sun, *Research on Improving the Mechanism of Local Legislative Project and Drafting (Wanshan Difang Lifa Lixiang yu Qicao Jizhi Yanjiu)*, (Beijing: Law Press, 2007). p. 175.

¹⁷ *Ibid.* p. 202.

¹⁸ Wanzhong Sun ed., *Legislative Science Course (Lifa Xue Jiaocheng)*, (Beijing: China Legal Publishing House, 1990). p. 243.

departments are determined and skilful to enrol their legislative projects into the legislative plan.”¹⁹

1.4.3. The differences between the five-year legislative plan and the annual legislative plan

In the legislative practice of recent years, both the NPCSC and sub-national PCSCs have paid more attention to the realistic feasibility of the legislative projects in the five-year plan, as opposed to promoting legislation recklessly just in order to complete the five-year plan. In this way, the mandatory nature of the five-year legislative plan is weakened and it becomes more instructional. In April 2008, the chairman of the NPCSC Wu Bangguo pointed out at the second meeting of the 10th NPCSC that, “the five-year legislative plan should be predictive, regenerative, instructional, but not mandatory.”²⁰ By contrast, due to the short time span, the annual legislative plan is more accurate in predicting the legislation projects over the next year. Therefore, the annual legislative plan is more mandatory in this sense.

In terms of being mandatory or being instructive, data also showed the differences between the five-year legislative plan and the annual legislative plan. It can be seen in Table 4 that, at national level, the 7th NPCSC’s five-year legislative plan (October 1991 to February 1993) was made up of 64 projects, with 15 deliberated, accounting for 23.44 per cent; among them, 21 projects were scheduled to be listed as type one legislative projects which were planned to be deliberated within the session,²¹ with 13 legislative projects deliberated during the remaining three-year term, accounting for 61.9 per cent. The 8th NPCSC five-year legislative plan included 152 legislative projects, with 78 deliberated, accounting for 51.32 per cent; among them, 115 projects were scheduled to be listed as type one legislative projects, with 70 projects deliberated during the five-year term, accounting for 60.87 per cent. The 9th NPCSC five-year legislative plan was composed of 89 legislative projects, with 56 deliberated, accounting for 62.92 per cent; among them, 63 legislative projects were scheduled to be listed as type one legislative

¹⁹ Shuhong Yuan, ed., *Towards the Government under the Rule of Law – Theoretical Study and Empirical Investigation on Administration by Law (Zouxiang Fazhi Zhengfu Yifa Xingzheng Lilun Yanjiu yu Shizheng Diaocha)*, (Beijing: Law Press, 2001). p. 344.

²⁰ "The Second Plenary Meeting of the 10th National People's Congress Ends (Shijie Renda Erci Huiyi Bihui)", Available online: <http://www.people.com.cn/GB/shizheng/16/20030427/980378.html>. [Accessed on 5/11/2014].

²¹ Type one legislative projects are those can be placed for deliberation within the term of the current session of the NPCSC. Type two legislative projects refer to the projects which are scheduled to draft and planned to be deliberated ‘when they are ripe’. This type of legislative projects are for long-term planning, not for the session.

projects, with 45 legislative projects deliberated in the five-year term, accounting for 71.4 per cent. The 10th NPCSC five-year legislative plan included 76 legislative projects, with 43 deliberated, accounting for 56.58 per cent; among them, 59 legislative projects were scheduled to be listed as type one legislative projects, with 39 projects deliberated with the office term, accounting for 66.1 per cent. The 11th NPCSC five-year legislative plan consisted of 64 legislative projects, with 37 deliberated, accounting for 57.81 per cent; among them, 49 legislative projects were scheduled to be listed as type one legislative projects, with 32 legislative projects deliberated within the five-year term, making up 65.31 per cent.²² Without regard to the 7th NPCSC's legislative plan, the average rate of the deliberated legislative projects in the five-year plan is estimated at 55 per cent.

By contrast, the implementation rate of the annual legislative plan is better than that of the five-year legislative plan. Normally, the rate is over 90 per cent. For example, in 2008, the NPCSC set an annual goal of reviewing 12 legislative projects, among which 11 were deliberated, accounting for 91.67 per cent of all planned legislative projects. In 2004, the NPCSC scheduled for 13 legislative projects to be deliberated. In the end, 11 projects were completed, accounting for 84.62 per cent.²³

1.5. Executive-legislative relations in legislative planning: data analysis

To expand our knowledge concerning legislative planning in China, the author of this thesis collected and analysed all legislative projects and their follow-up situation (formulated as bills, passed into laws or failed) in the four five-year legislative plans from the 8th to 11th NPC (see Table 4). It is noted that although the NPCSC started to compile the five-year legislative plans with the 7th NPC, actually, the plan of the 7th NPC, which was only for the two years remaining of the term of the 7th NPC, was incomplete. As a result, only the data of five-year legislative plans for the 8th to 11th NPC will be examined in the following part.

²² The Legislative Planning Office of the Legislative Affairs Commission of the NPC Standing Committee", *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*". p. 234.

²³ Yan, "Research on the Dominant Function of the Local People's Congresses in the Legislative Process: Based on the Case of Shanghai (Difang Renda zai Lifa Guochengzhong de Zhudao Gongneng Yanjiu: Yi Shanghaishi Weili)". p. 60.

Table 4: Data set of the legislative planning from the 8th to the 11th NPC.

Session	Drafter and Initiator	Number	Deliberated and Pass	Rate(%)	Deliberated and Fail	Rate(%)	non-deliberated	Rate(%)
8th NPC	The Executive	86(24)	42(4)	48.8%	3(1)	3.5%	41(19)	47.7%
	The Legislative	43(10)	19(3)	44.2%	2(0)	4.7%	22(7)	51.2%
	The Executive-legislative Jointly	2(0)	1(0)	50.0%	0	0.0%	1(0)	50.0%
	Others	19(2)	9(0)	47.4%	0	0.0%	10(2)	52.6%
9th NPC	The Executive	43(11)	21(1)	48.8%	4(1)	9.3%	18(9)	41.9%
	The Legislative	39(13)	25(5)	64.1%	4(2)	10.3%	10(6)	25.6%
	The Executive-legislative Jointly	0	0	0.0%	0	0.0%	0	0.0%
	Others	6(2)	2(2)	33.3%	0	0.0%	4(0)	66.7%
10th NPC	The Executive	39(5)	22(1)	56.4%	2(0)	5.1%	15(4)	38.5%
	The Legislative	33(10)	16(3)	48.5%	1(0)	3.0%	16(7)	48.5%
	The Executive-legislative Jointly	2(2)	0	0.0%	0	0.0%	2(2)	100.0%
	Others	4(0)	1(0)	25.0%	0	0.0%	3(0)	75.0%
11th NPC	The Executive	42(9)	16(1)	38.1%	2(0)	4.8%	24(8)	57.1%
	The Legislative	16(3)	11(1)	68.8%	1(0)	6.3%	4(2)	25.0%
	The Executive-legislative Jointly	2(1)	0	0.0%	1(0)	50.0%	1(1)	50.0%
	Others	4(1)	3(0)	75.0%	0	0.0%	1(1)	25.0%

Collected and compiled by the author

Source: The Legislative Planned Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*, (Beijing: Zhongguo Minzhu Fazhi Chubanshe, 2013), pp. 248-263.

Note: (1) The numbers in parentheses refer to the number of type 2 planned legislation.

(2) 'Others' include the Legislative Affairs Bureau of the Central Military Commission, the Supreme People's Court, and the Supreme People's Procuratorate.

1.5.1. Overview of five-year legislative plans

On the basis of the data set out in the following two tables are compiled to show the number of Planned Legislations proposed by the executive, the NPC and others from the 8th to the 11th NPC (see Table 5) and the total number of planned legislations, number of planned legislations deliberated and passed, and the rate of planned legislations transferred to laws from the 8th to the 11th NPC (see Table 6).

Table 5: Number of Planned Legislations proposed by the executive, the NPC and others from the 8th to the 11th NPC:

	8th NPC	9th NPC	10th NPC	11th NPC	Total
The Executive	86	43	39	42	210
The Legislative	43	39	33	16	131
The Executive-legislative Jointly	2	0	2	2	6
Others	19	6	4	4	33
Total	150	88	78	64	380

Collected and compiled by the author

Table 6: Total number of planned legislations, number of planned legislations deliberated and passed, and the rate of planned legislations implemented as laws from the 8th to the 11th NPC

	8 th NPC	9 th NPC	10 th NPC	11 th NPC	Total
Number of Planned Legislations	150	88	78	64	380
Number of Planned Legislations deliberated and passed	71	48	39	30	188
Number of Planned Legislations deliberated	76	56	44	34	208
Rate of planned legislations deliberated	50.67%	63.64%	56.41%	53.13%	54.74%
Rate of planned legislations transferred to laws	47.33%	54.55%	50.00%	46.88%	49.47%

Collected and compiled by the author

In the light of Table 5 and Table 6, Figures 9 and 10 are made to show the trend of total number of planned legislations and rate of planned legislations deliberated or transferred to laws.

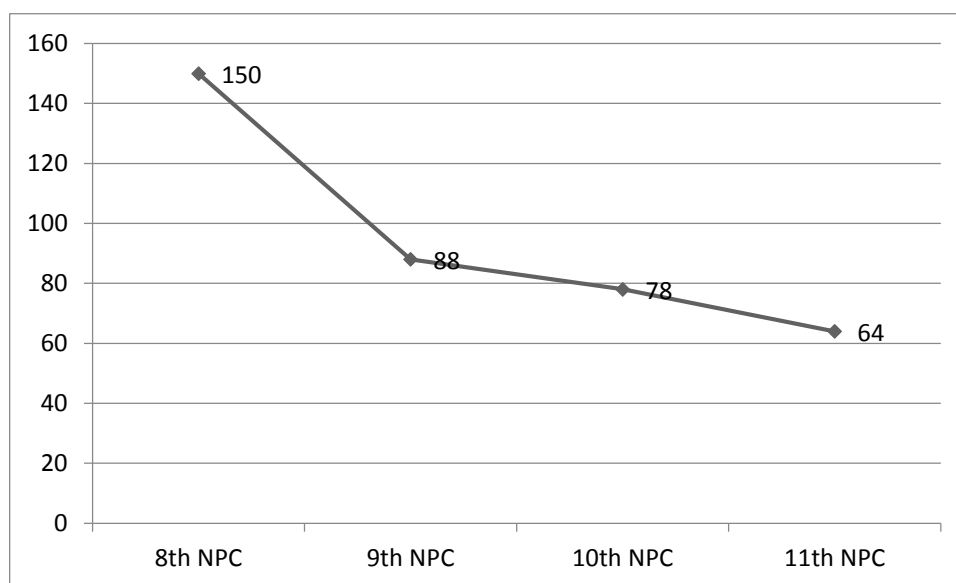


Figure made by author

Figure 9: Total number of planned legislations from the 8th to the 11th NPC

Figure 9 demonstrates that, from the 8th NPC to the 11th NPC, the total number of planned legislations had a downward trend. The number of planned legislations decreased from 150 in the 8th NPC to 64 in the 11th NPC. On the one hand, this is because the NPCSC started to set up a quantitative upper limit of around 70 legislative projects selected in a five-year legislative plan per session in 10th NPC. On the other hand, since the 9th NPC, the NPC began to value the quality of legislation instead of simply increasing its quantity.

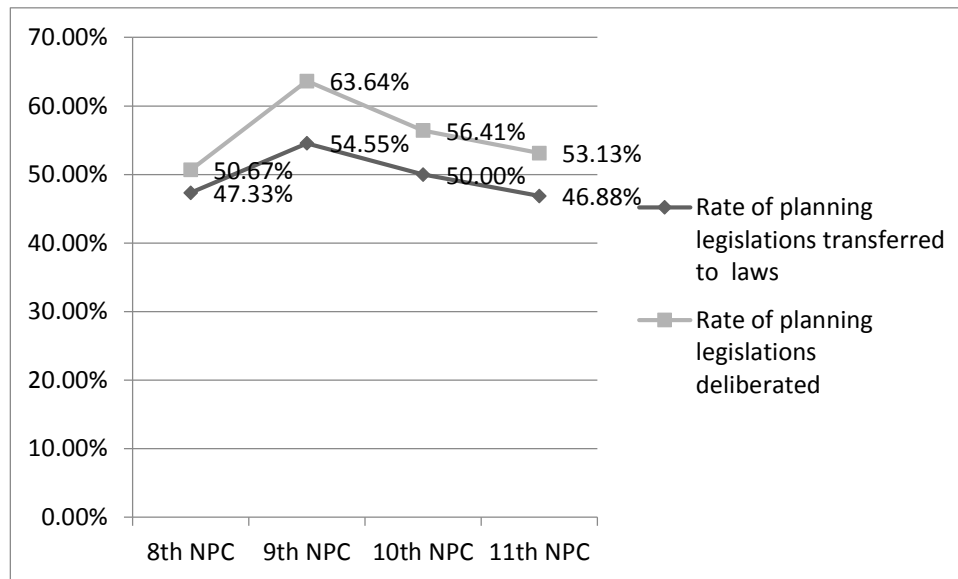


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Figure 10: The rate of planned legislations deliberated and the rate of planned legislations passed into law

According to Figure 10, the rate of planned legislations deliberated and the rate of planned legislations transferred to laws reached their peaks in the 9th NPC at 63.64 per cent and 54.55 per cent respectively. After that, the rate of planned legislations deliberated and the rate of planned legislations transferred to laws declined in the two consecutive NPC to 53.13 per cent and 46.88 per cent respectively. By and large, approximately 55 per cent of planned legislation is transferred to bills deliberated by the NPC, and half of planned legislation becomes law in the end.

As Cai emphasised, the evident progress in legislation at the 7th NPC resulted from legislative plan making.²⁴ The 7th NPCSC started to discuss legislative planning in the *Standing Committee's Key Working Points*. Although this plan was a 'collage' put

²⁴ Cai, "Legislative Development and Historic Change of the National People's Congress for 20 Years (20 Nian Renda Lifa De Fazhan Ji Lishixing Zhuanbian)". p. 57.

together by the Law Committee of the NPCSC based on numerous legislative plans of various drafting bodies, the legislative plan showed a change of the NPC's role in law-making. Since the 8th NPC, in the beginning of each session of the NPC, the NPCSC makes the five-year legislative plan regularly. For legislative projects involved in the legislative plan, usually the NPCSC special committees would take part in the drafting. The role of special committees of the NPCSC is thereby enhanced. Even for legislative projects proposed by the executive, special committees play an active part in liaising with the relevant government departments, and getting involved in advance to acquire information to be prepared for the following deliberation of potential bills.

To be specific, the significance of legislative planning for the legislative process is twofold: (1) legislative planning can select the most urgent and needed legislative projects. One important criterion to evaluate legislative quality is to see if the legislation satisfies social demands. Through legislative planning, the selected legislative projects can be better suited to social demands. On the contrary, as suggested by researchers, a lack of legislative planning would lead to arbitrary exercise of power in selecting legislative projects;²⁵ (2) legislative planning ensures an effective use of limited legislative resources. To prioritise legislative demands through legislative planning is an effective way to improve efficiency. In recent years, some sub-national PCSCs have been attempting to improve legislative quality. They all agree that legislative planning is an indispensable step in the legislative process to improve legislative quality.²⁶

1.5.2. The executive-legislative relations in the five-year legislative plans

In legislative planning, other than the Party, the PC system including the special committees of the NPCSC/PCSC and the Law Affairs Commission, and the executive play their respective roles. The Law Affairs Commission, as a comprehensive department, not only proposes a legislative work programme and resolves key issues, but it also needs to listen to legislative needs and suggestions from all parties to form a proposal of the five-year legislative plan or annual legislative plan. The special committees of the NPCSC keep in touch with the counterpart departments and learn their legislative intentions from them. Then, the special committees of the NPCSC/PCSC need to select potential legislative projects and put forward recommendations.

²⁵ Ann W. Seidman et al., *Legislative Drafting for Democratic Social Change : A Manual for Drafters*, (London; Boston: Kluwer Law International, 2001). p. 56.

²⁶ Guoming Shen, "Problem-Oriented Legislation (Wenti Yindao Lifa)", *Shanghai People's Congress Monthly*, no. 1 (2010). p. 10.

The executive is the main source of legislative projects for the legislative plan. It is the government department that has the most selected projects in the legislative plan. Normally, to make sure their proposals get selected for the five-year legislative plan and annual legislative plan, government departments would report in advance to the special committees of the NPCSC/PCSC and the LAC of the PCs about the urgency and necessity of their legislative projects, to gain their recognition. If hostile feedback is given, the executive will modify its proposal, in order to get its legislative projects selected by the PCs. Moreover, if necessary, the executive would also solicit support from party leaders to push their legislative projects to be listed in the five-year legislative plan or annual legislative plan.

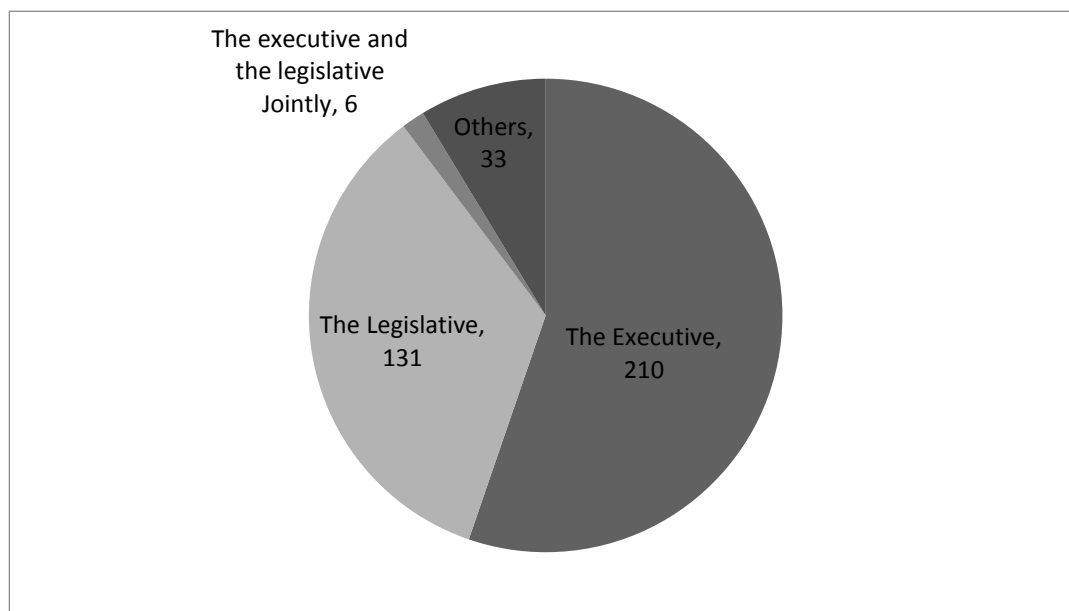


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Figure 11: Total number of Planned Legislations proposed by the executive, the NPC and others between the 8th and the 11th NPC

Figure 11 shows that in total, planned legislation proposed by the executive accounted for the majority in the plan, accounting for 55.26 per cent of the total, while projects proposed by the NPC accounted for 34.47 per cent of the total. This indicates that the executive is the main source of legislative projects in the five-year legislative plan.

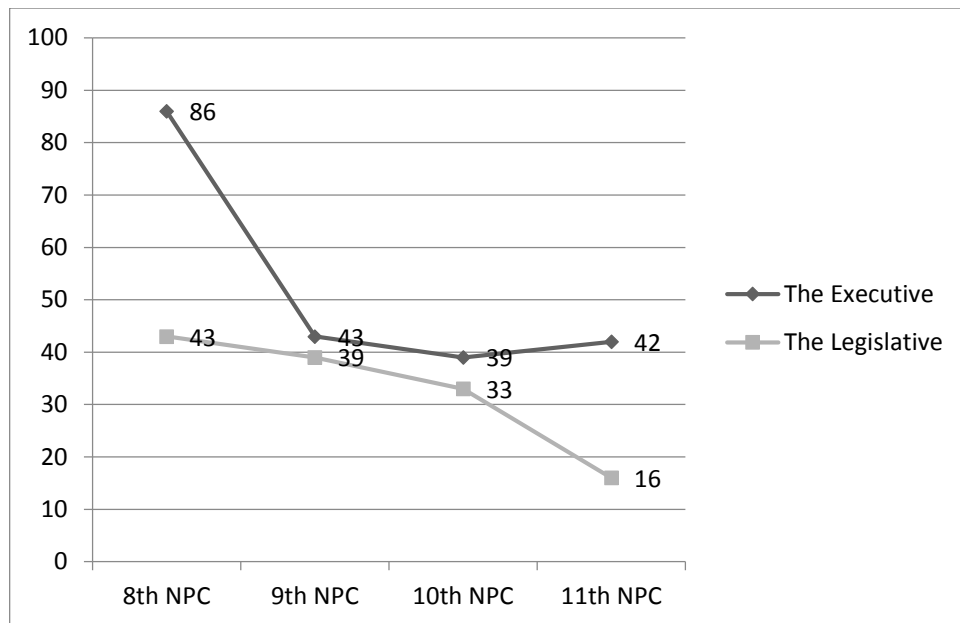


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Figure 12: Number of planned legislations proposed by the executive and the NPC from the 8th to the 11th NPC:

It can be seen from Figure 12 that the number of planned legislations proposed by the executive was significantly higher than the ones proposed by the NPC. It is worth mentioning that at the 8th NPC, the number of planned legislations proposed by the executive was almost twice those proposed by the NPC. However, in the 9th and 10th NPC, the NPC closed the gap. The number of planned legislations proposed by the NPC was just slightly smaller than the number of planned legislations proposed by the executive. Surprisingly, the number of planned legislations proposed by the NPC dropped sharply to only 16 at the 11th NPC, which is less than one third of the number of planned legislations proposed by the executive.

In order to explore the conversion rate of planned legislations to bills or laws, Table 7 and Table 8 are compiled based on the data set of Table 4.

Table 7: Rate of planned legislations formulated as bills from the 8th to the 11th NPC

	8th NPC	9th NPC	10th NPC	11th NPC	Average
The Executive	52.3%	58.1%	61.5%	42.9%	53.7%
The Legislative	48.8%	74.4%	51.5%	75.1%	62.5%
The Executive-legislative Jointly	50.0%	0.0%	0.0%	50.0%	25.0%
Others	47.4%	33.3%	25.0%	75%	45.2%

Collected and compiled by the author

Table 8: Rate of planned legislations implemented as laws from the 8th to the 11th NPC

	8th NPC	9th NPC	10th NPC	11th NPC	Average
The Executive	48.8%	48.8%	56.4%	38.1%	48.0%
The Legislative	44.2%	64.1%	48.5%	68.8%	56.4%
The Executive-legislative Jointly	50.0%	0.0%	0.0%	0.0%	12.5%
Others	47.4%	33.3%	25.0%	75.0%	45.2%

Collected and compiled by the author

Table 7 and Table 8 demonstrate that the average conversion rate of planned legislations proposed by the NPC either to the bills or the laws is slightly higher than the executive's.

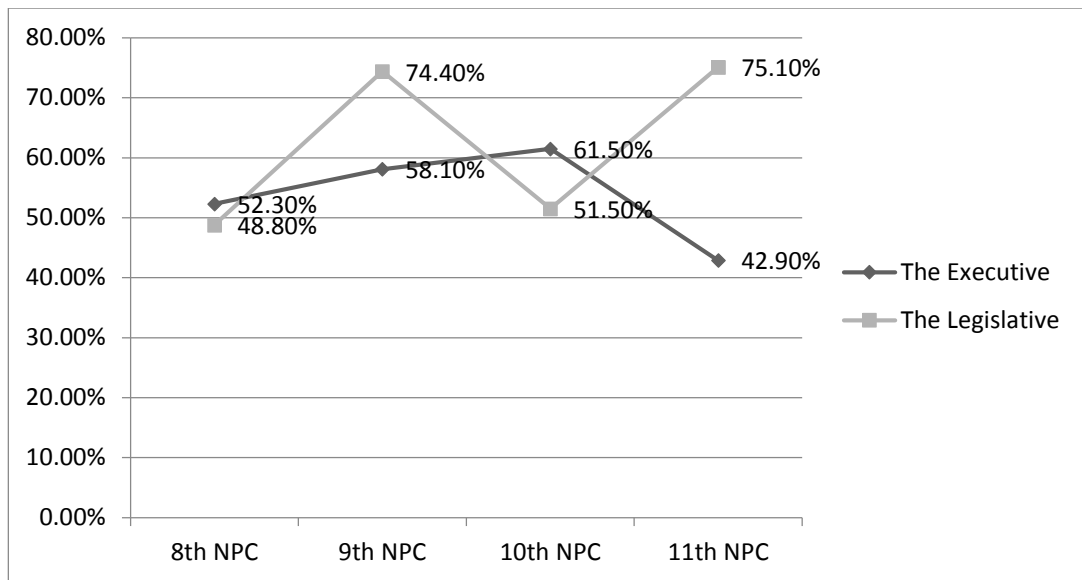


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Figure 13: Rate of planned legislations formulated as bills from the 8th to the 11th NPC

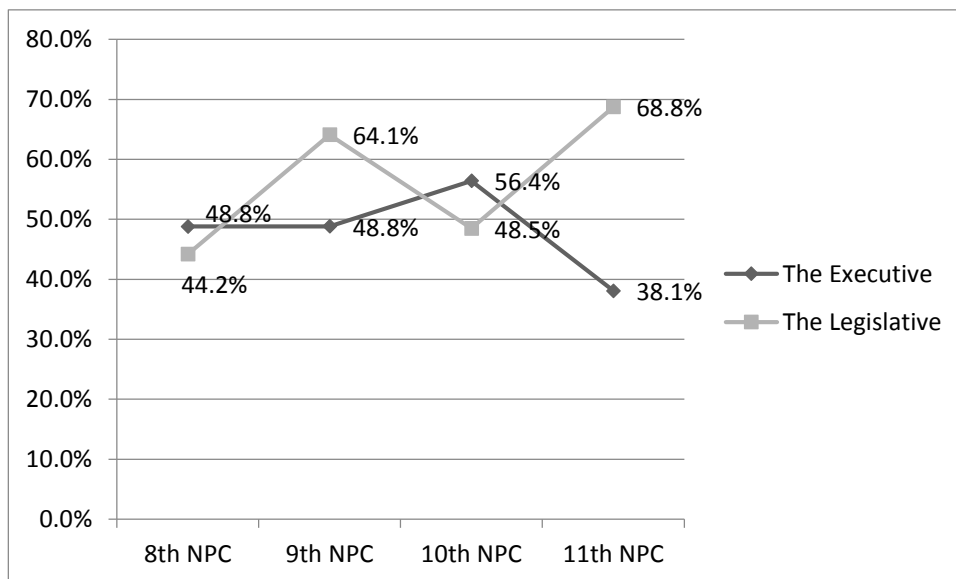


Figure made by author

Figure 14: Rate of the planned legislations passed into law from the 8th to the 11th NPC

In terms of the rate of the planned legislations transferred to laws, it can be seen from Figure 14 that, in the 8th and 10th NPC, planned legislations proposed by the executive that ultimately became laws were slightly more numerous than the ones proposed by the legislative. On the contrary, in the 9th and 11th NPC, especially in the 11th NPC, the conversion rate of planned legislations proposed by the executive (38.1 per cent) was much lower than the conversion rate of planned legislations proposed by the legislative

(68.8 per cent). As for the rate of the planned legislations that had entered into the deliberation phase, as shown in Figure 13, which is similar to Figure 14, in the 8th and 10th NPC, the number of planned legislations proposed by the executive that had entered into the deliberation phase was bigger. However, in the 9th and 11th NPC, especially in the 11th NPC, the proportion of the planned legislations proposed by the NPC that had entered the deliberation phase was much higher than the executive's. It means that in the 11th NPC, although the executive proposed many more legislative projects, the quality of legislative projects proposed by the NPC was higher, as suggested by the higher conversion rate to bills or laws.

1.6. Discussion

The executive and the NPC are critical actors in legislative planning. Executive-legislative relations are mainly shown in the following two aspects:

(1) Although the PC system is in charge of making legislative planning, the majority of legislative projects included into the plan are from the executive. This means that the executive has the advantage in nominating legislative projects. The reason for the 'administrative advantage' is that government ministries are at the forefront of administration. They face a wide range of practical issues, as well as miscellaneous problems to solve. As a result, the executive inevitably has more legislative projects to propose. In addition, even though the PC system has the advantage of connecting to and representing the public, due to the high professionalization, the executive body is more efficient than the PCs.

The 'administrative advantage' is a manifestation of instrumentalism in legislation. In the transition from governance by administrative policy to governance by law, the executive aims to maintain its vested interests while gaining more power. Hence, the executive tries to safeguard its power by dominance over the legislation. Legislative instrumentalism considers the law as a tool in strengthening administrative governance and it dominates the legislative process as means to reinforce the executive. It believes that the primary legislative function is to 'escort' economic development. As Hayek outlined, if in a polity, the organ of supreme power's focus is on the executive governance instead of legislation, it is highly likely that the executive would gradually acquire dominance over the legislature.²⁷

²⁷ Friedrich A. von Hayek, *Law, Legislation and Liberty : A New Statement of the Liberal Principles of Justice and Political Economy*, (Chicago: University of Chicago Press, 1973). pp. 342-345.

(2) Essentially, legislative planning is for the PCs to evaluate legislative demands in a systematic way with consideration to legislative intentions' impact and urgency to the society, as well as the maturity of the legislative intention itself. It is to prioritise the legislative projects that are more urgent and prepared for submission and deliberation, and postpone those that are less urgent or underprepared. Especially in cases where the executive initiates most bills, through legislative planning, the PC system is able to carry out pre-arrangement of the legislative projects to be deliberated. In other words, legislative planning gives the PCs chance of a preview of all legislative projects before the bills are initiated officially to the PC for deliberation. As legislatures, the PCs take the responsibility of being major drivers of legislative planning to select legislative projects and to set up legislative goals and schedules. Planning also provides the PCs with an opportunity to influence the executive before it decides for certain what will be in the bill. According to the data, approximately half of legislative projects proposed by the executive fail to become laws. The executive has to consider the likely reaction of the PCs when it proposes legislative projects for the legislative plan. If a negative reaction is anticipated, then the executive may not proceed with the proposal, or may modify the proposal in advance. This is the so-called 'law of anticipated reactions'.²⁸

However, it is worth noting that, as discussed in Chapter Five, the Party still has the final say on the legislative plan. Its role is to review and approve the proposal of the five-year legislative plan or annual legislative plan. In the NPC, the legislative plan needs to gain the approval of the Party Group. In terms of the content, the five-year plan and the annual legislative plan are usually consistent with the key working points of the Party. In other words, the legislative projects which are included into the legislative plan are in line with the CCP's economic and societal development principles and goals. For instance, when reviewing the legislative plan, former chairman of the NPCSC, Li Peng pointed out that "we need to transfer those CCP's policies which have been proven effective to legislations."²⁹ At this point, the individual NPC deputy has a minor impact in legislative planning. The deputies are just 'consulted' in the process of legislative planning. The Law Affairs Commission usually solicits deputies' opinions on legislative proposals in written form or through a forum. The PC deputies' proposals during the PC meetings are often

²⁸ If an executive body anticipate a negative reaction from the legislature, it may decide not to bring an issue on to the political agenda. For more details see Carl J. Friedrich, *Man and His Government: An Empirical Theory of Politics*, (New York: McGraw-Hill, 1963).

²⁹ Peng Li, *Legislation and Supervision-- Li Peng Dairy at the National People's Congress (Lifa Yu Jiandu- Li Peng Renda Riji)*, (Beijing: Xinhua Publishing House; China Democracy and Law Press, 2006). p. 304.

seen as references to demonstrate if a certain legislative project ought to be put into the five-year legislative plan or annual legislative plan.

2. Executive-legislative relations in the drafting and initiation stage

In this part, executive-legislative relations in the drafting and initiation stage are discussed. Usually, for the legislative process in a narrow sense, the initiation of a bill is regarded as the starting point of the legislative process in a legislature. However, in China, drafting and initiation are inseparable. Normally, the drafter of a bill introduces the bill to the legislature spontaneously. That is the reason why the drafting and the initiation are combined as one unified legislative stage for discussion. For joint drafting, the drafter who takes dominance will be the one who initiates the bill officially to the legislature. As a result, for joint drafting, the dominant drafter is regarded as the virtual drafter of the bill when coding data.

2.1. Introduction of the drafting stage

In general, there are the following forms of legislative drafting in China: (1) a bill is drafted by the NPC or PCs, mainly by the special committees of the NPCSC or PCSCs. Drafting bills is an art that requires ‘great skill, knowledge, and experience’.³⁰ In practice, when the NPC or PCs are drafting a bill, government ministries officials, scholars and professionals and individuals with relevant experience and skills are invited to participate in the drafting. Sometimes, the drafting work of the NPC may encounter resistance. For example, if the draft bill does not meet the ‘expectation’ of the executive, the relevant government ministries may not provide their full support on sharing information and collecting data for the drafting; (2) a bill is drafted by the executive. Strictly speaking, a bill is drafted by interest-related government departments. In practice, the drafters of this category are always the government departments in charge of the relevant law enforcement. For instance, the *Meteorology Law* was drafted by the Meteorological Bureau of the State Council; the *Environment Protection Law* was drafted by the Ministry of Environmental Protection of the State Council and so on. Then, at national level, the bill is initiated to the NPC in the name of the State Council, after being examined and approved by the executive meeting of the State Council. (3) There is another drafting method called joint or cooperative drafting, which means drafting is completed by a drafting group which includes two or more drafters among special committees of the

³⁰ John V. Sullivan and Robert A. Brady, *How Our Laws Are Made*, (Washington, D.C.: U.S. Government Printing Office, 2007). p. 5.

NPCSC or PCSCs, the State Council or local governments, and other state organs. For joint drafting, there is always one drafter who takes dominance. (4) Entrusting drafting. It means the legal drafting body entrusts a third party, such as a higher education institution, scientific research institution or social organisation, to draft a bill. This drafting method is only used at the sub-national PCs. For example, on 28 February, 2001, the Law Committee of the People's Congress of Chongqing entrusted Chongqing Solton Partners, a law firm, with drafting the *Chongqing Property Management Regulations*. This was the first time that a sub-national PC entrusted a law firm with drafting a bill.³¹

2.2. Executive-legislative relations at drafting stage

From the drafting phase, the Party barely gets involved. As a result, in this phase, the executive and the PC system are the two principal actors. Undoubtedly, these two bodies draft the vast majority of bills. So, what about the interaction between the executive and the legislative in the drafting phase? A large number of scholars reckon that, the majority of these laws' original drafters are the executive- the State Council and its ministries.³² The reason is that they consider the NPC as a 'rubber stamp' or 'minimal legislature' in Mezey's classic typology, being characterised by having little or no policy-making power and being supported further by the elite.³³

To test this assumption, all 402 laws, including amendments and resolutions, which were still in force by March, 2013, passed between 5th session of the NPC and 11th session of the NPC, were collected. Why was this data within this range collected and analysed? According to the archive, at the first session of the NPC, the NPC enacted 26 laws, which were the most basic laws including the 1954 Constitution, the *Organic Law of the National People of Congress*, the *Organic Law of the State Council*, the *Organic Law of the People's Court* and the *Organic Law of the People's Procuratorate*.³⁴ However, in the following three consecutive sessions, there was no law promulgated by the NPC. Specifically, after the outbreak of the Cultural Revolution in May 1966, the 33rd meeting of the NPCSC decided to postpone indefinitely the second meeting of the 3rd session of the NPC. There was no meeting in the next eight years, until the first meeting of the 4th session of the NPC held in 1975. Following this period, although nominally restored, the

³¹Jing Ren, "The Drafting Body of Local Regulations (Difangxing Fagui Qicao Zhuti)", *Legal System and Society (Fazhi Yu Shehui)*, no. 1 (2010). p. 17.

³² Li, "The Law-Making Law : A Solution to the Problems in the Chinese Legislative System?".

³³ Mezey, *Comparative Legislatures*. pp. 42-43.

³⁴ Shengchun Yang, *Transition of the Chinese Legislature: From Mao Zedong to Deng Xiaoping (Zhonghua Renmin Gongheguo Guohui Zhi Bianqian: Cong Mao Zedong Dao Deng Xiaoping)*, (Gaoxiong: Gaoxiong fuwen tushu Press, 1997). pp. 337.

NPC and the NPCSC did not hold any meeting. In fact, the NPC had been paralysed and completely lost the role of the legislature. Even though the first meeting of the 4th session of the NPC was held in 1975, the NPC at that time could not be regarded as a legislature, as all the deputies were appointed by the Revolutionary Committee without any election. In addition, the 4th NPC only had one plenary meeting and four Standing Committee meetings. The 5th session of the NPC was the first session after the Cultural Revolution. Since then, the NPC started to get back on track. As a result, the first four sessions of the NPC can be seen as an initiating period of the legislature. Due to the fact that it is not reasonable to start the analysis with the initial period of an institution, my analysis will concentrate on the data between the 5th session and the 11th session of the NPC for examining the drafting role of the NPC in the legislative process.

Table 9: *Number and percentage of laws drafted by the executive, the legislative and others*

	5 th NPC	6 th NPC	7 th NPC	8 th NPC	9 th NPC	10 th NPC	11 th NPC	Total
The Executive	13(46.4%)	30(71.4%)	35(71.4%)	49(62.8%)	38(52.8%)	39(52.7%)	26(44.1%)	230(57.3%)
The NPC	11(39.3%)	10(23.8%)	9(18.4%)	19(24.4%)	29(40.3%)	34(45.9%)	27(45.8%)	138(34.3%)
Others	4(14.3%)	2(4.8%)	5(10.2%)	10(12.8%)	5(6.9%)	1(1.4%)	6(10.2%)	34(8.4%)
Total	28	42	49	78	72	74	59	402

Collected and compiled by the author

Note: Others comprise the judiciary, military commissions and the NGOs. The NPC includes the NPCSC.

Source: The Legislative Planned Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*, (Beijing: China Democracy and Law Press, 2013).

As shown in the table above, by and large, the laws drafted by the executive are more than the ones drafted by the NPC. Among 402 laws passed from the 5th to the 11th Session of the NPC, the executive drafted 230 laws, which account for 57.3 per cent, while the NPC drafted 138 laws, which make up 34.3 per cent of the total number. What caused this phenomenon?

Firstly, more laws being drafted by the executive reflects the advantage of professionalization and resources of the executive. With the great improvement of productivity, profound changes of social structure, complex trending in the social

relations, and diversity of the social affairs, it has a high demand for professionalism. The government departments and their staff, who are engaged in certain specific administrative work, have expertise in specific areas. Thus, the executive always takes charge of the bill drafting on certain subjects. Moreover, the majority of the bills drafted by the executive are accepted onto the agenda; only a few bills are required to be re-submitted after modification.

In recent years, by the methods of enhancing the committee system and staff specialisation, the PC system has tried to strengthen itself in drafting. However, in certain areas, such as economic and administrative areas, legislative drafting requires that the drafter must be thoroughly proficient in these areas. This makes the executive more competent to draft bills in those areas than the legislators from the PC system, who lack corresponding administrative experience and expertise. Moreover, such bills, such as economic and administrative laws, constitute the greater part of the total legislations (see Figure 5). As a result, the bills drafted by the executive are more than the ones drafted by the PC system. Besides, in sub-national PCs, usually, the number of full-time staff in one special committee is no more than ten, while, on average, one special committee needs to contact with an estimated twenty government departments and mass organisations in the relevant field. Therefore, in comparison with the executive, the NPC and the NPCSC lack staff, so it follows that the number of laws drafted by the NPC lags behind the ones drafted by the executive.

Secondly, the executive, as the centre of resource allocation, has its own advantages in bill drafting. On the one hand, the Chinese development strategy of ‘taking economic construction as the central task’ leads to the high requirement of the efficiency of economic growth. In order to maintain efficient economic growth, it needs the corresponding high administrative and political efficiency. Therefore, unlike the PC system, where the representation function requires soliciting of opinions from all sides, the executive, which controls public administration resources, has inherent advantages in drafting bills. On the other hand, the legislative process is also a process of the adjustment of rights, obligations and allocations of limited social resources. As the main body in the allocation resources, the executive tends to control the legislative process from the drafting. In practice, drafting a bill needs manpower, funds and resources which are largely in the government’s hand. The executive might be able to refuse or obstruct providing support of manpower, funds and resources to a bill that is against its interest.

However, the aim of legislation is to maximise the interests of the public, rather than the interests of some state organ. This requires that the PC system ought to hold the leading position in the legislative process, including drafting.³⁵ Although the total number of laws drafted by the executive is higher than the number of laws drafted by the NPC, the relative changing trend of the number of laws drafted by the executive and the NPC shows the evolution of executive-legislative relations in the drafting stage to some extent. Thus, the percentage of laws drafted by the executive and the NPC at each NPC session was analysed. The following graph shows the relative change in trend that occurred.

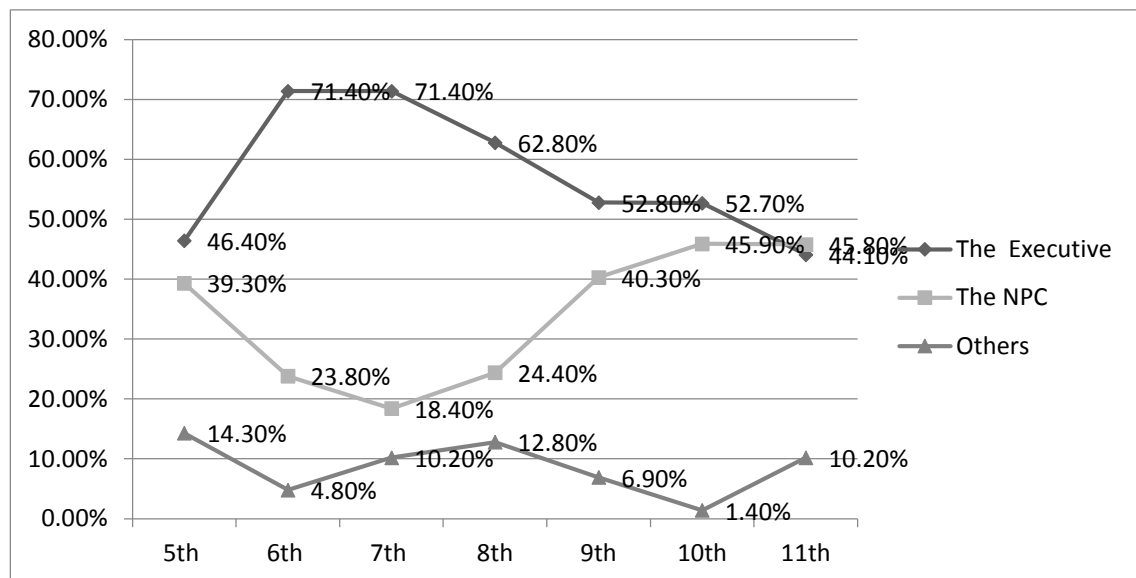


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Figure 15: Percentage of laws drafted by the executive, the legislative and others

As clearly shown in Figure 15, except the 5th and 6th sessions of the NPC, the overall trend for percentage of laws drafted by the NPC soared from 18.4 per cent at the 7th NPC, to 45.8 per cent at the 11th NPC. On the contrary, the percentage of laws drafted by the executive declined from 71.4 per cent at the 6th NPC to 44.1 per cent at the 11th NPC. It is worth mentioning that the number of laws drafted by the NPC surpassed the ones drafted by the executive for the first time at the 11th session of the NPC in 2013.

The data and graph show that the NPC plays an increasingly significant role in legislative drafting. Between the 7th and the 10th sessions of the NPC, due to the remarkably increased number of laws drafted by the NPC, the NPC experienced a rapid development period. In the 11th session of the NPC, the rising trend of the NPC was curbed. Although at the 11th NPC, the number of laws drafted by the NPC surpassed the ones drafted by the

³⁵ Ren, "The Drafting Body of Local Regulations (Difangxing Fagui Qicao Zhuti)". p. 17.

executive, compared with the percentage of laws drafted by the NPC at 10th NPC, the number at the 11th session dropped slightly, by 0.1 per cent. This indicates that, after rapid growth of the capability of the NPC at 8th and 9th session of the NPC, in the 10th NPC, the involvement of the NPC in drafting tended to be stable, and it even showed a slight decline at the 11th session, although it was not prominent.

As the types of laws vary, the dominant drafters are different. In the next section, the drafter distribution for different types of laws is discussed.

Table 10: *The number and percentage of various types of laws drafted by the executive, the NPC and others*

Types of laws	The executive	The NPC	Others
Constitutional-related laws	16(23.88%)	35(52.24%)	16(23.88%)
Criminal law	2(16.67%)	10(83.33%)	0(0.00%)
Litigation and non-litigation procedural law	3(20.00%)	11(73.33%)	1(6.67%)
Civil and commercial law	34(57.63%)	24(40.68%)	1(1.69%)
Administrative law	83(69.75%)	23(19.33%)	13(10.92%)
Economic law	79(77.45%)	22(21.57%)	1(0.98%)
Social law	13(46.43%)	13(46.43%)	2(7.14%)

Collected and compiled by the author

Source: The Legislative Planned Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*, (Beijing: China Democracy and Law Press, 2013)

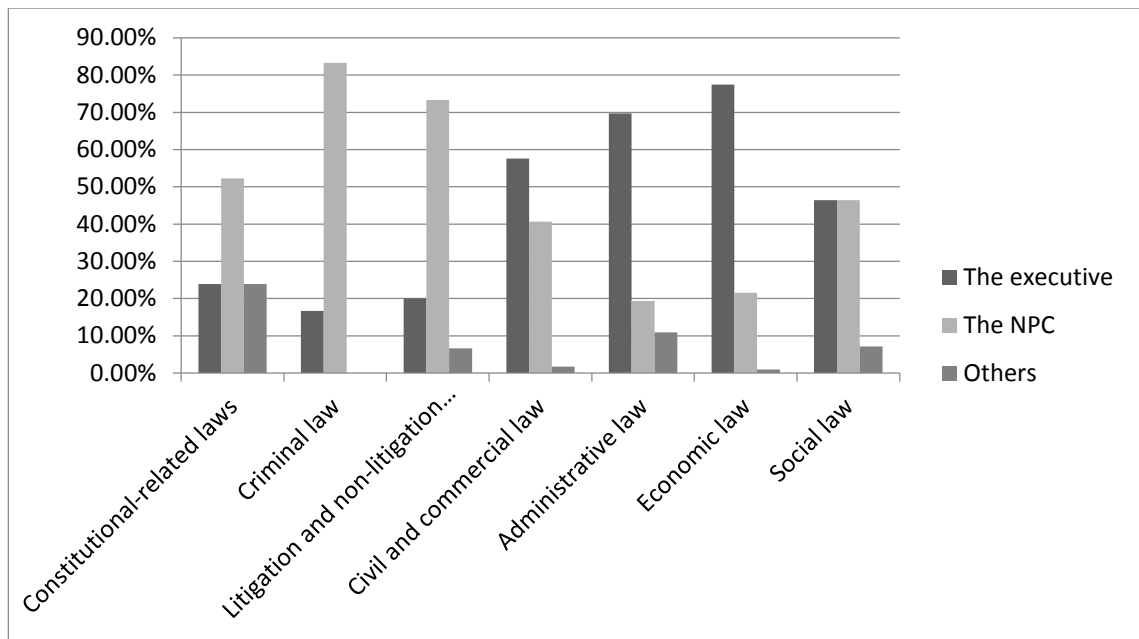


Figure made by author

Figure 16: Percentage of types of laws drafted by the executive, the NPC and others

As Figure 16 demonstrates, regarding constitutional-related law, criminal law and litigation and non-litigation procedural law, the NPC is the dominant drafter. The executive dominated drafting of administrative and economic laws and drafted relatively more civil and commercial laws. Only for social law, are the executive and the NPC on a par.

Furthermore, administrative and economic laws make up over 50 per cent of all laws. This high proportion accounts for the higher proportion of bills drafted by the executive. The sub-national PCs, compared with the NPC, have no power to make criminal and litigation and non-litigation procedural laws. Thus, usually, the local regulations focus on the administrative, economic, and social areas. It follows that, in the sub-national PCs, the proportion of local regulations drafted by the local governments in total regulations is even higher than the proportion at the national level.

The graphs above show some evidence that the NPC exerts significant legislative power that is contrary to expectations arising from the label of ‘minimal legislature’. Thus, the NPC in its present incarnation appears to exceed the “little or none policy-making role” aspect of Mezey’s definition of a minimal legislature, because the NPC has successfully drafted a fair amount of legislation, particularly in constitutional-related law, criminal law and litigation and non-litigation procedural law.

In addition, it is noteworthy that in the drafting work, the roles of executive and the legislative are not mutually exclusive. For bills which are drafted by the NPC, the NPC

still needs to rely on the relevant government departments for providing support. Normally, for bills involved with the executive's jurisdiction, the NPC convenes a drafting group with the related government departments. Hence, the success of drafting closely relies on the co-operation of the executive and the legislative branches in practice. For example, if a legislation is also urgently needed by government departments, they would support it actively. On the contrary, if the NPC wishes to draft bills which are not of interest to the executive, it may not obtain full support from the executive. Therefore, the bills drafted by the NPC and placed on the legislative agenda successfully usually gain support from the executive, especially for types of laws involving the executive's jurisdiction, such as economic and administrative laws.

On the other hand, in terms of bills drafted by the executive, usually the NPC gets involved in the drafting. This advance involvement is called pre-legislative involvement. After the confirmation of a five-year legislative plan, the NPC usually expresses requirements of the detailed principles and schedule to the executive. Regarding pre-legislative involvement, it is a common way in practice, even if it has not been stipulated in the formal legal documents. In an interview, a member of the NPCSC staff mentioned that the special committees and the Law Affairs Commission would, to different degrees, participate in the drafting work of the executive.³⁶ The influence of the NPC and its committees is twofold: the first one is to influence the guiding thoughts and the framework. The pre-legislative involvement can regulate the thinking of drafting to avoid that the executive only focuses on its own benefits. The second one is for the NPC to acknowledge the purpose of drafting the bills in advance, in order to prepare for the deliberation stage in the NPC. However, there is no unified pattern for how the NPC and its special committees participate in the drafting, to what degree they should participate, or how much they would influence the drafting. The government departments that draw up the bills are required to report to the special committees and the Law Affairs Commission at certain points, such as on completion of the framework of the draft bill, the completion of the first draft, and so on, through a report meeting or draft reading meeting, in which the draft will be read, discussed, and modified. Since this involvement is not regulated by specific laws, there are few documents mentioning it.

As there is no formal stipulation by law for pre-legislative involvement in drafting, there are many uncertain factors existing in the drafting phase. Sometimes the factors are informal and individual. It often happens that the head of a special committee of the

³⁶ Interview, 25/02/2014.

NPCSC was once the leader of a particular department in the government or a member of staff of the NPCSC used to work in the relevant government department. As a result, some NPCSC staff have a good private relationship with the government officers. They might provide advice in a private way to the executive for drafting a bill. In addition, if the drafting of a bill is of concern to some NPC or the Party leaders, the influence of the pre-legislative involvement in drafting can be significant, whereas in other situations, the influence can be quite limited.³⁷

2.3. Initiation body and procedure

In China, the body and procedure of initiation are stipulated by laws. Normally, once a bill is initiated by a legal initiator, the PC system is obligated to deal with it, and give a necessary explanation about the reason why the bill is accepted or not. In China, the bodies that are entitled to initiate bills include the special committees of the NPCSC, the Council of Chairmen, a delegation of the NPC, deputies of the NPC (over 30 initiate jointly), members of the NPCSC (over 10 members initiate jointly), the State Council, the Supreme People's Court, the Supreme People's Procuratorate, and the Central Military Commission. However, some initiation bodies, such as the presidium of the NPC, the delegation, and the joint delegation, in fact, barely manage to initiate bills. In contrast, in each session of the NPC, the State Council, as a significant initiator, initiating more bills than any other bodies. Since the drafter and initiator are the same, according to the data above, among all the laws which are in force, 57.3 per cent of them were initiated by the executive, and 34.3 per cent of them were initiated by the NPC (NPCSC).

Bills initiated by the executive to the NPCSC or PCSCs will be processed in the following three ways: first, a few may be directly placed on the agenda without a special committee's review; second, the most common scenario is that the bill is passed to the relevant special committees for review, and then the special committees put forward a report and make a decision whether to place it on the legislative agenda for deliberation or not; the third way is that, for a bill with major flaws, the initiator will be advised by the NPCSC or PCSCs to revise and improve the bill before resubmission. In practice, some bills might be suspended if the bill is considered not ready yet. It will be annulled if it is not placed on agenda again within 2 years. This can be seen as a buffering valve for the PC system to obstruct bills. Taking Xiamen People's Congress for example, in

³⁷ Interview, 25/02/2014.

recent years, there were two cases of local regulation bills being suspended. These two cases will be discussed in detail in the following part on the deliberation stage.

2.4. Deputy bills initiation

It is worth mentioning that none of the laws in force by 2013 were initiated in the name of the NPC deputies. However, this does not mean that the deputies do not initiate bills. On the contrary, they do initiate plenty of bills to the NPC or the NPCSC every year. Deputy bills comprise of legislative motion (*Yi An*)³⁸ and deputy opinions, suggestions and criticism (*Yijian, Jianyi and Piping*). A majority of the deputy bills are deputy opinions, suggestions and criticisms; the deputy legislative motions are passed on to the relevant special committees for review. After special committees' review, an estimated 80 per cent of the deputy legislative motions are changed into written comments. Together with the deputies' opinions, suggestions and criticism, the written comments are delivered by the NPCSC to the relevant government departments to deal with, and they then give feedback to the NPCSC. In the end, only a very small number of deputy bills can be partially transferred to legislative bills, but in the name of the NPCSC or the executive after modification (see Figure 17). However, there is no clear standard for distinguishing whether a bill is eligible to be on the legislative agenda or not.

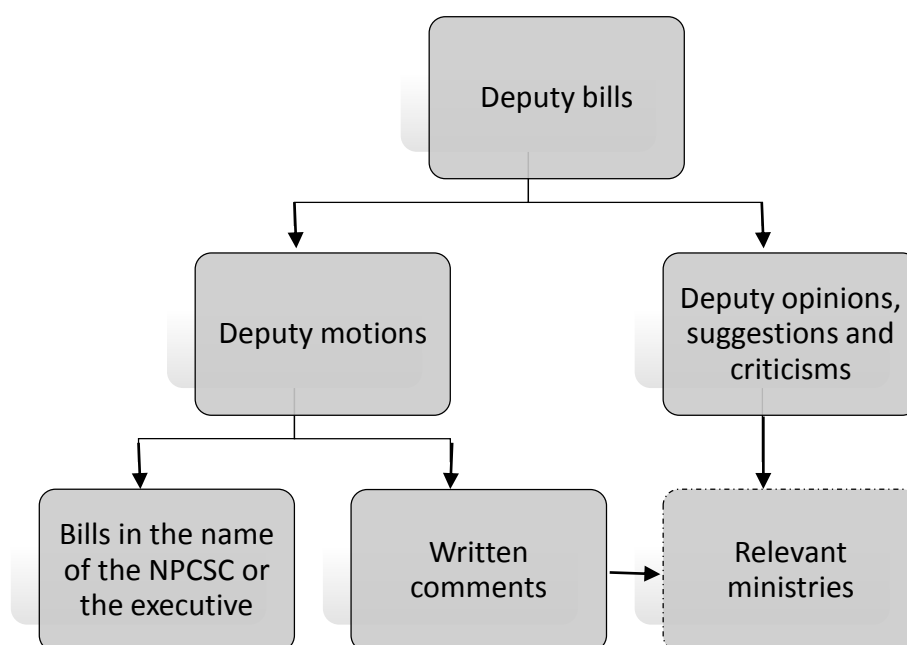


Figure made by author

Figure 17: Flow-process diagram of the deputy bills

³⁸ Deputy motions are required to be initiated by over 30 deputies jointly or delegations.

The author observed in person a ‘deputies’ opinions assignment meeting’ of a special committee at the second session of the 12th NPC in February 2014. Ministries related to this special committee sent staff to the NPCSC to collect the compiled deputies’ opinions. Some powerful ministries, such as the National Development and Reform Commission or Ministry of Finance, sent their junior officials to attend the meeting. Other departments, which have a close connection with the special committee, such as the Ministry of Environmental Protection, sent their senior officials to the meeting. This reflects how much attention the ministry pays to the deputies’ opinions. As for the process of the deputies’ opinions assignment meeting, an opening speech was delivered by the head of the special committee. The speech emphasised the importance of the deputies’ opinions and called on all relevant ministries to deal with them properly. Meanwhile, the ministries’ officials had already been given the deputies’ written opinions. Then, the officials from ministries made speeches in turn. Their speeches were nothing more than a guarantee to handle the deputies’ opinions properly, with references to the previous handling situation and the difficulties they met in handling the deputies’ opinions. The whole meeting lasted about an hour. After that, the relevant ministries were to submit the feedback report of handling deputies’ opinions to the special committee within three months. By then, the whole process ended. The NPCSC has no further action to check the handling results of the executive.

Moreover, the data about deputies’ bills in each session of the NPC are as follows (see Table 11): from 1954 to 1957, there were 240 deputy motions initiated to the first NPC; from 1958 to 1961, in the second NPC, the deputies only initiated 40 motions. In the sixth NPC, the deputies introduced 830 motions and 14215 pieces of suggestions, opinions and criticism.³⁹ In the seventh NPC, the deputies initiated 2226 motions, of which 437 were put forward to relevant special committees for further review. The remaining 1789 bills were treated as written comments and passed on to relevant ministries to deal with, together with 17693 pieces of deputies’ suggestions, opinions and criticisms.⁴⁰ In the eighth NPC, delegations and deputies introduced 3369 motions, of which 566 were put forward to the special committees. For these motions, the special committee, on the basis of thorough investigation and study, reported the deliberation result to the NPCSC. The

³⁹ Research Section of the NPCSC General Office, *Documentary Compilation of the People's Congress System (1949-1990)* (*Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian 1949-1990*). p. 548.

⁴⁰ "The Work Report of the National People's Congress Standing Committee at the First Plenary Meeting of the 8th National People's Congress", Available online: http://news.xinhuanet.com/ziliao/2004-10/19/content_2108984.htm. [Accessed on 10/6/2014].

remaining 2803 bills were treated as written comments and delivered to relevant ministries to handle, together with 11730 pieces of deputies' suggestions, criticisms and opinions.⁴¹ Since the eighth NPC, the mechanisms for handling deputies' bills have been gradually improved. In the tenth NPC, 3772 deputy bills and 29323 deputy suggestions were dealt with by the NPC.⁴²

In the eleventh session, the NPC dealt with 2541 deputy motions and 37527 deputy opinions, suggestions and criticisms. According to the *Work Report of the NPC*, among these bills, the proposed problems having been resolved or planned to be solved accounted for 76 per cent of the total; deputies who were satisfied with the manner in which their bills were dealt with accounted for more than 90 per cent.⁴³ In recent years, the number of the NPC deputy bills remained stable. Taking the on-going 12th plenary session of the NPC for example, in the first session,⁴⁴ 401 motions were initiated, of which 394 bills were initiated by over 30 deputies jointly, and the remaining 7 bills were initiated in the name of the delegation;⁴⁵ in the second session, 459 out of 468 motions were jointly initiated by deputies.⁴⁶ From the point of overall trend, in addition to the missing data, the NPC deputy bills and opinions and suggestions were on the rise all the way. However, by the 11th NPC, the number of deputy motions decreased to 2541.

⁴¹ "The Work Report of the National People's Congress Standing Committee at the First Plenary Meeting of the 9th National People's Congress", Available online:

http://news.xinhuanet.com/ziliao/2004-10/20/content_2114102.htm. [Assessed on 10/6/2014].

⁴² "The Work Report of the National People's Congress Standing Committee at the First Plenary Meeting of the 11th National People's Congress", Available online:

http://www.npc.gov.cn/huiyi/dbdh/11/2008-03/24/content_1423258.htm. [Assessed on 10/6/2014].

⁴³ Ibid.

⁴⁴ There are five plenary sessions at the each NPC.

⁴⁵ "The Report on Handling Suggestions to the Deputy Bills at the First Plenary Session of 12th National People's Congress", Available online: http://www.npc.gov.cn/pc/12_1/2013-03/14/content_1789672.htm. [Assessed on 11/10/2014].

⁴⁶ Ibid.

Table 11: *The number of deputy motions, opinions and suggestions at each session of the NPC*

	Motions	Opinions and Suggestions
1 st NPC	240	N/A
2 nd NPC	40	N/A
3 rd -5 th NPC	N/A	N/A
6 th NPC	830	14215
7 th NPC	2226(437)	17639
8 th NPC	3369(566)	11730
9 th NPC	N/A	N/A
10 th NPC	3772	29323
11 th NPC	2541	37527

Collected and compiled by the author

Note: (1) since the 8th session of the NPC, at the first plenary meeting, the chairman of the NPCSC reports the work of last session of the NPC. In the report, it mentions the number of deputy bills and opinion and suggestions, but the report for the 9th session of the NPC does not show the data.

(2) The numbers in the parentheses refer to the deputy motions which are put forward to the special committees for further review.

Source: Office, Research Section of the NPCSC General Office, *Documentary Compilation of the People's Congress System (1949-1990)* (*Zhonghua Renmin Gongheguo Renmin Daibiao Dahui Wenxian Ziliao Huibian*); the Work Report of the National People's Congress Standing Committee at the First Plenary Meeting of the 8th, 9th, and 11th National People's Congress.

Although the NPC deputies are active in initiating deputy bills, few deputy motions can be accepted in the legislative agenda. Judging from the above data, fewer than 20 per cent of the deputy motions can be transferred to a special committee for review, and so far, only one bill initiated by the NPC deputies jointly was placed on the agenda and passed in the end. On March 23, 1993, 2383 NPC deputies, in the form of deputy bills, initiated the *Additional Amendment to the Amendments Draft of the Constitution of the People's Republic of China* to the first meeting of the 8th NPC. The bill was submitted to the NPC plenary meeting for voting and passed.⁴⁷ However, because the Constitutional amendment bill was not a regular bill, and was initiated jointly by 2383 deputies, this case is exceptional. Therefore, it cannot be seen as reflecting the success of a deputy bill. Nevertheless, although some bills are not officially placed on the agenda, their positive

⁴⁷Sixi Chen, "The Use of the Amendment in the Bill Deliberation and a Review of the 1993 Constitutional Amendment Procedure (Yian Shenyi Guocheng Zhong Xiuzhengan de Yunyong-Jianping 1993 Nian Xiuxian Chengxu)", *Legal Study*, no. 5 (1994). pp. 25-28.

value cannot be ignored. The deputy bills might be an important source of the NPCSC bills. The Chairman of the 10th and 11th NPC, Wu Bangguo, once pointed out, “The deputy bills play an increasingly important role in the legislation. ...the decision of the NPCSC on amending the *Civil Procedural Law* was just formed on the basis of some deputy bills, which is the first time in the legislation of the NPCSC.”⁴⁸

In addition, for those deputy motions which are submitted to a special committee for review, some of them might be transferred to legislative bills in the name of the NPCSC or the executive after modification. The common practice is that after the review of the relevant special committee, if they think it is necessary, they will suggest listing such bills in the annual legislative plan or five-year legislative plan. Normally, once these motions are included in the five-year legislative plan or annual legislative plan, they will be initiated in the name of the NPCSC or the executive. All in all, the deputies’ bills are only regarded as a reference for those initiators. This is because, on the one hand, although the deputies are active in initiating, due to lack of expertise, the overall quality of the bills is relatively low; on the other hand, the NPC is not in a dominant position in the initiation phase. Likewise, in the other countries, like the UK, few private member’s bills become law, even though they may affect the later legislation.⁴⁹

To sum up, executive-legislative relations in the drafting and initiation phase can be summarised as follows: (1) bills drafted and initiated by the NPC are overall fewer than the executive’s bills; (2) because of the increasing ratio of the laws drafted by the NPC from 7th NPC to 10th NPC, the NPC plays an increasingly significant role in legislative drafting; (3) the NPC drafted most constitutional-related law, criminal law and litigation and non-litigation procedural law, while the executive dominated the drafting of the administrative and economic laws; (4) it is noteworthy that, at the 11th NPC, the percentage of laws drafted by the NPC and the number of deputy motions both decreased after a long period of increase, which might be seen as a sign of the future evolving tendency of executive-legislative relations; (4) deputy bills rarely manage to be placed on the legislative agenda.

⁴⁸ Wu Bangguo, "The Work Report of the National People's Congress Standing Committee at the First Plenary Meeting of the 11th National People's Congress", Available online: http://www.npc.gov.cn/huiyi/dbdh/11/2008-03/24/content_1423258.htm. [Accessed on 11/10/2014].

⁴⁹ Norton, *Parliament in British Politics*. p. 81.

3. Executive-legislative relations in the deliberation stage

The deliberation stage is more established, formal and complex than any other stage in the legislative process.⁵⁰ The aim of this section is to examine the executive-legislative relationship in the deliberation stage. In this regard, the phenomenon of deliberation in the NPC; deliberation suspension and termination as obstructing tactics of the PC system are explained. Moreover, data on executive-legislative relations in deliberation are analysed and discussed.

3.1. Introduction to the deliberation in the NPC

In terms of deliberation, the NPC has adopted the form of public deliberation as the general principle, and non-public deliberation as the exception. Article 20 of *the Organic Law of the National People's Congress* stipulates that "the NPC meetings are held in public; when necessary, secretly held meetings are permitted once decided by the presidium and heads of the delegations." As a matter of fact, live television broadcasting of the NPC's deliberation process is not available.⁵¹ According to *the Legislation Law*, "a legislative bill shall be put to vote after deliberations at three meetings of the Standing Committee."⁵² However, in practice, the NPC does not strictly abide by the rule of three deliberations before bills are put to the vote. Some bills are approved after two deliberations or even one. Certain bills are deliberated more than three times before approval. The *Water Law of the People's Republic of China (revised)*, for example, was not approved until the fourth deliberation, and *the Securities Law of the People's Republic of China* as well as *the Compulsory Administrative Law of the People's Republic of China* were approved after the fifth deliberation. The *Law of the People's Republic of China on the Supervision of Standing Committees of People's Congresses at Various Levels* was first drafted in 1986 and finally approved in 2006.

At the sub-national level, in most cases, local regulation bills are deliberated at group meetings of sub-national PCSCs. However, joint meetings or plenary meetings could be held to conduct deliberation on the key issues of local regulation as needed. In terms of the number of deliberation times, there is only a very vague stipulation in *the Legislation Law*, the number of deliberation times shall be subject to the decision of the People's

⁵⁰ Yingkun Zhao, "Legislative Process and Procedure (Lifa Chengxu Yu Lifa Guocheng)", in *Legislative Studies* ed. Wangsheng Zhou, (Beijing: Law Press, 2001). pp. 245-246.

⁵¹ There used to be live broadcasting of a legislative debate in the NPC in the 1980s for a short term. See the interview record to Wang Hanbin, the vice chairmen of the NPCSC, Available online: http://www.21ccom.net/articles/zgyj/xzmj/article_2013041081003.html. [Accessed on 07/4/2014].

⁵² See Article 27, the Legislation Law.

Congress at the corresponding level in accordance with relevant stipulations of the *Local Organic Law* and the *Legislation Law* itself.⁵³ Mostly the stipulation on the deliberation times has two scenarios according to the realities in different localities: a ‘two-deliberation system’ is operated in most sub-national PCs; a ‘three-deliberation system’ is adopted in a few sub-national PCs like the People’s Congress of Liaoning.⁵⁴ Usually, the LAC of the PCSC is usually stipulated as the body in charge of the deliberation of local regulations.

Deliberation can be divided into two types: deliberation with debates and without debates, based on whether debate is adopted when deliberating bills. In the UK, debate, also called ‘reading’ is the most critical way of deliberation. In this case, ‘reading’, in effect, means an opportunity to debate on the details of a bill. In Japan, MPs are required to send notifications to the parliament before raising opinions in deliberation, with their opinions as to favouring or opposing the draft explained as well.⁵⁵ In fact, debate, widely adopted by most countries, has become the key method of deliberation. However, when it comes to China, no matter whether in the NPC or sub-national PCs, deliberations in the form of debates are not conducted. In plenary session, due to the limited time available, no debate is conducted. In the NPCSC/PCSC, although ample time is given to enable deliberation participants to fully raise their opinions, in most cases, instead of debating fiercely, participants take turns to voice personal opinions and conduct ‘face-saving discussion’.⁵⁶

The PC system places the emphasis on advance preparation for deliberation.⁵⁷ In accordance with the *Legislation Law*, bills are printed and distributed to members of the NPCSC seven days prior to the meeting. The working bodies of the NPCSC are in charge of printing out and distributing bills to members of the NPCSC, facilitating their pre-deliberation preparations. Moreover, some sub-national PCs require the initiator to submit bill-related documents to the PCSC one month prior to the deliberation. In practice, the initiator usually prepares a set of ‘referential documents’ to the PCSC for reference during deliberation.

In recent years, in the UK, for bills drafted by the executive, there has been an increasing practice of publishing bills in a draft before going to the Parliamentary Counsel for

⁵³ Details see Article 67, the *Legislation Law*.

⁵⁴ Cui, "Comparative Evaluation on Procedure of the Local Regulations-Making (Zhiding Difangxing Fagui Chengxu Bijiao Pingxi)". p. 313.

⁵⁵ See The Hansard Society, *Making the Law: The Report of the Hansard Society Commission on the Legislative process*, (London: The Hansard Society for Parliamentary Government, 1992). p. 372.

⁵⁶ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". p. 54.

⁵⁷ Interview, 10/03/2014.

drafting formally, providing the opportunity for parliamentary involvement in advance.⁵⁸ Similarly, the PC system, particularly its special committees, has engaged in pre-legislative scrutiny. On the one hand, while drafting bills, government departments would organise symposia joined by the parliamentarians of relevant special committees to learn their opinions on a certain bill. On the other hand, the special committees also conduct legislative investigation and surveys before the deliberation. In order to get information for the formal deliberation, the special committees organise a symposium together with the drafter, to solicit opinions from all interested parties. Both pre-deliberation legislative investigation and legislative symposia affect legislative behaviour prior to the deliberation.

3.2. Literal and substantive revisions on bills in deliberation

During the deliberation at the NPCSC or PCSC, members of the NPCSC or PCSC would put forward extensive suggestions for a bill to the LAC. The actual operator who revises the bill is the LAC. Revisions made by the LAC of bills can be classified into literal and substantive revisions. Literal revisions exert no influence on rights and obligations prescribed in the bill, whereas substantive revisions include the following conditions: (1) changing the structure of the bill; (2) changing the effectiveness of the bill, for example, formulating a detailed implementation rule for the scope of application, time of effectiveness and authorisation; (3) adjusting the rights and obligations described in the bill. In China, 'approval in principle and partial revision' can be used to conclude the deliberation of the NPC to the majority of bills. The total repudiation of a bill is a very rare circumstance. However, in recent years, the PC system, especially the sub-national PCs, has performed more than literal revision in the deliberation stage on bills.

Yan's research indicated that so far, in deliberation, sub-national PCs have raised deliberation suggestions on roughly 70 per cent of articles of local regulations, and made revisions to 35 per cent of articles.⁵⁹ Although bills placed on the agenda have all been passed, sub-national PCs' substantive revisions made to bills in deliberation demonstrate a trend of gradual strengthening of the PC system.

⁵⁸ Norton, *Parliament in British Politics*. pp. 75-77.

⁵⁹ Yan, "Research on the Dominant Function of the Local People's Congresses in the Legislative Process: Based on the Case of Shanghai (Difang Renda Zai Lifa Guochengzhong De Zhudao Gongneng Yanjiu: Yi Shanghaishi Weili)". p. 3.

In order to examine the revisions the PC made to the bill, the author collected the initial bill draft⁶⁰ and published version⁶¹ of *the Regulation on Xiamen Special Economic zone Meteorological Disaster Prevention*, approved at the 11th session of the Standing Committee of the 14th Xiamen People's Congress in August 30th of 2013, as an example for comparison.

In the comparison of the initial bill draft and the final local regulation published, it was discovered that as a result of Xiamen People's Congress' deliberations, five articles were deleted from the original draft, including Article 10, Article 13, Article 25, Article 32 and Article 36. Combinations and position adjustments were made to parts of articles, including Article 7 (2), Article 18, Article 26, Article 28 (1). Substantive revisions include: (1) provisions about flood warning sign being added to Article 14; (2) a new article formulated, and named as Article 19, making a statement on releasing weather forecast, disastrous weather alerts, as well as the information that the municipal government shall support the Meteorological Department to strengthen meteorological modernisation construction, and to enhance the accuracy and time-effectiveness of weather forecasts and alerts; (3) new articles, Article 21 and Article 28, containing provisions for monitoring heavy fog and haze, formulating preventive and protective measures after the contingency plan for major disasters is activated; (4) a new article, named Article 27, making a statement on reporting on impacts of typhoons or reports on typhoon information 12 hours prior to its landing, making sure that personnel responsible shall promptly report to duty after the contingency plan of major disasters is activated, and giving clear descriptions of relevant departments and units' responsibilities; (5) Article 5 being revised as "construction projects related to public interests and having close relationship with climates shall conduct climate feasibility demonstration;"⁶² (6) a new article, and named as Article 41, requiring relevant government departments and personnel to perform their duties in accordance with contingency plans, otherwise they shall be investigated for responsibility. As it was said by a member of the Standing Committee of Xiamen People's Congress in an interview, "Draft bills, in most cases, would undergo tremendous revisions, sometimes seemingly 'beyond recognition' when compared with the final bills

⁶⁰ Due to the non-disclosure of the bill draft, the author got access to this draft through personal connection.

⁶¹ "The Regulation on Xiamen Special Economic Zone Meteorological Disaster Prevention (Xiamen Jingji Tequ Qixiang Zhaihai Fangyu Tiaoli", Available online: http://www.xm.gov.cn/zxgg/201301/t20130129_613019.htm. [Accessed on 13/11/2014].

⁶² Ibid.

published”⁶³. This comment shows the significant role of the PC system in the process of deliberation.

3.3. Obstruction tactics of the PC system: deliberation suspension and termination

In some cases, during deliberation, the PC system has insisted on delay or termination of a controversial bill until ‘all social conditions are ripe,’ or until a ‘relatively perfect’ draft has been worked out. As Tanner stated, “By slowing down a bill’s deliberation, sometimes opponents can create the conditions to obstruct a bill’s passage, or defer the battle into the indefinite future in the hope that the political climate may become inhospitable to it.”⁶⁴ In the rapid development of China's economy and society, adversaries of a bill know that delay can often be equal to victory.

In China, methods of obstruction in deliberation include deliberation suspension and deliberation termination. The former means that in the course of deliberating bills by the NPCSC/PCSC, owing to disputes on one or several major issues, the deliberation procedures are suspended to conduct consultations so as to reach consensus after adjustments are made to bills. The latter means the NPCSC/PCSC considers that the main content of a bill is not mature enough, and is not adequate to be discussed at the current stage; therefore, it is necessary to send it back to the drafter for further modification. In addition, according to the *Legislation Law*, a bill should go through three deliberations before getting to a vote, and bills for deliberation shall be terminated if they have been held up in deliberation for two years.⁶⁵

For example, at national level, in the State Council, normally bill drafts will be assessed and coordinated by the OLA before initiated to the NPCSC for deliberation. However, as a matter of fact, in the State Council, there is some overlapping of jurisdictions among ministries. For bills initiated by the executive, various ministries seek to protect their own benefits. If a consensus cannot be reached in the OLA, the battle for benefit among ministries may last until the bill deliberation stage in the NPC. A retired official of the NPCSC claims that when a compromise on a bill cannot be achieved or there are still serious divergences between the ministries, those bills would be suspended or returned to the OLA for re-negotiation.⁶⁶

⁶³ Interview, 20/02/2014.

⁶⁴ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". pp. 58-59.

⁶⁵ See Article 39, the Legislation Law.

⁶⁶ Yifei Tan, "Urgently Need Legislative Reform after the Third Plenary Session of the CCP (Sanzhong Quanhui Hou Jidai Lifa Gaige)", *Caijing*, 30/12/2013. Available online: http://news.ifeng.com/shendu/cj/detail_2013_12/30/32583848_0.shtml, [Accessed on 8/7/2014].

In recent years, cases of deliberation suspension have been relatively common in sub-national PCs. The People's Congress of Xiamen can be taken as an example. On May 27th, 2009, the bill draft *Taiwan Compatriots Investment Security Ordinance of Xiamen (revised)* (hereinafter the Ordinance) was deliberated. However, later on, on account of the great momentum of cross-strait development, within several months, *Cross-strait Air Transport Agreement* and another four agreements were signed by both sides of the strait. Also, to promote the peaceful development of cross-strait relations, six suggestions had been put forward by President Hu Jintao. The State Council issued *Several Opinions on Supporting Fujian Province to Accelerate the Development of Strait's West Bank Economic Zone*. In order to keep newly revised local regulations in line with the general situation, and to balance the speed and quality of legislation-making,⁶⁷ the LAC of Xiamen PCSC proposed to suspend the deliberation on the regulation of *Taiwan Compatriots Investment Security Ordinance of Xiamen (revised)*, which would be re-launched when the timing was mature. One year later, on 13th September, 2010, a plenary meeting was held, during which *Taiwan Compatriots Investment Security Ordinance of Xiamen (draft of the 2nd revision)* was deliberated again and approved.⁶⁸

Another case is that, on 25th February, 2009, considering the economic conditions of 2009, and the appeals of the general public, Xiamen municipal government issued a letter to the Xiamen PCSC, proposing the suspension of deliberating on *Several Rules on the Road Traffic Safety of Xiamen Economic Zone (draft)*, with a view to maintaining social stability and alleviating unfavourable factors' cumulative influence. The Xiamen PCSC accepted the proposal and suspended the deliberation. Until the end of 2009, in the course of researching and formulating the 2010 legislative plan by the LAC, relevant government departments submitted a report on *Several Rules on the Road Traffic Safety of Xiamen Economic Zone (draft)* to the Xiamen PCSC for including the regulation in lists of the 2010 legislative plan. On this basis, the LAC of Xiamen PCSC resumed the deliberation at the beginning of 2010.⁶⁹

Deliberation termination happens under some special conditions. If major issues are further studied after the second deliberation, and the bill has been rushed into voting, two possible scenarios might follow: the first one is that the bill is narrowly passed, yet problems still persist, bringing difficulties with enforcement in the future; the second is that the bill is not passed, although it seldom happens. In the case of bills with significant

⁶⁷ "Xiamen People's Congress Standing Committee Bulletin", (2010) no.5. p. 101.

⁶⁸ For more details see "Xiamen People's Congress Standing Committee Bulletin", (2010) no. 7. p. 20.

⁶⁹ Xiamen People's Congress Standing Committee Bulletin", (2011) no. 4, p. 22.

disputes, the PCs at all levels adopt the approach of deliberation termination and send them back to drafters for revision. For example, in 1986, Shanghai municipal government initiated a bill on the revision of the *Management Measures of Demolished and Relocated Houses in Shanghai* which was approved in 1982, namely *Regulation on Demolished and Relocated Houses in Shanghai (draft)*. After careful studies, the Shanghai PCSC declared that the bill submitted by the municipal government to the PCSC, for deliberation, was not mature enough, with several disputed aspects, and therefore it would not proceed to deliberation. The Shanghai PCSC suggested that the municipal government should conduct further research and studies.⁷⁰ Thus, the bill was terminated.

In the deliberation suspension and termination, the special committees of the NPCSC/PCSC play a significant role in deliberation. Since 1998, the special committees' powers have been expanded. As indicated previously, most leaders and members of the special committees are former government officials. Thus, usually, they are very familiar with the key points and problems of the bills drafted by the executive. The irony is that often the fiercest criticism of a bill originates from the members of the special committees whose previous career was mainly in the counterpart executive agency. Special committees are able to threaten to obstruct the bills initiated by the executive if the relevant government department does not take enough account of or show enough respect for their advice and criticisms.⁷¹

Moreover, the NPC and PCs solicit advice extensively during deliberation, so that in the course of deliberation, there are relatively diversified channels for all parties to take part in legislation and have their interests expressed. As a vital arena of converging opinions from all parties, the following channels are applied by the PC system: (1) advice is solicited in written form for any legal document; (2) seminars are held to seek advice, a practice which is relatively frequently applied and has a long history. Seminars, in general, are held by the Law Committee and the LAC. The relevant special committees, the executive organs, outside experts and scholars are the major participants; (3) legislative demonstration meetings. In cases of issues that are highly controversial or technical, relevant experts are invited to conduct studies and demonstration; (4) legislative hearings, which are more frequently used in sub-national PCs, invite the representatives of the public to express their opinions on certain bills;

⁷⁰ Yan, "Research on the Dominant Function of the Local People's Congresses in the Legislative Process: Based on the Case of Shanghai (Difang Renda Zai Lifa Guochengzhong de Zhudao Gongneng Yanjiu: Yi Shanghaishi Weili)". pp. 164-165.

⁷¹ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". pp. 52-53.

(5) in accordance with stipulations of the *Legislation Law*, once approved by the Council of Chairmen, a bill draft could be released for public consultation. In most cases, it would be published on the website of the NPC or PCs for soliciting advice from the public after the first deliberation. A draft bill containing significant or many controversies would be released for public consultation after the second deliberation. Through the channels described above, the NPC or PCs obtain three types of opinions- ‘opinions from members of the standing committee and its special committees’, ‘opinions from relevant government departments’ and ‘opinions from the public’ which are the source of revision on bills. Although, quantitatively, the ‘opinions from the public’ are much more than the other types of opinions, in practice, their ‘weight’ is lower than that of the others. The opinions from the standing committee and its special committees and relevant government departments are regarded as the main contributions to bill revision.

3.4. Data Analysis of the executive-legislative relations in deliberation

To explore the role of the NPC in deliberation, based on the data set of the 402 laws I collected (see Appendix 1), in the following part, I work out the length of deliberation and number of deliberations of each bill from the 5th session of the NPC to 11th session of the NPC. In the light of this set of data (see Table 12), I try to glimpse the executive-legislative relations in deliberation.

Table 12: *Data set of laws*

	5 th session	6 th session	7 th session	8 th session	9 th session	10 th session	11 th session
Number of laws	28	42	49	78	72	74	59
Average length of deliberation (days)	33.36	83.17	133.92	136.72	229.43	225.45	287.73
Average deliberation times	1.11	1.86	2.12	2.01	2.51	2.43	2.24

Collected and calculated by the author

Source: The Legislative Planned Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition* (Zhonghua Renmin Gongheguo Lifa Tongji), (Beijing: Zhongguo Minzhu Fazhi Chubanshe, 2013).

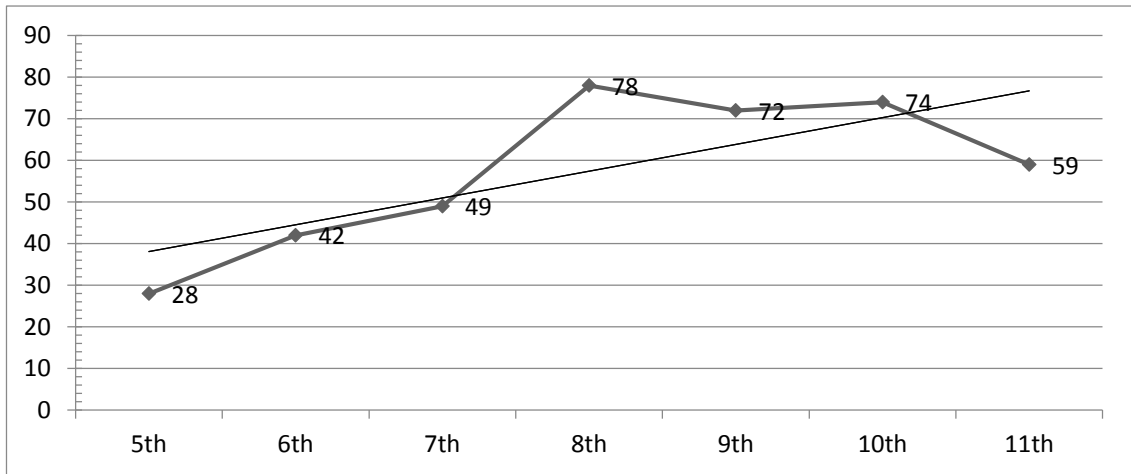


Figure made by author

Figure 18: *Number of Laws per session*

In terms of the amount of laws, as Figure 18 shows, the total number of laws passed in the NPC exhibited a marked increase between the 5th session and the 8th session and levelled off at around 75 in the following three sessions. In spite of a drop to 59 at the 11th session, the trend line indicates an increasing trend on the whole.

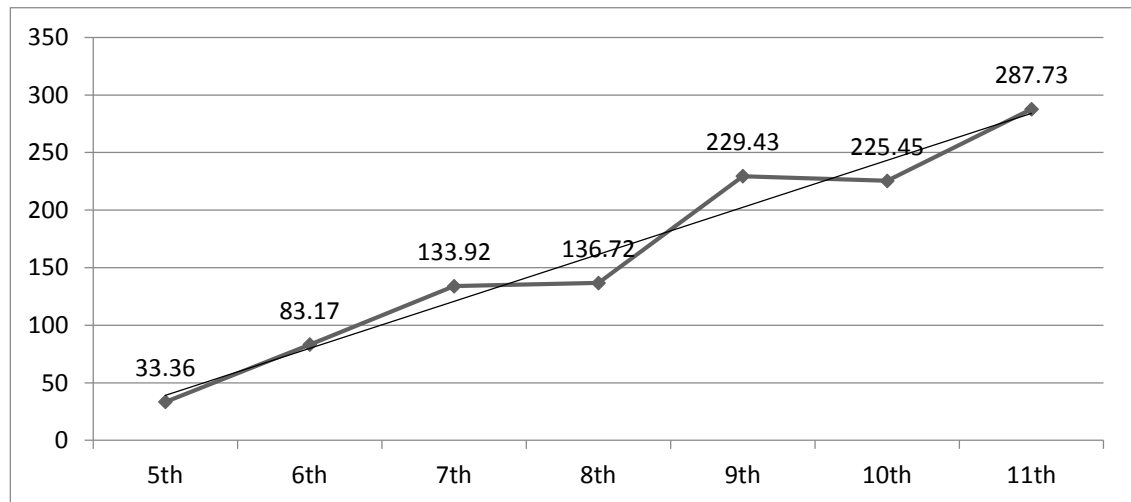


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Figure 19: *Average days of deliberation per session*

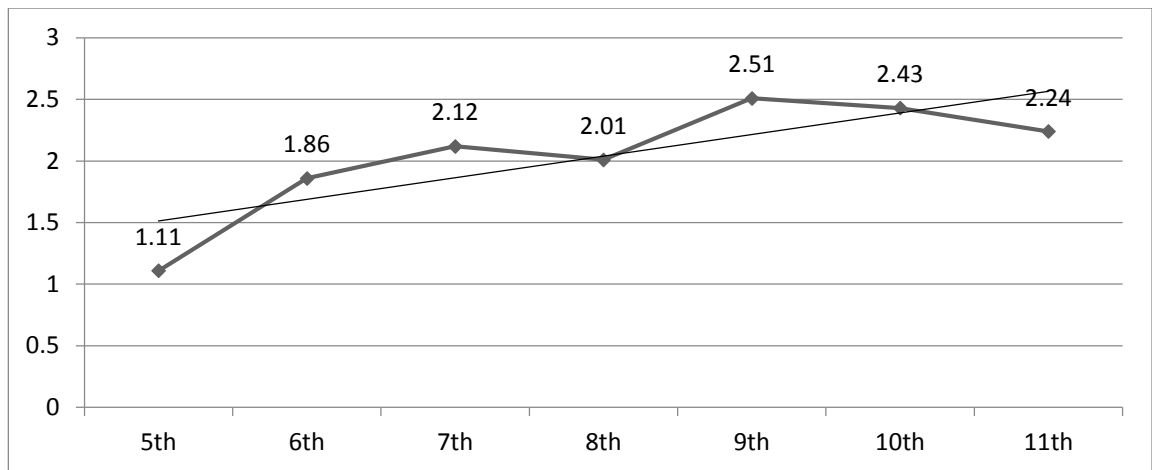


Figure made by author

Figure 20: Average deliberation times per session

Regarding the length and times of deliberation, according to Figure 19, the length of deliberation from the 5th session to 11th session increased remarkably from 33.36 days to 287.73 days. Likewise, in Figure 20, it can be noticed that the number of deliberations reached a peak at 2.51 times at the 9th session, from only 1.11 times at the 5th session. This increase was followed by a slight drop to 2.24 times at the 11th session. To sum up, this means not only did the absolute quantity of laws increase, but also the time spent on each bill. In explanation of his pioneering concept ‘viscosity’ to define the autonomy of a legislature, Blondel stated: “...where the legislature is very compliant, bills pass very easily and in particular, the time spent or the number of speakers engaged in debate is very small. As the legislature became freer, the time spent increases and amendments are discussed...”⁷² As a result, it can be concluded that the NPC has become relatively assertive in legislative deliberation over time since the 5th session of the NPC.

Table 13: Average deliberation days of the bills made by the executive, the NPC, and others

Average deliberation (days)	5 th session	6 th session	7 th session	8 th session	9 th session	10 th session	11 th session
Bills (the executive)	21.77	97.53	144.31	141.12	195.18	178.92	190.4
Bills (the NPC)	42	39	128.56	148.76	278.58	285.41	415.52
Bills (others)	47.25	88.5	70.8	121.1	204.6	1	123.2

Collected and calculated by the author

⁷² Blondel, "Legislative Behaviour: Some Steps Towards a Cross-National Measurement". p. 200.

Table 14: Average deliberation times of the bills made by the executive, the NPC, and others

Average deliberation times	5 th session	6 th session	7 th session	8 th session	9 th session	10 th session	11 th session
Bills (the executive)	1.08	2.03	2.23	2.02	2.34	2.49	2.44
Bills (the NPC)	1.09	1.4	1.78	2.10	2.72	2.41	2.07
Bills (others)	1.25	1.5	2	2	2.6	1	2

Collected and calculated by the author

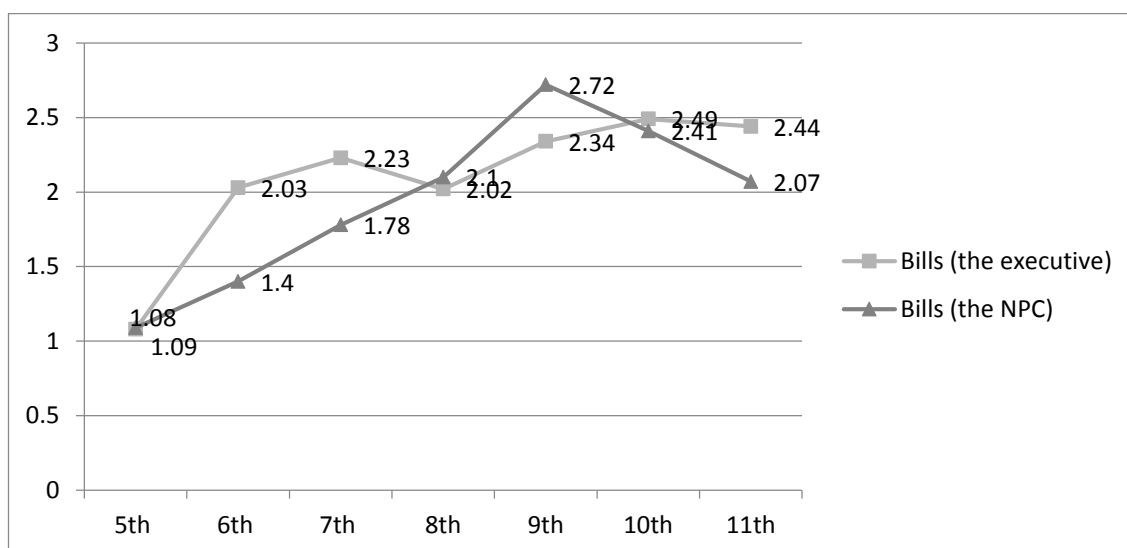


Figure made by author

Figure 21: Average deliberation times of the bills made by the executive and the NPC

Concerning the comparison between the bills drafted by the executive and the NPC, it can be seen from Figure 21 that, ever since the 5th NPC, except for only 2.1 times at 8th NPC, the number of times that the NPCSC conducted deliberation on the bills drafted by the executive has gradually increased from 1.08 at the 5th NPC to 2.49 at the 10th NPC. However, the figure fell slightly to 2.44 at the 11th NPC. On the other hand, for the number of times that the NPCSC conducted deliberation on the bills drafted by the NPC, it increased, first of all, from an average of 1.09 times for each bill at the 5th NPC to 2.72 at the 9th NPC, and then the figure declined for two sessions of the NPC in a row, to 2.07 times on average at the 11th NPC. In comparison, only at 8th and 9th NPC, the average

deliberation times of the NPC bills are higher than the executive's. It means the bills drafted by the NPC consumed more legislative resource at 8th and 9th NPC.

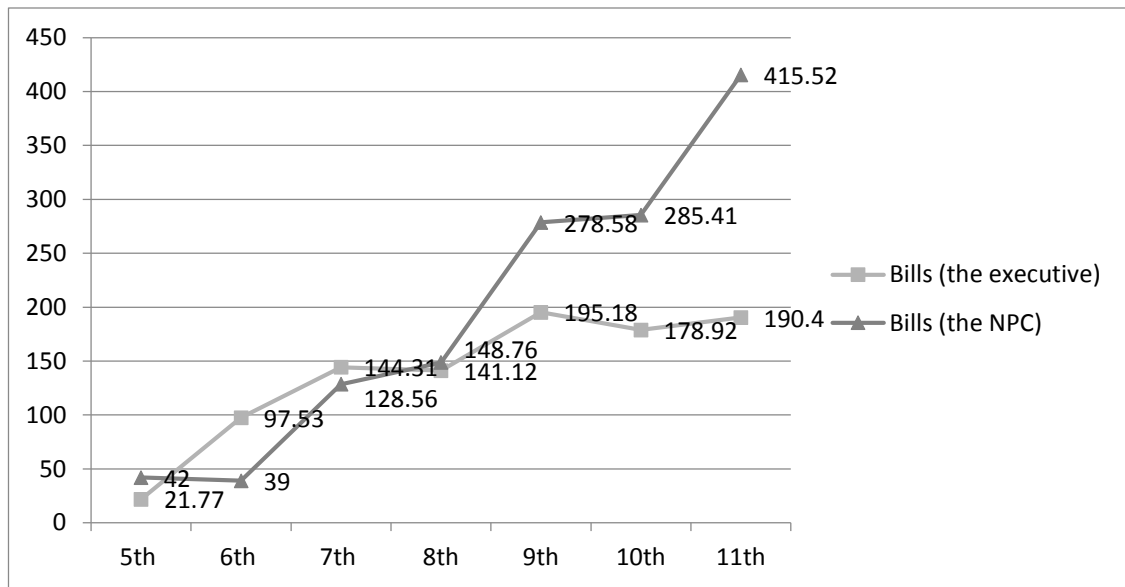


Figure made by author

Figure 22: Average deliberation days of the bills made by the executive and the NPC

With regard to the average number of days of deliberation on each bill in the each session of the NPC, both the bills drafted by the executive and the NPC showed an obvious trend of rising. According to Figure 22, the average number of days of deliberation on the bills drafted by the NPC increased from 42 days per bill at the 5th NPC to 415.52 days at the 11th NPC, experiencing almost tenfold growth. The average number of days of deliberation on bills drafted by the executive increased from 21.77 days at the 5th NPC per bill to 195.18 days at the 9th NPC, and levelled off afterwards, with 190.4 days at the 11th NPC. Ever since the 8th NPC, the average number of days of deliberation on the bills drafted by the NPC has exceeded that of the bills drafted by the executive, with the former also twice as much as the latter at the 11th NPC.

3.5. Discussion

To sum up, the analytical statistics on deliberation shed light on two aspects. On the one hand, on the whole, the number of deliberation times and the number of average days of deliberation on each bill increased. Meanwhile, the overall number of bills during each session of the NPC has been on the rise as well. This reflects the intensity of the NPC's deliberation of bills is enhanced. The NPC's workload grew by each NPC session. This shows an increasingly significant role of the NPC in deliberation.

On the other hand, compared with the bills drafted by the executive, after 8th NPC, more time was spent on the bills drafted by the NPC, which demonstrates that bills drafted by the NPC consume more legislative resource. Meanwhile, according to Figure 20, since the 9th NPC, the number of deliberation times on the bills drafted by the NPC decreased. It means that the time gap between each deliberation on the bills drafted by the NPC enlarged. It indicates that, since the 9th NPC, the NPC bills had been becoming more controversial because they necessitated more time of bargaining and gaming among different actors during deliberation. From the other perspective, the difference of time spend on the bills drafted by the executive and the NPC, suggests that it is easier to get bills drafted by the executive passed. This fact indicates that although the NPC has greater influence in deliberation, it still remains in a weak position, compared with the executive.

4. Vote and promulgation stage

When the NPC is in a plenary session, the Presidium submits the final draft of a bill to the chamber for a vote. Approval by over two-thirds of all the NPC plenary session is required to amend the constitution, and the approval votes of a majority of all the deputies are required for regular bills to pass. Similarly, the NPCSC requires a majority of the full members to pass a bill. It is noteworthy that, prior to the mid-80s, the NPC and the NPCSC voted on bills by a show of hands.⁷³ In the mid-80s, since the 15th NPCSC meeting of the 6th session of the NPC, the NPCSC started to use an electronic voting device. When voting, participants press any one of three buttons—consent (green), opposition (red), and abstention (yellow), according to their opinions on the bills. The electronic voting system can calculate automatically, with voting results shown immediately. At sub-national levels, it is common to use electronic devices for voting as well.

So far, the NPC plenary session has never voted down any law bill. This suggests that the Presidium will not put a bill up for a vote until they have confidence that the bill is popular enough among the deputies to pass the final vote. In other words, in order to avoid confrontation in the voting, consensus is achieved among all interest-related actors before the final vote.

⁷³ Cheng Li, "How Is the Law Made in Modern China-- Research on Work Procedure of the National People's Congress (Dangdai Zhongguo Falv Shi Ruhe Chanshengde-- Zhongguo Renda Lifa Gongzuo Chengxu Yanjiu)", in *Parliamentary Institutions and Legislative Theories and Practice (Yihui Zhidu Ji Lifa Lilun Yu Shijian Zongheng*, ed. Xiaomin Wang, (Beijing: Huaxia Press, 2002). p. 39.

Although the NPC or NPCSC approve the vast majority of bills put in front of them, there are still instances of the NPC or NPCSC voting down bills from the executive. Apart from the cases of the Bankruptcy Law bill⁷⁴ and the Three Gorges Dam bill, which have already been well-documented by scholars,⁷⁵ the deputy director of the Commission of Legislative Affairs of the NPCSC recently disclosed that on October 31, 1989, the NPCSC members rejected the amendment of a provision of the *Urban Committee Organisation Law* due to only 65 out of 150 members supporting it; in 1995, the nomination of a councillor of the Foreign Affairs Committee was turned down because fewer than half the NPCSC members (73 out of 155) supported the appointment.⁷⁶ It is highlighted that, in March 1999, members of the 9th NPCSC rejected a law bill, known as the *Amendment of the Highway Law Bill* (77 votes, 6 against, and 42 abstentions, while a simple majority, 78 votes were required to pass), which was drafted and introduced by the executive (the State Council).⁷⁷ Before this date, the rejection of a legislation bill as a whole by the NPC had never happened in history. Furthermore, recently, the rates of dissidence towards the work reports in the NPC reached new heights. In March 2013 at the first session of the 12th NPC, among 2943 deputies, 5 per cent (101 against votes and 44 abstentions), 21.6 per cent (509 against votes and 127 abstentions), and 32.6 per cent of deputies (605 against votes and 274 abstentions) withheld their support from the government work report, the Ministry of Finance's budget report, and the Supreme People's Court's report respectively.⁷⁸

In terms of the sub-national PCs, in general, they refer to the NPC's approaches in voting on bills. It is prescribed that after two or three deliberations, local regulation bills are submitted to the PCSCs to vote. Similar to the situation in the NPC, few bills fail at the

⁷⁴ In 1986, the State Council tried to push for a vote by the NPCSC on the Bankruptcy Law. Due to the fact that the consensus was far from achievement, the NPCSC required the State Council to 'do more investigation' over the bill. At the next session of the NPCSC, in August 1986, the State Council, headed by Zhao Ziyang, managed to force the NPCSC to vote on the bill. For the first time, a slight majority of the members of the NPCSC voted against the bill (56 against and 54 for). A largely modified version of the bill was eventually approved in December by more than 90 percent of the NPCSC's members.

⁷⁵ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking"; Nathan, "China's Constitutionalist Option". pp. 43-57.

⁷⁶ Kan Ke, "Jiyizhong Quanguo Renda Changweihui De Jici Biaoju (Several 'Votes' in the National People's Congress Standing Committee)", Available online: http://www.npc.gov.cn/npc/rdgl/rdsh/2014-05/20/content_1863686.htm. [Accessed on 15/03/2015].

⁷⁷ Peng Li, *Legislation and Supervision: Li Peng's Dairy on the National People's Congress* (Lifa yu Jiandu, Li Peng Renda Riji), (Beijing: China Democracy and Law Press, Xinhua Publishing House, 2006). pp. 360-363.

⁷⁸ Caixin, "Highest Number of Opposing Votes for Reports at the Two Congresses in Five Years, Supreme People's Court Gets 605", Available online: <http://china.caixin.com/2013-03-17/100502505.html>. [Accessed on 1/6/2014].

voting stage. For example, in the history of local legislation-making in Shanghai, no bill has won fewer than half of all the votes, which suggests that all bills submitted to vote are passed. This has become a regular phenomenon in the voting stage. However, in recent years, ‘voted down’ cases have been on the rise. The sub-national PCs usually run ahead of the NPC. There are numerous cases showing the assertiveness of the legislatures at sub-national level. Through compiling media reports, from 2000 to 2009, 28 sub-national People’s Congresses at various levels that said ‘no’ to 46 bills.⁷⁹ Those cases were distributed in 13 provinces: Anhui, Gansu, Guangdong, Hainan, Henan, Hubei, Hunan, Liaoning, Ningxia, Shandong, Shanghai, Xinjiang, and Zhejiang. It is worth mentioning that the number of ‘voted down’ cases reached a peak in 2005 and 2006, with 4 cases in 2000, 1 in 2001, 2 in 2002, 1 in 2003, 1 in 2004, 17 in 2005, 13 in 2006, 3 in 2007, 1 in 2008, and 3 in 2009. In terms of types of ‘voted down’ cases, work reports issued by the governments, people’s courts and people’s procuratorates account for the majority; personnel appointment and removal rank second, and a few cases are about local regulations.⁸⁰

Subsequently, according to the Constitution, the State President has the duty to promulgate law bills passed by both the NPC plenary session and NPCSC. Usually, the President signs a decree to promulgate that a law bill is to take effect. At the national level, however, the law promulgation procedure has experienced several changes. In the beginning, laws had to be signed and promulgated by the president of the state in accordance with the 1954 Constitution.⁸¹ In the 1975 Constitution, no provision mentioned the promulgator of laws. In the 1978 Constitution, the provision was replaced by a new one, “in accordance with decisions made by the NPC or the NPCSC, laws shall be promulgated by the chairman of the NPCSC.”⁸² However, in 1982, it changed again. According to the Constitution of 1982, the president of the state is once again entitled to sign and promulgate laws. Article 80 of the Constitution of 1982 states that, “The President of the People’s Republic of China, in pursuance of the decisions of the National People’s Congress and its Standing Committee, promulgates statutes...”⁸³ After being signed by the president, laws shall be promulgated to the general public, broadcasted by

⁷⁹ Southern Urban Daily, "The Sub-National People’s Congresses Say Goodbye to the ‘Approved Unanimously’ Era (Difang Renda Changweihui Gaobie ‘Quanpiao Tongguo’ Shidai)", Available online: <http://focus.news.163.com/09/10/12/11/5LE0AQT500011SM9.html>. [Accessed on 1/11/2014].

⁸⁰ Ibid.

⁸¹ Article 40, the 1954 Constitution.

⁸² Article 26, the 1978 Constitution.

⁸³ Article 80, the 1982 Constitution.

Xinhua News Agency, and published in the Gazette of the NPCSC and in the newspapers of nationwide distribution. The text of law published in the Gazette of the NPCSC shall be regarded as the standard. At sub-national level, local regulations passed in the plenary session of the PC would be promulgated by the presidium of the PC through the Gazette. If local regulations passed in the PCSC, they are promulgated by the PCSC in the form of a Gazette.

5. Post-legislative phase

Normally, promulgation of law is seen as the end of the legislative process. However, the implementation of law and post- legislative scrutiny are still elements of policy-making which affect executive-legislative relations significantly. To some extent, the interaction between the executive and legislative in this stage even more tense. The implementation of laws comprises the legal interpretation by the PC system and administrative regulations or department rules made by the executive in accordance with the Constitution and laws, in order to make laws more practical.

5.1. Legal interpretation in China

According to the provisions in Article 42 of the *Legislation Law*, the power of legal interpretation shall be wielded by the NPCSC. At the sub-national level, the power of legal interpretation of local regulations also shall be in the hands of the PCSCs. Legal interpretation is neither creating new laws, nor making revisions to existing laws. It is identifying the meaning of laws and regulations, and their applications.

In China, legal interpretation is applied in two cases: the first case is when the meaning of a law or regulation needs to be further identified. If certain problems arise during law enforcement, as a result of different understandings of different parties on certain provisions in laws and regulations, it is vital to identify the meaning and implications of the law. The second case is when, in practice, some new circumstances arise after the promulgation of laws and regulations, which necessitate further interpretation of the provisions in laws and regulations for application. Legal interpretation, in effect, is a form of legislation to some extent. According to the *Legislation Law*, a legal interpretation shall bear the same force as the law.

Controversies have persisted in China's academia on who has the power of legal interpretation. Some scholars believe that the NPCSC has the right to formulate and revise

laws. Thus, “it is redundant to endow the NPCSC the power of legal interpretation.”⁸⁴ Other scholars hold that legal interpretation power lies within the sphere of judicial power. Consequently, the court should monopolise not only the judicial power but also the power of legal interpretation. The power of legal interpretation in the hands of legislative, executive and procuratorial organs should be abrogated.⁸⁵ In China, the logic behind the legislature wielding the legal interpretation power lies in the fact that “as makers of the law, legislators have the best understanding of the motives and background of a legislation, which enables legislators to enjoy the power of interpreting the intentions, wording and phrasing.”⁸⁶ Hence, there is a need for legislators to keep the power of interpreting laws and regulations formulated by themselves.

The earliest document about legal interpretation was introduced in 1955. In accordance with the *Resolution on the issues of Legal Interpretation Power* released by the NPCSC, “All laws, articles or decrees need to have expanded boundaries defined or supplemented with new provisions, the NPCSC shall make legal interpretations or make provisions through decrees.” The legal interpretation in China was defined by the *Resolution on Strengthening the Legal interpretation Work* passed at the 9th NPCSC meeting of the 5th session of the NPC on 10th June, 1981. According to the resolution, the NPCSC, the Supreme People’s Court, the Supreme People’s Procuratorate, the State Council or its departments enjoy the power to interpret laws and administrative regulations from different perspectives. The interpretation of local regulations, according to the resolution, shall be classified as follows: specific practical issues shall be interpreted by departments of the governments; if laws, regulations, or articles need to be further defined or supplemented, the PCSC, the formulator shall enjoy the power of legal interpretation. The release of the *Legislation Law* triggered an heated discussion with body of the legal interpretation power. Some hope to abolish the *Resolution on Strengthening the Legal interpretation Work* released in 1981 due to “chaotic claiming of legal interpretation.”⁸⁷ Finally, provisions on judicial interpretation and administrative interpretation are not prescribed in *the Legislation Law*, only: “legal interpretation power belongs to the

⁸⁴ Sixi Chen, "On the Right or Wrong of Legal Interpretation (Lun Lifa Jieshi Zhidu De Shifei Ji Qita)", *China Law Study*, no. 3 (1998). pp. 6-7.

⁸⁵ Jinzhao Chen, *The Philosophy of Legal Interpretation (Falv Jieshi De Zheli)*, (Jinian: Shandong People's Press, 1999). pp. 41-47.

⁸⁶ Hui Xie, "Legal Interpretation and Explaining Laws (Falv Jieshi Yu Jieshi Falv)", *Legal Study*, no. 5 (2000). pp. 17-29.

⁸⁷ Anrang Gu, "Introduction to the Legislation Law of People's Republic of China Draft (Guanyu Zhonghua Renmin Gongheguo Lifa Fa Caoan de Shuoming)", *National People's Congress of China*, no.5/6 (2000). pp. 30-33.

NPCSC”⁸⁸ was promulgated. Similar to the national practice, local authorities also adhere to the rule that “the law maker shall act as law interpreter.” In other words, the sub-national PCs own the power of interpretation of local regulations. However, in practice, not many legal interpretations have been made by the NPCSC.

According to the statistics, after the release of *the Legislation Law*, the NPCSC started to exercise the power of legal interpretation, with altogether fewer than 20 legal interpretations made so far.⁸⁹ In October 28th of 2014, the group meeting of the 11th meeting of the 12th NPCSC conducted deliberation on NPCSC’s draft interpretation on the Article 99(1) of the *General Principles of the Civil Law of the People’s Republic of China*, and Article 22 of the *Marriage Law of the People’s Republic of China*. Yin Zhongqin, vice director of the Financial Committee of the NPCSC, indicated during the deliberation that he supported the NPCSC to give a legal interpretation of the Article 99(1) of the *General Principles of the Civil Law of the People’s Republic of China*, and Article 22 of the *Marriage Law of the People’s Republic of China*. He commented that after the establishment of the legal system, more emphasis should be placed on legislative interpretation work.

Also, he believed that laws formulated in the past might only be suitable to the conditions at the time.⁹⁰ He said, “We should not over-rely on judicial interpretation, or even on administrative, law enforcement discretion. In the future, whenever it is possible for the NPCSC to give a legislative interpretation, we should make sure it happens. It is very critical to provide a legal basis for solving legal disputes through legislative interpretation.”⁹¹ Meanwhile, Zhu also pointed out that, in many respects, legislative interpretation could replace the ‘law formulation, revision and abolition’, which are always costly, especially when it comes to the Constitution. Owing to the supreme position of the Constitution in the overall legal system, frequent revision of the Constitution would definitely impair its authority. As a result, it is reasonable to adapt the Constitution to changing social developments and maintain its stability.⁹²

⁸⁸ Article 42, the Legislation Law.

⁸⁹ “The Legal Interpretation of the National People’s Congress Standing Committee”, Available online: http://www.npc.gov.cn/npc/zhibo/zzzb34/2014-04/22/content_1860668.htm. [Accessed on 4/11/2014].

⁹⁰ “Yin Zhongqin: It Is Very Important to Provide Legal Evidence to Solve Dispute by Legal Interpretation (Yin Zhongqin: Tongguo Lifa Jieshi Wei Jiejue Jiufen Tigong Falv Yiju Hen Zhongyao)”, Available online: http://www.npc.gov.cn/npc/xinwen/2014-11/15/content_1886290.htm. [Accessed on 1/12/2014].

⁹¹ Ibid.

⁹² “Need Reform Urgently after the Party’s Third Plenary Session”, Available online: http://news.ifeng.com/shendu/cj/detail_2013_12/30/32583848_0.shtml. [Accessed on 8/6/2014].

At the sub-national level, PCs have applied only a very few formal legislative interpretations. Instead, a reply from the Law Affairs Commission is a replacement form of legislative interpretation of local regulations. No matter whether at the central or at the local level, in practice, the Law Affairs Commission has shouldered a very critical responsibility. After completing extensive works behind the scenes, the Law Affairs Commission raises opinions on aspects of legislative directions and formation to the PCSC for collective decision-making. As a result, in the light of the high degree of familiarity with the legislative intent and principles, the Law Affairs Commission plays an irreplaceable role indeed in legal interpretations. This is exactly why the executive has attached great importance to the Law Affairs Commission, which can provide answers to issues of local regulation application, and thereby provide solutions to problems without entering into formal legislative procedures. Government departments, with improving administrative efficiency in mind, would naturally choose to make an inquiry to the Law Affairs Commission. Moreover, the Law Affairs Commission has the power to provide legal interpretations to inquiries ‘related to concrete legal matters’. It provides ample flexibility for practices in this respect.

As a matter of fact, Article 55 of the *Legislation Law* provides that the work commissions of the NPCSC have the right to conduct studies and provide replies to legal inquiries into ‘concrete matters’ raised by all parties, and also submit them to the NPCSC to be put on file. Owing to the ambiguous definition of ‘legal inquiries into concrete matters’, in practice, after problems are encountered in implementing many laws and regulations, the Law Affairs Commission always provide answers after informal communications. Therefore, to some degree, replies from the Law Affairs Commission could be seen as legal interpretations.⁹³

5.2. Administrative regulations and rules

In many countries, the executive bodies make administrative regulations in accordance with certain procedures. For example, in France, its legislature has a limited legislative power, while the legislative power of the executive has been expanded. The executive not only enjoys constitutional autonomy of legislative powers, but can also seize the legislative power from the legislative by the authorised legislation.⁹⁴ China is not

⁹³ Shengqiang Wei, "Review on the Legal Interpretation Power of Legislature (Lifa Jiguan de Falv Jieshiquan Wenti Shuping)", *Journal of Zhejiang University of Industry and Commerce*, no. 1 (2012): 20-22.

⁹⁴ Mingyang Wang, *French Administrative Law*, (Beijing: China Legal Publishing House). p. 142.

exceptional. At the national level, the NPC usually authorises the State Council with quasi-legislative power to enact administrative regulations for implementing laws. Meanwhile, at sub-national level, likewise, the local governments enact local rules under the authorisation of sub-national PCs at the same level.

In the implementation of laws, in most countries, the executive's role of making administrative regulations and rules under the authorisation of the legislature is very active. In the Chinese case, the executive usually formulates several corresponding normative documents, called 'administrative regulations and rules',⁹⁵ which could be classified into two types: first, there are those formulated in accordance with specific authorisation by laws and local regulations. For example, prior to 1998, it was frequently stated in the supplementary provisions of laws or local regulations, that "specific implementation rules of this law shall be formulated by certain administrative departments", or it was prescribed in the body of law that some specific measures of implementation should be formulated separately by government departments upon authorisation.

Second, in that administrative departments enjoy the right to formulate normative documents, albeit without specific authorisation by laws or local regulations, government departments still exercise a right to formulate corresponding legal documents. On the one hand, this makes laws and local regulations more operational; on the other hand, it provides actual explanations on application-related issues of provisions in laws or local regulations. In practice, the second category occurs more frequently, and it 'substitutes' the laws and regulations formulated by the PC system to some extent. It is difficult for the PC system to wield legally binding force in the stage of formulating administrative regulations and rules.

It can be seen that, since 1978, the PC system has developed a complex and effective range of legislative influence. This has increased the PC system's assertiveness, but has sometimes provoked reaction by the executive. The executive occasionally tried to take public policies out of the legislative system by drafting them as administrative regulations.⁹⁶ In the 1980s, in the beginning of the Reform and Opening, because of the emphasis on efficiency and flexibility, the NPC usually reluctantly empowered the State

⁹⁵ In China, the administrative regulations and rules comprise the administrative regulations made by the State Council, department rules made by the ministries of the State Council, and the local government rules made by the local governments.

⁹⁶ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". p. 60.

Council to enact many economic and administrative changes through administrative regulations.

According to Qiao Xiaoyang, vice chairman of the Law Committee of the 9th NPC and Deputy Director of the Legal Affairs Commission of the 9th NPCSC, the head drafter of the *Legislation Law*, the administrative regulations' attributes are two-fold: firstly, they are subordinate to laws and serve to implement laws; secondly, due to changing situations and new developments, in order to fill gaps left by laws, they need to innovate to some extent.⁹⁷ This means the State Council has a relatively high discretion. Additionally, according to the *Legislation Law*, the State Council is now free to enact administrative regulation on a limited set of matters: (1) matters requiring administrative regulations to implement legislative stipulations; (2) matters within the State Council's own jurisdiction as prescribed by Article 89 of the Constitution; (3) matters within the area of law that the NPC authorises the State Council to administer with executive regulations.

Moreover, Li's research indicates that, recently, administrative regulations have become a major component of China's public policy.⁹⁸ In reality, at the national level, a large number of 'administrative regulations and rules' enacted are made by the State Council without NPC consideration. The expansion of the policy-making power of the executive has been a driving force behind China's rapid economic growth but, at the same time, has also caused inconsistencies and conflicts between laws and administrative regulations.⁹⁹

In addition, owing to the large number of administrative regulations made by the executive in practice, there are cases where laws are inappropriately interpreted by the executive through administrative regulations. Therefore, the administrative regulations and rules made by the executive are likely to evolve into a segmentation of legislative power by the executive. This segmentation does show that the legislative's jurisdiction is transferred to the executive directly or indirectly.

5.3. Data analysis

In order to explore executive-legislative relations at both national and sub-national level in the post-legislative stage, I collected and compiled the number of laws made by the NPC, local regulations made by sub-national People's Congresses, administrative

⁹⁷ Jiang, *The National People's Congress of China*. p. 131.

⁹⁸ Lin Li, "Theory and Practice on Division of Legislative Powers (Guanyu Zhongguo Lifa Quanxian Huafen De Lilun Yu Shijian Wenti)", in *Theory and Practice on Legislative Institution and Legislation*, ed. Xiaomin Wang, (Beijing: Huaxia Publishing House, 2002). p. 84.

⁹⁹ Li, "The Law-Making Law: A Solution to the Problems in the Chinese Legislative System?". pp. 120-140.

regulations made by the State Council, rules of ministries made by the ministries of the State Council and local rules made by local governments from 1987 to 2010 (see table 15).

Table 15: *The number of laws, local regulations, administrative regulations, rules of ministries, and local government rules from 1987 to 2010.*

	1987	1988	1989	1990	1991	1992	1993	1994
Laws (the NPC)	13	24	11	20	16	17	34	20
Local Regulations (sub-national PCs)	176	261	314	336	281	311	300	802
Administrative Regulations (State Council)	76	45	43	45	32	27	49	40
Rules of ministries (State Council ministries)	645	769	755	555	453	386	302	580
Local Government rules	536	1472	1584	799	836	857	509	894
	1995	1996	1997	1998	1999	2000	2001	2002
Laws (the NPC)	24	22	23	20	24	16	25	28
Local Regulations (sub-national PCs)	866	918	1587	727	718	344	762	951
Administrative Regulations (State Council)	30	25	47	24	29	27	46	24
Rules of ministries (SC ministries)	450	316	346	272	333	135	235	230
Local Government Rules	854	659	831	766	771	367	694	736
	2003	2004	2005	2006	2007	2008	2009	2010
Laws (the NPC)	15	23	20	15	27	9	16	16
Local Regulations (sub-national PCs)	611	1145	796	723	662	437	633	745
Administrative Regulations (State Council)	28	32	22	29	30	30	22	19
Rules of ministries (SC ministries)	201	302	285	252	206	154	158	187
Local Government Rules	644	801	649	570	678	603	535	601

Collected and compiled by the author

Note: (1) the number of Local regulations from 2002 to 2008 includes the number of regulations on the exercise of autonomy and other separate regulations.¹⁰⁰ (2) The number of Local regulations from 2004 to 2008 includes the number of special economic zones regulations¹⁰¹

Source: (1) data about administrative regulations refer to the *Law Yearbook of China*, Beijing: Law Press (2) Date of Local Regulations, Rules of Departments (State Council departments), Local Government Rules, refer to Jingwen Zhu, “*Zhongguo Renmin Daxue Zhongguo Falv Fazhan Baogao 2010 (Renmin University of China Report on China Law Development 2010)*”, Beijing: Renmin University of China Press, 2010. pp. 249-250. (3) The data of laws (the NPC) is compiled from *Renmin University of China Report on China Law Development 2010*, pp. 132-139.

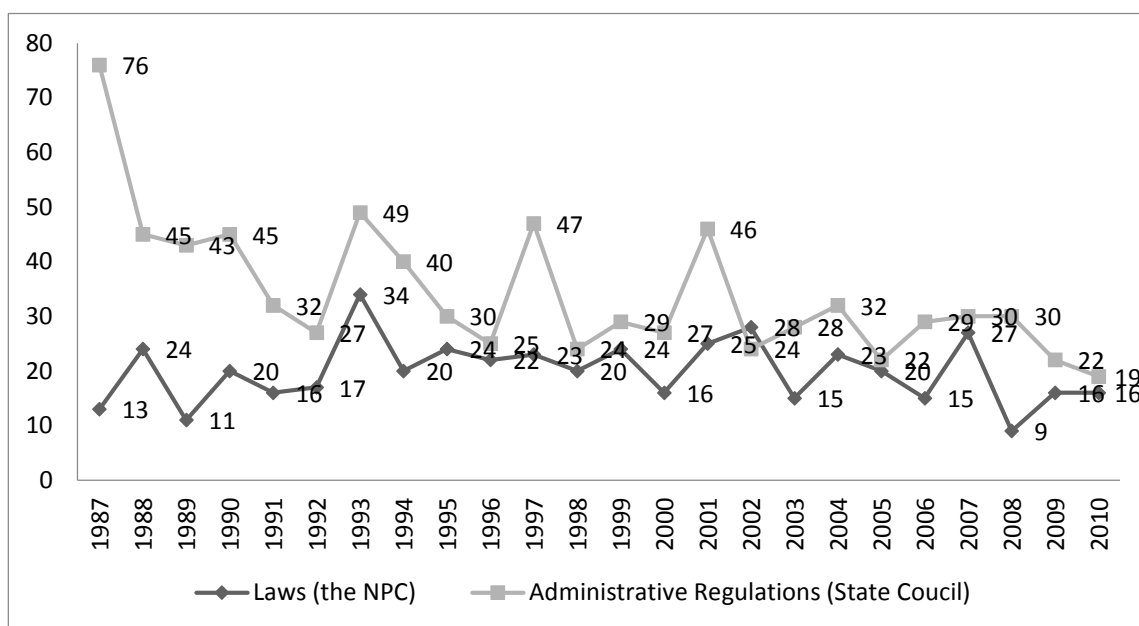


Figure made by author

Figure 23: The number of laws enacted by the NPC and administrative regulations made by the State Council

¹⁰⁰ See Article 116, the Constitution of the PRC: the People’s Congresses of national autonomous areas have the power to enact regulations on the exercise of autonomy and other separate regulations in the light of the political, economic and cultural characteristics of the nationality or nationalities in the areas concerned.

¹⁰¹ See Article 65, the Legislation Law: the People’s Congresses or their standing committees of the provinces and cities where special economic zones are located may, upon authorization by decision of the National People’s Congress, formulate regulations and enforce them within the limits of the special economic zone.

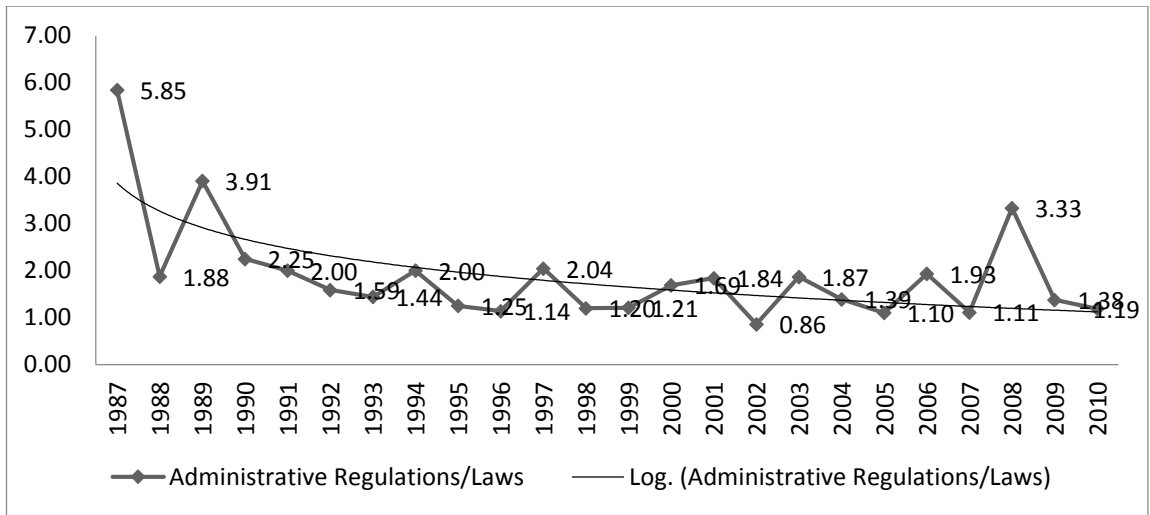


Figure made by author

Figure 24: The ratio of the administrative regulations enacted by the State Council to the laws enacted by the NPC

It can be seen in Figure 23 that, as mentioned previously, generally, the number of administrative regulations enacted by the State Council is higher than the number of laws enacted by the NPC. However, over time, obviously, the two lines are tending to overlap. Likewise, in Figure 24 the ratio of the administrative regulations enacted by the State Council to the laws enacted by the NPC is calculated. The trend line suggests that the ratio tends to 1. These two figures reflect that the NPC’s legislation outcome is getting as big as the State Council’s.

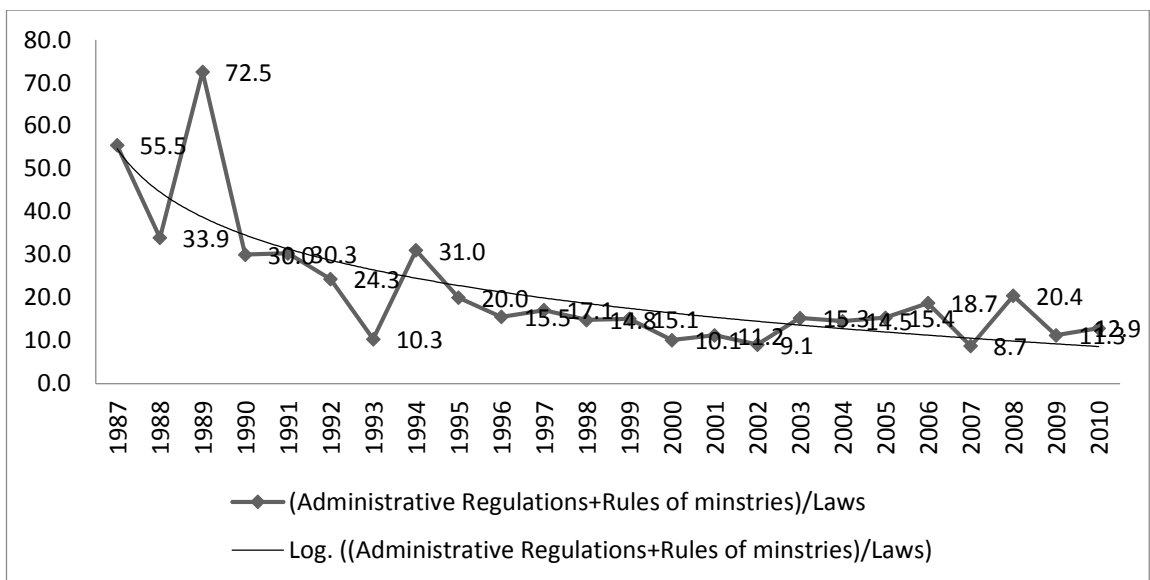


Figure made by author

Figure 25: The ratio of administrative regulations plus rules of ministries enacted by the executive at national level to laws enacted by the legislative at national level

If the rules of ministries in the executive’s quasi-legislations at the national level are counted, the number of executive quasi-legislations far exceeds the laws made by the NPC. However, as the trend line in Figure 25 shows, the ratio of administrative regulations plus rules of ministries enacted by the executive at national level to laws enacted by the legislative at national level has been declining over time. For instance, in 1988, the number of administrative regulations and rules made by the executive, which was 72.5 times the laws made by the NPC, reached the highest point. Since 1994, the ratio has been decreasing gradually. In 2007, the ratio decreased to the lowest point, only 8.7. This indicates that, in comparison with the executive, in terms of legislation-making, the NPC has been becoming more assertive.

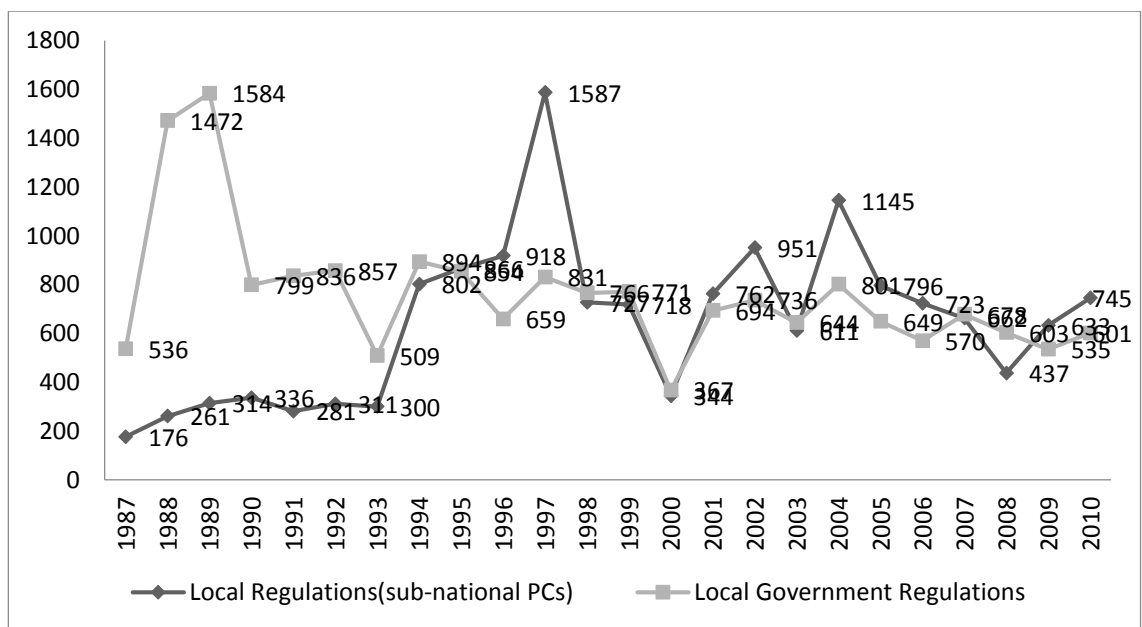


Figure made by author

Figure 26: The number of local government regulations enacted by the executive at sub-national level and local regulations enacted by the sub-national People’s Congress

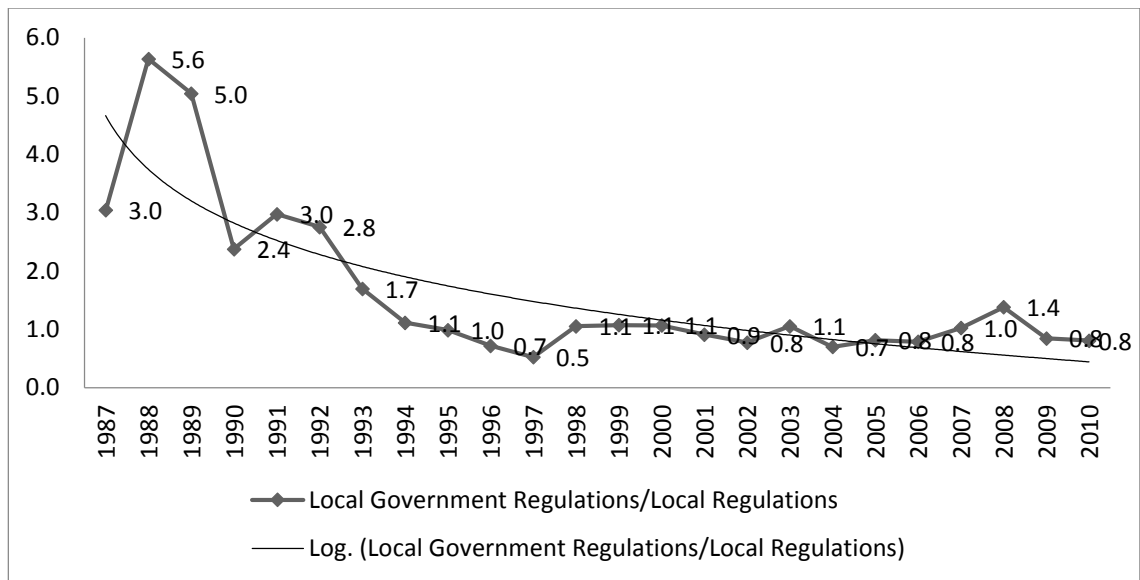


Figure made by author

Figure 27: The ratio of local government rules enacted by the local governments to local regulation enacted by the sub-national People’s Congresses

At the sub-national level, Figure 26 and Figure 27 demonstrate that, similarly, over time, the lines of the number of local government rules enacted by the executive at sub-national level and local regulations enacted by the sub-national PCs tend to overlap. The ratio of local government rules enacted by the local governments to local regulations enacted by the sub-national PCs is getting lower over time, even lower than 1. In 1987, the number of local government rules was 5.6 times as many as the number of local regulations. After 1991, the ratio of local government rules to local regulations fell from 3.0 to 0.5 in 1997. From time to time, the number of local regulations is higher than the local rules. It is observed that, at the sub-national level, in terms of the executive-legislative relations in legislation, the sub-national PCs show more assertiveness to the executive, compared with the NPC.

All in all, the graphs above show solid evidence to support the claim that the NPC does exert significant legislative power as opposed to the executive at both national and sub-national levels. According to data analysis and relevant research, it is not difficult to conclude that since the 1980s, the NPC has ensured that its legislative powers are not usurped and meanwhile, it has sought to extend the scope of law-making and to occupy a stable and effective position in the whole political system.

5.4. Discussion

First of all, from the analysis of statistics above, at the national level, on the average, administrative regulations and rules issued by the State Council and its ministries are 30

times more than the number of laws made by the NPC. Normally, after the NPC has promulgated laws, those regulations and rules provide the substantive basis for law implementation, as detailed or supplementary provisions to the relevant laws. As a result, the number of administrative regulations and rules exceeds that of the NPC's legislations. For a single law, it is very common for the executive to introduce dozens of administrative regulations or rules to the law's implementation.

As some scholars say, the promulgation of laws often means the beginning of a series of administrative regulations and rules being made. Under these circumstances, the State Council and its ministries have become the actual 'legislators.'¹⁰² In 1985, the then leader of the NPC, Peng Zhen, said in a discussion with the NPCSC member from Zhejiang Province, "Laws can only solve the fundamental problems, they should not involve the detailed issues. If so, it will be difficult to apply the laws to the whole country."¹⁰³ As a result, the making of detailed regulations and rules is usually assigned to the executive, which reflects the characteristics of making 'framework legislation' (*Kuangjiaxing Lifa*) in the NPC. China's administrative reform also tends to the path of 'policy oriented and law supported'. Therefore, judging by the number, this trend leads to the dominant status of the executive in law making.

On the other hand, the statistics and charts above demonstrate that, at the sub-national level, since the 8th NPC in 1993, there is little difference between the number of local regulations and the number of the local executive rules. Indeed in the nine years of 1996, 1997, 2001, 2002, 2004, 2005, 2006, 2009, 2010, the number of local regulations was greater than the number of the local rules. As for the main reasons for this situation, at the sub-national level, local regulations made by the sub-national PCs do not have the characteristics of 'framework legislation', like the legislation at national level. They can be very specific and detailed because they are made to suit the local circumstances. This crowds out the space of administrative rules to a large extent. It can be said that, at the sub-national level, the legislative and the executive are equal in quasi-legislation making. The sub-national PCs, as a part of PC system, show their autonomy by making as much quasi-legislation as their executive counterparts.

¹⁰² Li Han, "The Informal Rules in the Chinese Legislative Process (Zhongguo Lifa Guochengzhong De Feizhengshi Guizhe)", *Strategy and Management*, no. 5 (2001). p. 18.

¹⁰³ Junlun Xu, *On Local Legislation (Difang Lifa Lun)*, (Beijing: China Democracy and Law Press, 1997). p. 17.

Therefore, judged by number, the executive has dominated the post-legislative stage because at the national level, the number of administrative regulations and rules made by the executive is much larger than the number of laws made by the NPC. However, on the one hand, since 1993, if we focus on the number of administrative regulations made by the State Council, without considering the ministerial rules made by its ministries, then, the number of laws made by the NPC and administrative regulations made by the State Council are equal. Thus, similar to the executive-legislative relations in other legislative stages, in the post-legislative stage, although the executive continues to occupy a dominant position, the dominance is not overwhelming. From the perspective of the evolution of the PC system, apparently, we can see from the data and graphs above that, in the 1990s, compared with the administrative regulations and rules made by the executive, the PC system (NPC and sub-national PCs) had significantly increased the number of laws and local regulations. In the 2000s, the ratio of number of legislations/quasi-legislations made by the PC system compared to the executive tended to be stable. This means that ever since the 2000s, the evolution of the PC system has tended to be stable, after a great development in the 1990s.

In the end, according to Article 88 of the *Legislation Law*, the NPCSC has the power to annul any administrative regulations and rules that contradict the Constitution and laws, although this power has seldom been used by the NPCSC. That may not be much, but in these days of executive domination in most polities, it is at least something. Therefore, in terms of the post-legislative phase, we still can say the NPC has a significant influence.

All in all, on the basis of the data above, the NPC has shown its assertiveness forward the executive in each legislative stage. Executive-legislative relations in a specific legislative process will be seen in the following chapter on the case study of the amending of the *Budget Law*.

Chapter VII. A Decade of Amending the Budget Law: A Case Study

The budgetary process with both legislative and executive involvement is regarded as “one of the vital checks and balances of democracy.”¹ As a result, the budgetary process is often the cause of friction and cooperation between the legislative and the executive branches.² Normally, the legislative body plays an important role in the process despite the executive dominance over the budget. In most countries, the legislatures exert their influence over the budget through the budget amendment process. This capacity varies considerably among legislatures. The U.S. Congress, for example, possesses infinite budget amendment powers in the budget process. As a more recent example, the U.S. Congress did not pass the appropriation bills in 2013. This resulted in a partial federal government shutdown. Likewise, in China, the key factors in the budgetary process are the executive and the legislative branches. The *Budget Law of People’s Republic of China* promulgated in 1994, which is known as the ‘economic constitution’, is the first law on budget management. The importance of the budget makes the *Budget Law* crucial to the operation of government. The *Budget Law* can be significant for the NPC as it places the executive power under restraint, strengthens the functions of the NPC and is intended to improve public engagement.

With the development of the economy, the 1994 *Budget Law* had become increasingly flawed. Thus, the *Budget Law* and its amendment have gained great attention from scholars in China. Scholars have widely studied the shortcomings of the *Budget Law*, the challenges and the orientation of the amendment of this piece of legislation. A general consensus reached among scholars is that checks and balances of budgetary powers were insufficient.

Apart from the lack of supervision power from the NPC, the approach of budget adjustment, the way of review and approval and the distribution of powers among budgetary actors are regarded as inappropriate. Shi pointed out that the 1994 *Budget Law* was intended to enhance the government function of budgetary management and macroeconomic control and regulation. It overlooked the NPC’s supervision over the

¹ Support for Improved Governance and Management in Central and Eastern European Countries, "Anatomy of an Expenditure Budget", (Paris: OECD, 1997). Available online: <http://www1.worldbank.org/publicsector/pe/April2003Seminar/Course%20Readings/01.%20Overview/SIGMAPaper.pdf>. [Accessed on 2/2/2015].

² Whaley, "Strengthening Legislative Capacity in Legislative-Executive Relations". p. 15.

executive.³ Having studied the rights and obligations of the main actors in the budgetary process, Jiang regarded the divisions of powers and responsibilities among the public, the NPC and the executive as not clear. For example, there were no provisions stating the rights of the PCs' deputies in the budgetary process.⁴ In addition, the 1994 *Budget Law* left the government with too much power to readjust the budget and offered no punishment for improper budgeting behaviour.⁵

In terms of advice on the amendment of the *Budget Law*, many scholars argue that the key point of amendment of the *Budget Law* lies in the reconstruction of its value orientation. For instance, Gu argues that the budget should be changed from a tool of government management to one which manages the government. The goal of budget-making should change from serving the government to serving the people.⁶ It is generally believed that budget law should be public service-oriented. The public has the right to access budget information.⁷ Regarding the purposes of the amendment, a basic consensus among scholars is that they are to maximize the power of the NPC and the public's power of supervision over the budget.

Scholars also point out that a mechanism of 'checks and balances' of budgetary power should be established by enhancing the NPC's role and its supervision function in the budgetary process.⁸ It is advised to intensify the NPC's influence over the budgetary power of government and its departments. As a result, Zhang argues that the amendment of the *Budget Law* should allocate a leading role in the budgetary process to the NPC. He also suggests establishing a budget examination mechanism with public engagement.⁹ It is necessary to establish a budget information disclosure system and a public hearing

³ Zhengwen Shi, "Speed up the Amendment of the Budget Law to Establish the Modern Budgetary Management System (Jiakuai Yusuanfa Xiuding Jianli Xiandai Yusuan Guanli Zhidu)" *Beijing People's Congress*, no. 07 (2013): 29-31.

⁴ Hong Jiang and Jiaoxiu Wen, "Amendment of the Budget Law: Division of Obligation and Rights (Yusan Fa Xiuding: Quanli Yu Zhize Huafen)", *Journal of Shanghai University of Finance and Economics*, no. 01 (2010): 70-76.

⁵ Shaoying Chen, "Discussion on Several Budgetary Supervision Issues in the Amendment of the Budget Law: A Case Study of "Four Trillion" Investment (Yusuanfa Xiuding Zhong Ruogan Yusuan Jiandu Wenti Zhi Tantaoyi Siwanyi Touzi Wei Qierudian)", *Journal of Gansu Institute of Political Science and Law*, no. 05 (2012): 63-69.

⁶ Gongyun Gu, "The Idea of the Budget Law Needs to be Restored (Yusan Fa De Linian Xuyao Chongsu)" *Legal Science*, no. 11 (2011): 21-22.

⁷ Shi, "Speed up the Amendment of the Budget Law to Establish the Modern Budgetary Management System (Jiakuai Yusuanfa Xiuding Jianli Xiandai Yusuan Guanli Zhidu)" pp. 9-31.

⁸ Yongjun Wang, "Amendment of the China's Budget Law: Spirit, Concept and Core Proposition (Zhongguo Yusuan Fa De Xiuding: Jingshen, Linian He Hexin Mingti)" *Comparative Economic & Social Systems*, no. 02 (2009): 79-84.

⁹ Qianfan Zhang, "Amendment of the Budget Law Directly Concerns China's Reform Orientation (Yusan Fa Xiuding Zhiguan Zhongguo Gaige Fangxiang)," <http://www.legalweekly.cn/index.php/Index/article/id/582>. [Accessed 14/02/2015].

system to ensure openness and transparency. Moreover, some scholars suggest that the NPC should be delegated the power of revising the government budget”.¹⁰

In 2004, the amendment of the *Budget Law* was placed in the legislative planning of the NPC. After a decade, through three sessions of the 10th NPC, the amendment of the *Budget Law* was finally completed in 2014. By looking into the amendment process of the *Budget Law*, this chapter provides a case study of executive-legislative relations in the Chinese legislative process.

1. The winding course of the amendment of the *Budget Law*

The *Budget Law of the People's Republic of China* was passed by the second meeting of the 8th NPC on 22nd March 1994 and was implemented on 1st January 1995. However, with social and economic developments, shortcomings of the *Budget Law* were exposed. These problems made the *Budget Law* incapable of adjusting to the actual budget practices.¹¹ Rather than developing into the stage of ‘external political control’ at which control of the budget is intensified by legislative bodies, the focus of the 1994 *Budget Law* was to improve ‘internal administrative control’ so as to improve the efficient use of financial capital. Therefore, in today’s new political, economic and social background, the *Budget Law* had to be further revised. However, the amendment process was complicated.

As the basic law governing the budget in China, the *Budget Law* is therefore an important ‘economic Constitution’. It is significant because of its great influence on national politics, economy and people’s life. However, due to the interwoven relationships between different parties, the amendment progressed slowly—during the past decade from its launch in 2004 to the promulgation of the amendment in 2014. Working groups were established twice and the amendments went through four deliberations and were subjected to public opinions. The following table presents this amendment process in six stages (See Table 16):

¹⁰ Yu Cai, "Constitutional Thinking on Improving the Budgetary Power of the People's Congresses (Dui Wanshan Renda Yusuan Quan De Xianzheng Shikao)", *People's Congress Studying*, no. 02 (2012): 9-11.

¹¹ Jianwen Liu and Wei Xiong, "The Development and Improvement of the China's Budget Law (Zhongguo Yusuan Fa De Fazhan Yu Wanshang Zhouyi)", *Administrative Law Review*, no. 04 (2001): 6-12.

Table 16: Chronicle of events of the Budget Law Amendment

Event	Dominant actor	Planned Date	Actual Date	Result	Note
First Draft	The NPC		2004	Strong opposition of the executive	The executive considered the first draft to be in favour of the NPC
Second Draft	The NPC and the Executive drafts reviewed		2008	They fail to achieve agreement	The drafts made by the NPC and the executive were too divergent to combine
Third Draft	The executive		2010.7	Ready for submission to the NPC for deliberation	The executive took a lead in drafting the amendment.
First Deliberation	The executive	2010.8	2012.2	One year extension. The draft undisclosed	The differences among government departments cause the extension.
Second Deliberation	The executive		2012.6	The draft disclose for public opinion.	It was criticised by the public and scholars for being in favour of the executive.
Third Deliberation	The NPC	2013.8	2014.4	Extension due to controversy of draft for second deliberation.	The draft was modified substantially to constrain the executive power on budget.
Fourth deliberation	The NPC		2014.8	Passed	Compared with the draft for the third deliberation, the content of the draft for fourth deliberation resulted in a few changes.

Table made by author

1.1. The first draft: ‘Abortion’ of the first draft due to substantial divergence

In 2004, the NPC’s working group on the amendment of the *Budget Law* was established. Since then, the amendment has been formally listed in the NPC’s legislative planning. Although the amendment got extensive attention, it was difficult to obtain very detailed information from research and discussions on the amendment because the drafting processes were all kept confidential. In the light of the limited resources, the author can infer that during the 10th session of the NPC, the first draft of the *Budget Law* amendment, which was mainly led by the Financial and Economic Committee of the NPC, was scheduled to be submitted to the NPCSC for deliberation in October 2006. The first draft, which was mainly drafted and led by the NPC, was an imitation of many democratic countries’ experiences in budgetary institution. In its emphasis on the importance of supervision of the government budget, the draft was regarded as very close to the spirit of modern democratic politics.¹ However, the relevant government ministries thought the amendment imposed too much control and supervision on the executive and due to the strong opposition from the Ministry of Finance, the first draft was eventually abandoned.²

1.2. The second draft: Fruitless termination

In 2008, in the 11th NPC, a working group for the amendment was established again. The head of the working group was the director of the Budgetary Affairs Commission of the NPCSC and the deputy head was the deputy minister of the Ministry of Finance. This time, considering the failure of the previous amendment led by the NPC, two drafting groups were organised respectively by the Financial and Economic Affairs Committee of the NPC and the Ministry of Finance, with the hope of producing a more appropriate proposal. However, from the amendment proposals made by the two working groups, it could be seen that their legislative orientations were completely different and uncoordinated. As a result, the second draft did not go through to the next step of the legislative process.

¹ Zhengwen Shi, the director of the fiscal and taxation law research centre in China University of Political Science and Law, said in interview with the *Southern Weekend*, Available online: <http://www.infzm.com/content/93784> [Accessed 20/02/2015].

² Citing the interview of Sen Wei, a professor at the School of Economics of Fudan University with the *Southern Weekend*, Available online: <http://www.infzm.com/content/93784>. [Accessed 20/02/2015].

1.3. The third draft: the dominance of the executive

In 2009, under the joint leadership of the Budgetary Affairs Commission of the NPCSC and the Ministry of Finance, 15 government departments including the National Development and Reform Commission, the Audit Administration and the Central Bank and so on, made up a working group on the amendment of the *Budget Law* once again. The head of the working group was Gao Qiang, the then director of the Budgetary Affairs Commission of the NPCSC, and one who had long been serving in the financial system. The deputy head was Liao Xiaojun, the then deputy minister of the Ministry of Finance. Having set up a new working group, they gave up the second draft and decided to restart the amendment from the beginning. At that time, the Ministry of Finance was already the dominant player in the amendment. The 2009 working report concluded by the Law Department of the Ministry of Finance stated “the amendment of the *Budget Law* has gained important achievement”. According to the working report, the Ministry of Finance put forward 21 draft proposals successively in that year. Xie Xuren, the then minister of the Ministry of Finance, deputy minister Liao Xiaojun and assistant minister Liu Hongwei coordinated and communicated with the Budgetary Affairs Commission of the NPCSC for the amendment. By the beginning of 2010, on the basis of more than 30 draft proposals advised by the Ministry of Finance, the third draft of the *Budget Law Amendment* was adopted and accepted by all parties.³

1.4. The first deliberation: bill undisclosed

The third draft of the *Budget Law* amendment was submitted to the Legal Affairs Office of the State Council by the Ministry of Finance. The whole process from drafting the amendment to the deliberation was conducted in a confidential way. Not only did the public have no access to the content of the amendment bill, but also scholars in the field of budget law study were unable to join the discussion on the amendment.

According to the legislative plan made by the NPCSC in 2010, before putting the amendment to the vote in March 2011, the bill should have been sent for deliberation in August 2010, and should have gone through the second and third deliberations in October and December respectively. According to the Finance Magazine (*Caijing*), as required by the State Council in August 2010, the *Budget Law Amendment (draft)* should have been deliberated and approved by the standing committee of the State Council first before

³See the Southern Weekend, "Three Sessions of the National People's Congress, One Decade of the Amendment, the Budget Law Tests China (Sanjie Renda, Shinian Xiufa, Yusuan Fa Kaoyan Zhongguo)", Available online: <http://www.infzm.com/content/93784>. [Accessed on 22/03/2015].

being submitted to the NPCSC for deliberation. The State Council also had to solicit opinions within its departments. Therefore, the first deliberation was postponed, followed by more than one year of ‘review’ within the State Council.⁴ By that time, ‘trans-department divergence’ had become one of the main sources of opposition. The disagreement was due to the divergence on the right of treasury management between the Central Bank and the Ministry of Finance. The two sides strived for their rights by making written statements so that the Legislative Affairs Office of the State Council had no choice but to mediate between them.

In 2011, the Legislative Affairs Office of the State Council met with relevant departments to further amend the draft. It was not until the end of 2011 that the draft was discussed and approved by the 181st Standing Committee of the State Council, which was hosted by the then premier Wen Jiabao. Xie Xuren, the then minister of the Ministry of Finance initiated the *Budget Law Amendment* bill to the NPCSC on behalf of the State Council and the Ministry of Finance. Not long after that, although the bill was still inaccessible to the public, it was submitted to the NPCSC for the first deliberation in November 2011. In February 2012, the 24th meeting of 11th NPCSC made the first deliberation. After the meeting, the Legislative Affairs Commission of the NPCSC printed out the bill and distributed it across provinces (regions, municipalities), as well as relevant departments for soliciting advice. Based on the opinions solicited from various parties, a second draft was produced for the second deliberation.

1.5. The second deliberation: huge controversy

On 26th June 2012, the 27th meeting of the 11th NPCSC started the second deliberation. In the deliberation, the NPCSC members found that, compared to the first draft, the second draft only had slight changes. It did not reflect the ways in which the NPC had improved its power of budgetary supervision. In addition, there were many controversies in budget making, transfer payment, local debts and so on.⁵ Considering the ambiguity of the content of the bill, many articles were not specific and were unworkable. Powers of examination, approval and supervision which should pertain to the NPC and the NPCSC were delegated to the government in various ways through those articles. Special financial accounts were authorised to the Ministry of Finance. Extra-budgetary revenues were only

⁴ Ibid.

⁵ Ibid.

required to be declared rather than being subject to the NPC's examination and approval. It is not difficult to see the executive still played a dominant role in the drafting process.

It was only on the 6th July 2012, which was one week after the second deliberation by the NPCSC, that the Law Committee of the NPCSC disclosed the second deliberation draft on the NPC's official website in order to solicit opinions from the public. There was no news conference and media coverage of this event. The Law Committee only put the amended articles on the website and scheduled to close the section on 5th August. However, owing to the calling of many scholars, comments from the public about the second deliberation draft reached 330,960.⁶ The number of opinions received was unprecedented. Scholars generally regarded the second deliberation of the *Budget Law* as more like a government work rule in which trans-department interests in the financial system were reflected to a great extent.

The author of this thesis also notes that in the disclosed draft, instead of the power of the executive being limited by the NPC, the power of government over the budget was enhanced, especially with regard to the budgetary power of the Ministry of Finance. The provisions on the management of the National Treasury by the People's Bank were removed. These factors aroused controversy. According to the statistics, there were as many as 15 provisions giving authority to the State Council in the draft for the second deliberation, expressed explicitly in such words as "shall be provisioned by the State Council separately." Besides, the legislative purposes set out in the first article of the amendment bill, were almost the same as the *Administrative Regulation on the National Budget Management* enacted by the State Council. The amendment has led to increased power of influence of the executive. In contrast, provisions on examination and supervision of the budget by the NPC and the NPCSC were very simplified and abstract. Provisions on the public's rights to information, supervision and participation on government budget did not exist. Zhu's finding in his research on the draft for the second deliberation of the *Budget Law* led him to state, "This is such a great shame."⁷

Therefore, the third deliberation draft of the amendment of the *Budget Law* attracted great attention from the public. It did not come into being and was not put on the meeting's

⁶ Caixin, "The Amendment of the Budget Law Received over 330,000 Opinions and Comments Online (Yusuanfa Xiuding Wangshang Zhengde Yijian Chao 33wan Tiao)", Available online: <http://m.economy.caixin.com/m/2012-08-06/100419872.html>. [Accessed on 14/3/2015].

⁷ Lei Chen, "Amendment of the Budget Law 'Not Very Easy' (Yusuan Fa Daxiu 'Bushu Hen Rongyi')", Available online: <http://www.legalweekly.cn/index.php/Index/article/id/4620>. [Accessed on 15/3/2015].

agenda at the 30th meeting of the 11th NPCSC, which was held in December 2012. Later on, due to disagreements among various parties on the draft of the amendment of the *Budget Law*, the one that was prepared for the third deliberation was not included at the 11th NPCSC meetings. The third deliberation draft was postponed and the work on amendment had no other option but to transfer it to the next NPC session.

1.6. The third and fourth deliberations: Completion of the amendment

On 25th February 2014, the 7th meeting of the 12th NPCSC was held in Beijing. However, deliberation on the amendment of the *Budget Law* was still not on the meeting's agenda and there were only four months left to the two year 'anniversary' of the last deliberation on the *Budget Law* amendment by the NPCSC.⁸ According to the *Legislation Law*, bills for the NPCSC deliberation should be terminated if they failed to progress for deliberation due to significant disagreement for two years, or if they were not subject to vote within two years due to having failed to be placed again on the agenda of a meeting of the NPCSC for deliberation.⁹

It was only at the 8th meeting of the 12th NPCSC on 21st April 2014 that the *Budget Law* amendment draft was submitted to the 12th NPCSC for the third deliberation. It was the last NPCSC meeting before the imminent 'two-year deadline' from the last deliberation. A big change between the second and the third deliberation was the commencement of the third plenary session of the 18th Central Committee of the CCP. During the meeting, important and meaningful guidance on how to structure a comprehensive reform was issued. Shi pointed out that "Compared to the draft for the second deliberation, the draft for the third deliberation has made significant changes. This was achieved due to the clear guidance of the CCP; the third deliberation draft widely absorbed and implemented the provisions on the reform of fiscal and tax system, as set out in the third plenary session of the 18th central committee of the CCP."¹⁰

In addition, it is worth mentioning that in the third plenary session of the 8th Central Committee of the CCP, the Party made efforts to facilitate the institutional innovation of the PC system both in theory and practice.¹¹ An interviewee pointed out that it was the

⁸ Ibid.

⁹ See Article 39, the Legislation Law.

¹⁰ "New Budget Law Published This Week, Budget Approval May Have Concrete Institutional Arrangement (Xin Yusuan Fa Youwang Benzhou Chutai, Yusuan Shenpi Deng Huoyou Juti Zhidu Anpai)", *Economic Information Daily* 2014. Available online: http://news.xinhuanet.com/fortune/2014-08/25/c_1112205513.htm. [Accessed 30/03/2015].

¹¹ Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform, Available online:

first time that a Party's manifesto mentioned explicitly the institutional development of the PC system.¹² It can be seen as a signal that the Party may push some policies which are in favour of the NPC. Meanwhile, significant changes in the draft for the third deliberation, which are all beneficial to the NPC, happened just after the third plenary session of the CCP. The linkage between these two occasions cannot be ignored.

Xiong revealed that on the 11th and 12th August 2014, the Legislative Affairs Commission of the NPCSC had convened scholars to solicit opinions on the fourth deliberation draft of the amendment of the *Budget Law*.¹³ Liu stated that after three revisions of the previous three deliberation drafts, significant progress had been made in the amendment of the *Budget Law*. This progress covered areas such as aspects of legislative purposes, budget transparency and permission for issuing local debts. He said, "The draft for the third deliberation is relatively a mature one."¹⁴ Therefore, there would be little room for improvement in the fourth deliberation draft. On 24th August 2014, the *Budget Law* amendment draft entered into its fourth deliberation of the NPCSC. Compared with the draft for the third deliberation, no big changes had been made to the draft for the fourth deliberation.

The amendment bill was only deliberated in the first three submissions to the NPCSC. It was at the fourth deliberation that the *Budget Law* Amendment bill was put to the vote after deliberation. According to the *Economic Information Daily*, the NPCSC had half a day to make arrangements for the deliberation on the *Budget Law Amendment* bill. 160 members of the NPCSC were divided into six groups. Each group was to form its own opinion in their discussions and deliberation. These six groups conducted the deliberation simultaneously. The NPCSC members voted on 31st August¹⁵, leading to the *Budget Law Amendment* bill being endorsed at the 10th meeting of the 12th NPCSC. The amended *Budget Law* was planned to be implemented on the 1st January 2015. The passed bill kept the key tone of the first draft, proposed by the NPC, which accentuated the latter's

http://news.xinhuanet.com/politics/2013-11/15/c_118164235.htm [Accessed on 3/04/2015].

¹² Interview, 06/03/2014.

¹³ "Fourth Deliberation for the New Budget Law, through One Decade of Three Session of the National People's Congress (Xin Yusuanfa Jinying "Sishen" Shinian Shijian Sanjie Renda Jingshou)", Tencent Finance and Economics, Available online: <http://finance.qq.com/a/20140825/017656.htm>. [Accessed 15/03/2015].

¹⁴ Jing Zhao, "New Budget Law Will Be Promulgated This Week. It Goes for Fourth Deliberation after Ten Years' Amendment (Xin Yusuan Fa Youwang Benzhou Chutai Shinian Nanchan Zongying Sishen)", *Economic Information Daily*, 25/08/2014. Available online: <http://finance.sina.com.cn/china/20140825/014320104526.shtml>. [Accessed 25/03/2015].

¹⁵ Ibid.

constraint and supervision on government budget, as well as enhancing the NPC's power of supervising the executive.

The budget is not only a fiscal issue, but also a political one. The winding course, the controversies and the postponement of the amendment of the *Budget Law* reflect the complexity of executive-legislative relations in the Chinese legislative process. Subsequently, by analysing the legislative process and drafts content, the author will explore the executive-legislative relations in the legislative process of the *Budget Law* amendment.

2. Legislative process: the scramble for legislative power between the NPC and the executive

The budget has been known as a 'moneybag' and the power of controlling this moneybag is at the core of political power. The framework of the power structure in China's budget is mainly underpinned by the distribution of budgetary power between the NPC and the executive. As a representative institution, the NPC should display the representation function by engaging citizens with the budget-making process. In the following, on the basis of the *Budget Law* amendment case, executive-legislative relations in the two legislative stages of drafting and deliberation will be examined.

2.1. Executive-legislative relations in drafting

The core issue of the amendment of the *Budget Law* is who should lead in drafting. Will it be the NPC or the executive? Initially the drafting of the amendment of the *Budget Law* was led by the Budgetary Affairs Commission of the NPCSC. Relevant departments of the NPC and the State Council participated in the first drafting of the amendment bill. The amendment draft led by the NPC was very close to the spirit of the modern democratic politics by emphasising the constraint and supervision of government budget. However, it faced strong opposition from the Ministry of Finance and was aborted at the end as the executive perceived the proposed constraint was too great.

The fundamental reason why the work on the amendment, which was launched in 2004, came to a standstill after its first draft, was the disagreement between the NPC and the executive on who should be the core actor in the budgetary process. In particular, the conflict was over the provisions on 'whether the NPC has the right to make the amendment to the budget', 'how to define budget adjustment' and 'the boundary of the scope of budgetary management of the State Council'.

In 2008, the *Budget Law* amendment draft attempted to combine the drafts proposed by the Financial and Economic Affairs Committee of the NPC and the Ministry of Finance respectively. The second draft also failed, due to fundamental disagreements between the two sides, as the NPC tended to limit the budgetary power of the Ministry of Finance while the Department of Finance was inclined to relax restrictions on its budgetary power. Until 2010 the Ministry of Finance took the lead in drafting the amendment. As a result, the formulated bill submitted to the NPC for deliberation was clearly in favour of the executive.

The drafting process from 2004 to 2010 led to a gradual transfer of power from the NPC to the executive. The findings were identical with the conclusion from the previous chapters, which is that in terms of legislation, from 2003 to 2013, the NPC came to a slightly declined stage during the 10th and 11th NPC sessions. The NPC failed to take the leading position and took a subordinate status in the drafting process of the amendment of the *Budget Law*.

2.2. Executive-legislative relations in deliberation

The deliberation on the amendment was postponed twice during the whole process. The first deliberation, which was scheduled to be conducted in August 2010, was postponed to June 2012 due to the scrambling on the management rights to National Treasury within the executive (between the Central Bank and the Ministry of Finance). This was because the draft for the first deliberation was dominated by the executive, which highlighted the divergences between government ministries. As a matter of fact, in the State Council, there is some overlapping of jurisdiction among ministries. In the case of the bills drafted by the executive, inside the executive, various ministries seek to protect their own benefits. Thus, sometimes the legislative process becomes a battle for benefit among ministries. As a retired official of the NPCSC claims, when the compromise on a bill cannot be achieved or there are still serious divergences between the ministries, those bills would be postponed for deliberation, or even returned by the NPCSC to the OLA for re-negotiation.¹⁶

The second postponement happened when the NPCSC published the draft for the second deliberation to the public in order to solicit opinions, after the NPCSC's second deliberation. The draft for the second deliberation caused great controversy among the

¹⁶ Tan, "Urgently Need Legislative Reform after the Third Plenary Session of the CCP (Sanzhong Quanhui Hou Jidai Lifa Gaige)". [Accessed on 8/7/2014].

public and among scholars. An unprecedented 330,960 comments were received. As a result, the NPC postponed the third deliberation for almost two years and nearly abrogated the bill because of the imminent 'two-year deadline' for postponing the deliberation.

The second delay can be seen as an obstruction tactics employed by the NPC to resist the *Budget Law* Amendment bill, which was made mainly by the executive. The NPC deferred the battle into the indefinite future by employing legislative instruments, such as publishing the bill for public opinion and delaying deliberation to obstruct the bill, in the hope that the political climate may become inhospitable to it. As we know, in China's reform era, the NPC knew that delaying can often be tantamount to victory. In numerous previous cases, the NPC had insisted on delaying a controversial bill until "all social conditions are ripe," or until a "relatively perfect" draft had been worked out.¹⁷

Events show that the obstruction tactic by the NPC was successful and it finally had its policy windows opened.¹⁸ The newly designated CCP leadership had made specific comments on budgetary reform in the Third Plenary Session of the 18th Central Committee of the CCP. They emphasised the importance of government budget transparency, the NPC's supervision of the government budget and public participation in budget making. By taking such a policy advantage, the NPC revised the amendment bill fundamentally by following the CCP's manifesto, and finally enabled the bill to pass, by which the power of the executive could be constrained. If the NPC had not obstructed the bill successfully and it had continued to submit for deliberation in 2010, according to the original 2010 legislative plan, and for vote in March 2011, the *Budget Law* amendment would probably have been inclined towards the executive.

It can be said that the amendment process of the *Budget Law* is a reflection of the political rivalry between the NPC and the executive. On paper, the distribution of power between the NPC and the executive is as follows: the NPC is the organ of supreme power while the executive is the implementation organ. As a representative and legislative organ, the NPC should have power to amend laws according to the public opinions and supervise government budget making and implementation. By contrast, government as the executive organ does not have any right to prevent the NPC from amending the *Budget Law*.

¹⁷ Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". pp. 58-59.

¹⁸ See the "streams model" from John W. Kingdon, *Agendas, Alternatives, and Public Policies*, (Boston: Little, Brown, 1984). Chapter 8.

However, in fact, the structural disadvantages of the NPC affect its status in the executive-legislative relations in the legislative process. First of all, the PC deputies are not mandated by the public, as they are elected indirectly. As a result, they are lacking serious momentum in supervising the budgetary decisions on behalf of the electorates. Secondly, most PC deputies are part-time and their expertise in budget deliberation is insufficient. In addition, there are too many government officials among the PC deputies, which means the government officials would supervise themselves on the budget. The supervision is very weak. Thirdly, except for the Budgetary Affairs Commission under the NPCSC, the PCs at various levels do not have their own budgetary committees. Fourthly, the meeting sessions of the NPC are brief and do not allow enough time to examine any budgetary details thoroughly. At the sub-national level, some budget proposals just give brief outlines. Thus the PC deputies could not examine the substantive details of the budget. Fifthly, instead of a vote on each specific article in the budget, deputies can only vote on the overall budget plan put forward by the government. In other words, rather than vetoing or passing each article, the NPC can only choose either to pass the whole budget without any discontent or veto it. The result is self-evident: the PC system cannot achieve targeted results by only passing the entire government budget. The structural limitations of the PC system also result in a mismatch of legislative and administrative powers, and seriously restrain the PC system's power on budgetary processes at various levels.

In addition, most of the staff, especially leaders in the NPCSC and its committees, have long been serving in the Ministry of Finance and have interwoven relations with the Ministry of Finance. As a result of these, the executive was able to usurp a dominant position in the drafting of the *Budget Law* and even in the deliberation. However, with the development of professionalism and institutionalisation of the PC system, the system gradually became capable of resisting the bill through employing legislative instruments, such as obstruction tactics.

2.3. The impact of the CCP on the amendment of the *Budget Law*

As mentioned above, there was almost a two-year gap between the second and the third deliberation of the amendment of the *Budget Law*. This could be perceived as the NPC waiting intentionally for some favourable changes on budget system reform to be raised in the Third Plenary Session of the 18th Central Committee of the CCP in November 2013 before pushing forward the amendment. At the Third Plenary Session of the 18th Central Committee of the CCP on 15th November, a resolution named *Decision of the*

Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform (hereinafter *The Decision on Deepening Reform*) was announced. The decision involved many issues related to the budget system reform. These issues included: (1) implementing comprehensive regulations, as well as an open and transparent budget institutions; (2) changing the main task of budget from making a balance between the revenues and expenditures to support the comprehensiveness of budget; (3) establishing a budget balance mechanism that extended beyond the calendar year.

In addition, the *Decision on Deepening the Reform* not only included relevant provisions in budget management but also certain provisions on improving the NPC's legislation, supervision and representation functions: "... push forward the PC system to keep pace with the times".¹⁹ It aimed at "improving China's socialist legal system with Chinese characteristics, enhancing the mechanism for legislation, drafting, demonstration, negotiation and deliberation in order to improve the quality of legislation and prevent local protectionism and departmentalism... developing the system in which 'one government (State Council), two courts (the Supreme People's Court and the Supreme People's Procuratorate)' is appointed by the NPC, and is subject to and supervised by the NPC... improving the NPC's decision-making system on major issues related to the governments at various levels. Before an important policy is enacted, it is needed to report to the PCs at the same level. This is to enhance the NPC's power of examination and supervision on budget, final accounts and the function of supervising national assets..."²⁰

At the same time, the decision also states that the NPC should improve public participation in the legislative process: "...to intensify communication between the NPCSC and the NPC deputies... to improve the connections between PC deputies and the people... to expand ways of public participation in the legislative process in an orderly manner through public hearings, assessments, publication of the draft bill... to engage with the public positively through inquiries, questionnaire, investigations of specific issues and recording reviews."²¹

¹⁹ Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform, Available online: http://news.xinhuanet.com/politics/2013-11/15/c_118164235.htm [Accessed on 3/04/2015].

²⁰ Decision of the Central Committee of the Communist Party of China on Some Major Issues Concerning Comprehensively Deepening the Reform, Available online: http://news.xinhuanet.com/politics/2013-11/15/c_118164235.htm [Accessed on 3/04/2015].

²¹ Ibid.

During an interview, Gao Qiang, the former director of the Budgetary Affairs Commission of the NPCSC said that the major task was how to include stipulations about the direction and principles of budget management in *The Decision on Deepening the Reform* in the *Budget Law* amendment. At the end of 2013, an official from the Budgetary Affairs Commission of the NPCSC told the media that on the basis of the previous public opinions solicited and the *Decision on Deepening the Reform*, the Legislative Affairs Commission of the NPCSC was speeding up the revision on the *Budget Law Amendment* draft and would submit it to the NPCSC for deliberation at an appropriate time. Subsequently, words like ‘enriching and improving information disclosed’ and ‘clarifying timetable of disclosure’ were included in the third deliberation draft of the *Amendment of the Budget Law*.²²

During the final group discussion of the NPCSC at the end of August 2014, Yin Zhongqing, the deputy director of the NPC Financial and Economic Committee made three remarks to describe the amendment of the *Budget Law*: “It reflects the guiding principles and governing spirit of the 18th National Congress of the CCP and the third plenary session of the 18th CCP Central Committee. It coordinates with the overall reform plan of the fiscal and taxation system that was just approved by the CCP central.”²³ All the discourses above reflect the significant impact of the Party’s manifesto onto the legislative process. Even the NPC staff did not avoid mentioning the leadership of the CCP’s manifesto. Especially, for key legislation, like the *Budget Law*, the CCP’s manifesto has a great influence on executive-legislative relations in the legislative process.

3. Analysis of the content of the bills

In this part, the bill drafts for the second deliberation led by the executive and the final bill, which was dominated by the NPC will be compared. The aim is to find the principal contradictions in executive-legislative relations in the legislative process.

3.1. The bill for second deliberation drafted predominantly by the executive

The executive took the lead in drafting the bill for second deliberation. Thus, the bill was clearly in favour of the executive. The key points of the bill for second deliberation can be summarised as follows:

²² "Amendment of the Budget Law: People in Charge of Moneybag No Longer Unreachable (Yusuan Fa Xiugai: Renin Zhangguan Qiandaizi Yuanwang Buzai Yaobukeji)", *The Procuratorate Daily*, 01/09/2014, Available online: <http://finance.sina.com.cn/china/20140901/075720176137.shtml>. [Accessed 13/3/2015].

²³ Ibid.

(1) It weakened the NPC's power of supervising, examining and approving the government budget. The bill for the second deliberation was a void of the NPC's function of supervising, examining and approving the fiscal revenues and expenditures of the executive. In recent years, the general direction of China's fiscal system reform has been to improve the NPC's power of supervising, examining and approving the budget, which means the fiscal power of the Ministry of Finance is constrained and supervised by the NPC. However, instead of improving the NPC's function of supervision, the bill for the second deliberation made the function more vague and ineffective. In particular, provisions in the bill that certain matters should be 'approved' by the NPC were changed to read that they should be 'deliberated' by the NPC, and provisions on matters being 'deliberated' by the NPC were changed to 'commented on' by the NPC. Specific provisions delegated powers to the State Council and relevant departments to make administrative regulations and rules. In such a manner, the status of the NPC was further weakened, and its powers of supervision, examination and approval were further reduced. In addition, the NPC was authorised in the draft only to examine the government budget and its implementation once a year (at the end of each year) as stipulated. In contrast, in the past, examinations on budget implementation were conducted twice a year (once every six months) by the NPC. Therefore, in this draft for the second deliberation, the power of the NPC was to a great extent weakened.

(2) The executive's legislative authorisation is controversial. The legislative authorisation is stipulated in the following articles of the bill: in Article 7, "concrete measures in disclosing information regarding budget, budget adjustment and final accounts shall be stipulated by the State Council", and "the carry-over and budget balance from last year of various departments and institutions shall refer to the stipulations made by the financial department of the State Council."²⁴ In Articles 25 and 91, "budget for government-managed funds, state-owned assets, and social security shall be implemented in accordance with stipulations of the State Council."²⁵ In Article 54, "concrete measures in managing the national treasury shall be stipulated by the State Council."²⁶ Finally in Article 12, "the specific measures on fiscal management of the tax distribution system between central and local governments shall be stipulated by the State Council."²⁷ The major problem with this draft bill was that there were too many legislative authorisations.

²⁴ Article 7, the Bill Draft of the Budget Law Amendment for Second Deliberation.

²⁵ Articles 25 and 91, the Bill Draft of the Budget Law Amendment for Second Deliberation.

²⁶ Article 54, the Bill Draft of the Budget Law Amendment for Second Deliberation.

²⁷ Article 12, the Bill Draft of the Budget Law Amendment for Second Deliberation.

This weakened the NPC's legislative power and transferred it to the executive. Furthermore, at sub-national level, the fiscal management system was stipulated by local governments and they were to report only to the PCs at their respective level for the record. These provisions delegated most power on the budget to the executive.

(3) Representation is the fundamental function of the NPC. The NPC should be a political arena for the public to express their opinions. Article 11 of the bill for the second deliberation stated, "Except for information regarding the state's secrets, budget and budget adjustment approved by the PC at the same level shall be made available to the public in time. Financial departments at various levels shall be responsible for their respective governments' information disclosure regarding overall government budget, budget adjustment and final accounts... Specific measures on disclosing information of budget, budget adjustment and final accounts shall be stipulated by the State Council."²⁸ Evidently, such stipulations are too vague. Regarding the extent of disclosure, which parts should be disclosed and what measures to take if no disclosure remains within the discretion of the executive. Many scholars criticised the draft after it was made available to the public. For example, Li argues, "Government spends the money made by the public. Therefore, the public should have rights to regulate how the money is spent."²⁹

Besides, in the process of the amendment of the *Budget Law*, before the NPC publicly solicited opinions for the second deliberation, the public and media participation was very low. The methods of participation were quite limited as well, as there were only a few external scholars invited to participate in the drafting. Public rights to information and supervision could not be guaranteed.

On reviewing the process of publicly soliciting opinions on the *Budget Law* amendment draft, on the 6th July 2012, the NPCSC published the amendment draft on its website to solicit opinions from the public until 5th August 2012. This silent action did not attract much attention at the beginning. According to Wei, "Officials kept a low-key attitude towards the amendment and the response from the public was cold. The public seemed to have lost interest in the amendment of the *Budget Law*, which was critical to China's future economic and social development."³⁰ However, after frequent appeals from

²⁸ Article 11, the Bill Draft of the Budget Law Amendment for Second Deliberation.

²⁹ Weiguang Li, "The Thoughts of the Amendment of the Budget Law (Yusuan Fa Xiuding De Sixiang Diyun)", Available online: <http://www.aisixiang.com/data/20260.html>. [Accessed on 10/04/2015].

³⁰ Sen Wei, "How Could the Amendment of the Budget Law Be Done in Silence? (Yusanfa Xiuding Zenneng Jingqiaoqiao)", Available online: <http://financial.tianhenet.com.cn/2012/0801/324198.shtml>. [Accessed 13/03/2015].

scholars, the number of public expressions of opinion increased significantly. By the 5th August, as already noted, over 330,000 public comments had been posted. This figure indicated that the public was concerned about the amendment of the *Budget Law*, but they needed a stable platform provided by the NPC to express their opinions.

3.2. The final passed bill

In comparison to the bill for the second deliberation, there are some major changes in the final bill draft led by the NPC. Those changes will be discussed below:

(1) Government revenues have all been included in the budget for examination by the NPC. The first article of the final bill draft emphasised the need to regulate government revenues and expenditures, improve budget control, enhance budget management and supervision, establish a complete budget system that is comprehensively regulated, open and transparent.³¹ The statement from the previous version of the *Budget Law* referred to improving the functions of budgetary allocation and supervision, establishing a national budgetary management system and intensifying national macro-regulation. The amended *Budget Law* requires government expenditures to adhere to the approved budgetary standards and expenditure. This signifies that, in accordance with the amended *Budget Law*, the NPC is able to constrain the executive power and supervise government expenditure.

(2) Budget information disclosure was included for the first time in the *Budget Law* to improve the NPC's supervision on the executive. The final *Budget Law* amendment draft stipulated the implementation of a comprehensive regulatory, open and transparent budgetary system as for legislative purposes, whereas the previous *Budget Law* did not involve any provisions regarding budget information disclosure. The amended *Budget Law* has identified which parts of the budget information shall be made available to the public and the schedule for such disclosure. According to the final bill draft, reports and forms of the budget, budget adjustment, final accounts and budget implementation, as well as the audit work reports of the government debts scale, government purchasing, budget implementation and other fiscal revenues and expenditures shall all be made available to the public. From budget making to its implementation, adjustment, and finally to auditing, the principle of openness and transparency should run through the whole budgetary process. In addition, the final bill also provided legal liability for non-

³¹ See *the Decision on Amending Budget Law of People's Republic of China*, Available online: http://www.npc.gov.cn/npc/xinwen/2014-09/01/content_1877061.htm. [Accessed on 12/3/2015].

disclosure, whereas in the past, no legal liability was mentioned. This offered a strong legal framework for information disclosure.

(3) The NPC's supervision power has been strengthened. In the final bill, there are many modifications aimed at improving the NPC's power of supervision. For example, the time limit for submission of the central government's budget draft to the Financial and Economic Affairs Committee of the NPCSC for deliberation was changed from 30 days ahead of the meeting to 45 days, in order to provide sufficient time for the NPC to review the budget. The newly added articles require the PC at county-level to listen to the opinions of the electorates and the public in various forms and prioritise the PC system's supervision. The final bill draft contained twenty one new articles, of which eight articles relate to intensification of the NPC's power.³² Furthermore, the final bill draft elaborates on the NPC's power of examining and supervising the government's key investment projects.

(4) Fund raising powers for local government: The issue of whether local government should be delegated the authority to raise funds has been the focus of controversy. Provisions on this issue in the bill drafts for the four deliberations were inconsistent, thus reflecting the fierceness of the political rivalry between various parties on the amendment. The draft for the first deliberation delegated to local government the power of raising funds, whereas in the draft for the second deliberation local governments were not permitted to raise funds. In the bill draft for the third deliberation, the situation reversed again as the bill provided local government with the authority to raise funds within a limited range. The final bill draft identified the subjects that were permitted for fund raising such as: the provinces, autonomous regions and municipalities, which are approved by the State Council. The bill also stipulated the scope and use of the funds raised. In particular, part of the funds for necessary construction investments in the general public budget can be resolved through fund raising, while the funds can be only used as public welfare capital expenditure.

4. Conclusion

On the one hand, as the budgetary process is political,³³ the amendment of the *Budget Law* is a redistribution of political powers. In terms of drafting power, in 2004 the NPC

³² Yijun Wang and Li Cui, "Amendment of the Budget Law: Keep Eyes on Government's Moneybag (Yusuanfa Xiugai: Kanjin Zhengfu Qiandaizi)", *China Youth News* 2014, Available online: <http://npc.people.com.cn/n/2014/0901/c14576-25577633.html> [Accessed 15/03/2015].

³³ Aaron B. Wildavsky, *The New Politics of the Budgetary Process*, (New York, NY: HarperCollins

was in charge of drafting when the amendment of the *Budget Law* was put on the agenda. However, since then, the dominance over the amendment had been gradually transferred to the executive. It went from the NPC-dominant drafting to coalition drafting and eventually to the executive dominance over drafting. The transfer of the drafting power is in accordance with the evolution trend of the NPC, mentioned in the previous chapter. Although the executive normally drafts 77.5 per cent of economic laws,³⁴ the NPC initially led on the drafting of the *Budget Law* amendment. However, the dominance over drafting was taken over by the executive. This implies the NPC's gradual decline from 10th to 11th NPC.

On the other hand, the party's influence on the legislative process is significant. The amendment was passed finally by following the party's manifesto at its 18th Congress. The NPC deferred the deliberation of the *Budget Law* Amendment bill until the publication of the Party's manifesto at its 18th congress, which was in favour of the NPC. It reflects that the CCP's manifesto is a far-reaching influencing factor to the executive-legislative relations in the legislative process. Both the legislature and the executive tried to make the most of it under the given institutions and procedures.

Publishers, 1992). p. 430.

³⁴ See Table 10: The number and percentage of various types of laws drafted by the executive, the NPC and others.

Chapter VIII. Conclusion

Since the 20th century, no matter what kind of regime emerged, ‘the decline of Parliament’¹ has been noted: the state power structure that is led by the parliament and the ‘separation of powers’ mode has shifted to an administration-led mode. As is shown in legislation, the parliament's legislative power is being eroded, the content and timing of parliamentary legislation are increasingly being swayed by the executive, and delegated legislation has appeared in large numbers. Some scholars have observed the role played by the state executive of most countries in the legislative process. It has been concluded that "the executive's bills are absolutely prior to the MPs' bills, and when the executive's bills reached the legislature, they were almost finalised. It is very hard for the Parliament to make any significant modifications."² Hence, it seems that the Parliament is in a very unfavourable position in the legislative process, while the executive has an overwhelming advantage.

In China, although the constitutional structure has for a long time been characterised by the centralised leadership of the Communist Party of China as the centre, decisions made by the Party and implemented by the executive, since the 5th NPC in 1978, the PC system has increasingly strengthened its autonomy in legislation. From the analysis in previous chapters, there is a clear trend: the NPC's involvement in the legislative process is becoming earlier, and its deliberation on bills is becoming more stringent, in aspects such as the number of the deliberations and the average deliberation length on each bill. In contrast, the Party's control over the legislative process has gradually become indirect, and is exercised mainly through its ‘ideological leadership’ or ‘leadership in principle’.

However, the NPC's legislation is still characterised by law instrumentalism because it "must be around the centre and serve the overall circumstance", meaning it must be related to and follow the Party's policy; by contrast, in the legislative process, the executive still has an advantage in legislative planning and legislative drafting, although the advantage is narrowing. Overall, compared to the executive, the proportion of laws drafted by the NPC is lower, and the bills drafted by the executive are subject to a shorter period of deliberation. In addition, both at the national and sub-national levels, although the PC system has taken various forms of ‘legislation with door opening’ and public

¹ James Bryce, "The Decline of Legislatures", in *Modern Democracies*, (London: Macmillan, 1921). Chapter LVIII.

² Zhou, "50 Years of China's Legislation (Zhongguo Lifa 50 Nian)". p. 35.

participation in the past decade, the effects do not seem ideal. The actual impact of the public on legislation is not obvious. Moreover, the bills initiated by the deputies have never been placed on the legislative agenda. However, it is undeniable that, from the perspective of historical institutionalism, the NPC has experienced ups and downs. Thus, in the following, on the basis of the findings of this research, in order to answer the research questions, three models will be put forward to generalise executive-legislative relations in the Chinese legislative process. The evolution phase of the NPC will be re-defined and the factors influencing executive-legislative relations in the Chinese legislative process will be explored. In the end, the type of legislature represented by the NPC will be discussed.

1. Three models of executive-legislative relations in China

Differing conclusions may arise based on the description of executive-legislative relations because the nature of executive-legislative relations varies depending upon which phase or aspect of the legislative process one is looking at. In order to determine the nature of executive-legislative relations in the Chinese legislative process, three models of executive-legislative relations will be put forward on the basis of the findings above.³

1.1. Respective autonomy model

The first is the respective autonomy model. This model focuses on the relations between the executive and the legislature in the legislative process described on paper. According to the stipulations on legislation in the Constitution and laws, it appears that the NPC and the executive are discrete. The NPC exists as the legislation-making body, ensuring that the Constitution and laws are formulated and determined. The executive exists as the implementation body, ensuring that the laws made by the legislature are implemented. The NPC and the executive are each responsible for certain tasks that cannot be done by the other. Each stands apart and respects the autonomy of the other.

1.2. Cooperative coexistence model

The second is the cooperative coexistence model. There is a relationship between the legislature and the executive in the legislative process and it is a cooperative relationship. The discussion in Chapter Five and case study in Chapter Seven have demonstrated that, in China, although the control of the CCP over the legislative process has been eroded,

³ The three models are inspired by Lord Norton's demonstration of three models of legislative- judicial relationship in his research. Details see P. Norton, "A Democratic Dialogue? Parliament and Human Rights in the United Kingdom", *Asia Pacific Law Review*, 21, no. 2 (2013): 141-66.

its manifesto still has decisive impact on the legislation. As a result, the executive and legislature both occupy stable and effective positions in the legislative process under the influence of the CCP. As it is known, organisational development is not necessarily accompanied by conflict among institutions. It is also possible and may be occurring with cooperation and without winning autonomy. As O'Brien points out, cooperation with the executive plays a significant role in Chinese legislative development.⁴ The development of the NPC occurs with cooperation instead of conflict with the executive.

From a general perspective, a close and steady cooperation between the executive and the legislature is needed in facilitating legislative affairs. Cooperation between the legislative and executive branches is essential to building an effective and functional government. Both the executive and the legislature are state bodies with the functional capacity to facilitate national goals such as economic expansion or improvement of public welfare. Thus, teamwork is required between the legislature and the executive.

To be concrete, in the legislative process, the NPC relies on the relevant government departments for providing support. For instance, for bills involved with the executive's jurisdiction, the NPC needs support from the executive on sharing information and collecting data for the drafting. Correspondingly, the executive's legislative activity is inseparable from the NPC's involvement. Taking bills drafted by the executive as examples, before they are submitted to the NPC for deliberation, usually the NPC gets involved in the drafting stage. The executive has to consider the likely reaction of the PCs when it proposes a bill to the PC system. If a negative reaction is anticipated, then the executive may not proceed with the bill, or may modify the bill in advance. Hence, the success of a bill closely relies on the cooperation of the executive and the legislature. In addition, the cooperative model provides greater stability in the executive-legislative relationship.

Furthermore, the legislature and the executive may have a cooperative relationship to protect themselves from the Party's encroachment. Even in the Chinese single-party system, it is possible for the PC system and the executive working together to create good conditions for the institutional development of democracy.

⁴ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". p. 100.

1.3. Competing model.

The third is the competing model. Apart from the cooperative relationship, there is an adversarial relationship between the legislature and the executive in the Chinese legislative process. The legislature claims its supreme position to exercise the legislative power, challenging the claims of the executive to impinge on its capacity to determine the laws. The executive asserts its competence to influence, even dominate the legislative process.

Based on the findings from empirical analysis, it can be concluded that, in the Chinese legislative process, the NPC has shown an increasing amount of autonomy from the executive. In the legislative planning stage, the legislative projects proposed by the NPC have a bigger chance of becoming laws than the ones proposed by the executive. In the drafting stage, the NPC has dominated the drafting of constitutional-related law, criminal law and litigation and non-litigation procedural law. In the deliberation stage, the average deliberation times and deliberation days on the bills initiated by the executive have increased. In the post-legislative stage, the sub-national PCs, as a part of PC system, show their autonomy by making as many quasi-legislations as their executive counterparts.

Correspondingly, in the transition from governance by administrative policy to governance by law in China, the executive aims to maintain its vested interests. Hence, the executive tries to safeguard its power by dominance over the legislation. In the light of the empirical analysis above, in the legislative planning stage, the majority of legislative projects included into the legislative plan are from the executive. In the drafting stage, with the development of a market economy in China, the increasingly complicated economic and administrative affairs inevitably render the legislative affairs complex. Due to the dominance of the executive in economic and administrative affairs, the executive dominates the drafting of administrative and economic laws. Also, the executive, as the centre of resource allocation, has advantages in legislation. In total, the bigger number of laws being drafted by the executive reflects the advantage of the executive in the legislative process. In the deliberation stage, overall, the fact that less time is spent on the bills drafted by the executive suggests that it is relatively easier to get bills drafted by the executive passed. In the post-legislative stage, the executive dominates because at the national level, the number of administrative regulations and rules made by the executive is much larger than the number of laws made by the NPC.

In the end, in fact, the three models co-exist instead of being mutually independent in the Chinese legislative process. The predominant model varies in different periods, cases,

and at different legislative stages. For example, the case study of the *Budget Law* amendment suggests that in the beginning of the legislative process, the cooperative model was the dominant one. The NPC and the State Council worked together to draft the bill. Then, there was a slight move from the cooperative model towards the competing model. When formulating the second bill draft, two drafting groups were organised respectively by the NPC and the State Council to draft two versions of the bill independently. However, when formulating the third draft, there was a move back towards the cooperative model, as the State Council took the lead of drafting. The NPC just played an assistant role. In deliberation, however, the predominant model became the competing one again. The NPC resisted the bill through by employing legislative instruments, such as obstruction tactics and soliciting public opinions. This indicates the competing model, with tension between the legislature and the executive. Ultimately, the NPC managed to get the bill, which is in its own favour, passed after four deliberations.

As this example shows, the dominant model could shift from one to another under certain circumstances. However, we still know very little about how and by whom the model-shifts occur. In addition, due to the fact that the three models are ideal types, in reality, they generally do not fit a particular political phenomenon precisely. Usually, the terminology of three models is used to make sense of what is happening and what changes have taken place, and give some shape to the conceptual framework of this thesis. Besides, the application of the three models to different evolutionary phases of the NPC will be explored at the end of next section on the evolution of the NPC.

2. The evolution of the NPC

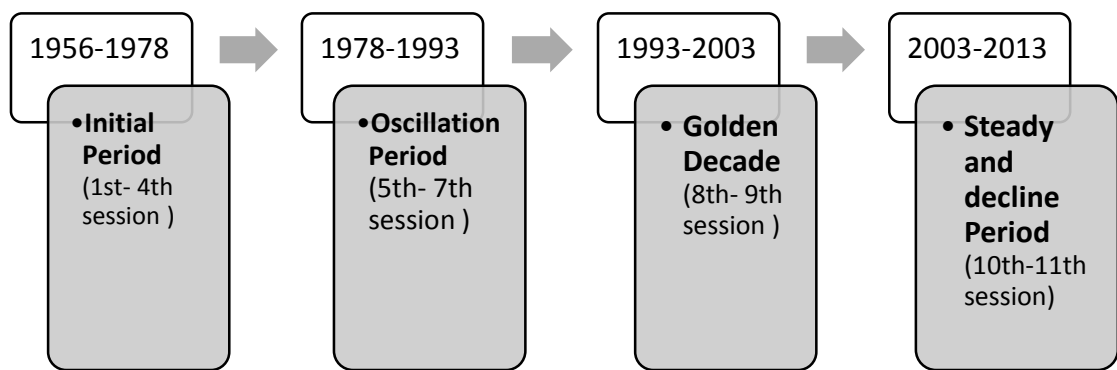
Regarding the division of development phases of the NPC, from different perspectives, scholars have differing definitions. Based on constitutional amendments, some scholars divide the overall development of the NPC into four stages, the 1954 Constitution stage (1954-1975), the 1975 Constitution stage (1975-1978), the 1978 Constitution stage (1978-1982), and the 1982 Constitution stage (1982 to present).⁵ Another significant division is marked by important leaders as the criterion. For example, O'Brien studies the NPC and explores its structure and functions following the division between the Mao Zedong era and the Deng Xiaoping era.⁶ Likewise, Taiwanese scholar Yang also adopts

⁵ See Yujing Huang, "From the Changes of Constitution to See the Establishment and Changes of People's Congress System of China (Chang Xianfa Bianqian Kan Woguo Renmin Daibiao Dahui Zhidu Queli He Bianhua)", Ph.D. Thesis, (Southwest University of Political Science and Law, 2010). pp. 14-25.

⁶ See O'Brien, *Reform without Liberalization: China's National People's Congress and the Politics of Institutional Change*. Part 2&3.

this division.⁷ However, the most accepted practice among Chinese scholars is to divide the development of the NPC institution into three phases based on China's political development, distinguishing the establishment phase (1954-1957), the damaged phase (1957-1978), and the redevelopment phase (1978- present).⁸

On the basis of the autonomy of the PC system *vis-à-vis* the executive shown in the analysis above, it can be concluded that by and large, the evolution of the NPC can be divided into four stages (see Figure 28): (1) the initial period: from the 1st NPC to the 4th NPC (1954-1978); (2) the oscillating period from 5th -7th NPC (1978-1993); (3) the golden decade, which started with the 8th NPC, and ended at the 9th NPC (1993-2003); (4) the steady period, including the 10th and 11th NPC (2003-2013). It is worth mentioning that the NPC in this period shows a slightly declining tendency.



Made by the author

Figure 28: *The evolution of the NPC*

The PC system was established in 1954 when the first Constitution of the People's Republic of China was written and its evolution was interrupted by the Cultural Revolution (1966-1976). When Deng Xiaoping took power in 1978, a long period of 'reforms and opening' ensued, introducing dramatic changes to the Chinese legislative

⁷ See Yang, *Transition of the Chinese Legislature: From Mao Zedong to Deng Xiaoping (Zhonghua Renmin Gongheguo Guo Hui Zhi Bian Qian: Cong Mao Zedong Dao Deng Xiaoping)*. Chapters 3 and 4.

⁸ Yu Keping, *Contemporary Political System – China (Dangdai Geguo Zhengzhi Tizhi – Zhongguo)*, (Lanzhou: Lanzhou University Press, 1998). p. 36.

system and the relationship between People's Congresses and other state organs at all levels. Thus, the year 1978 was a watershed. The period before 1978 can be defined as an initiating period for the PC system, while after 1978, the 5th session of the NPC was the first session after the Cultural Revolution. From that point, the NPC started to be on the track. This is why the analysis in previous chapters concentrated on the data after the 5th NPC. From the 5th to 7th session of the NPC (1978-1993), the evolution of the NPC was not stable, as it was still at the exploring and learning stage. Therefore, it is named as the Oscillating period. After getting through the Oscillating period, the development of the NPC entered its golden era, when its legislative capability and autonomy from the executive increased significantly. It was the best decade (1993-2003) in the history of the PC system.

Last but not least, during the 10th and 11th session of the NPC (2003-2013), the development of the NPC system was moderating and tended to be stable. Moreover, it is worth mentioning that, as Xia presented, since the 10th session, the NPC (PC system) lost its momentum and entered a phase of entropy.⁹ In March 2011, at the NPC meeting, the then NPC chairman Wu Bangguo articulated a doctrine of 'five no's': "No rotation of power among multiple parties, no pluralism, no separation of three powers, no bicameralism, no federalism and no privatization."¹⁰ This assertion is regarded as a symbol of the NPC's decline.¹¹ In part, the findings of this research support this point of view. In the first place, the total number of laws passed in the NPC decreased from 74 in the 10th NPC to 59 in the 11th NPC (see Table 9). In the legislative planning stage, the number of planned legislations proposed by the NPC dropped sharply from 42 in the 10th NPC to 16 in the 11th NPC, while the number of planned legislations proposed by the executive had a small rise from 39 in the 10th NPC to 42 in the 11th NPC (see Figure 12). In the drafting and initiation stage, on the one hand, compared with the percentage of laws drafted by the NPC at 10th NPC (45.9 per cent), the number at the 11th session (45.8 per cent) dropped slightly, by 0.1 per cent (see Figure 15).

On the other hand, the number of deputy motions decreased to 2541 in the 11th NPC from 3772 in the 10th NPC for the first time after continuous growth (see Table 11). In addition,

⁹ Ming Xia, "The Withering Away of People's Congresses and the Constitutional Coup in China: 2003-2013", in *the Eleventh Workshop of Parliamentary Scholars and Parliamentarians* (Wroxton, United Kingdom: 2014).

¹⁰ "Work Report of Wu Bangguo: Declaring 'Five No's' Solemnly", Available online: http://news.ifeng.com/mainland/special/2011lianghui/detail_2011_03/10/5071450_0.shtml. [Accessed on: 3/1/2015].

¹¹ Xia, "The Withering Away of People's Congresses and the Constitutional Coup in China: 2003-2013".

in the deliberation stage, the average number of deliberations of a bill decreased from 2.43 in the 10th NPC to 2.24 in the 11th NPC (see Figure 20), while the average number of deliberations of bills initiated by the NPC fell from 2.41 in the 10th NPC to 2.07 in the 11th NPC (see Figure 21). Last but not least, in the case study, the dominant drafting power on the *Budget Law* amendment shifted from the NPC to the executive from 2004 to 2010. All these findings above can be seen as signs of a declining tendency of the PC system during the 10th and 11th the NPC (2003-2013). Furthermore, several interviewees' opinions also support this point of view. They mentioned that during the 10th and 11th session of the NPC (2003-2013), because the NPC leadership overemphasised stability of the PC system, it caused the NPC to lose its momentum.¹² As a result, the development of the NPC came to a standstill, even a recession.

In terms of the application of the three models to different phases of evolution of the NPC, during the whole evolution period, although the three models always co-exist simultaneously, the positions of the three models are not settled. The relative positions of the models fluctuate because the executive-legislative relations in the Chinese legislative process are dynamic. From the perspective of the Party's dominant position in the whole political system, the cooperative model is constantly predominant. The executive and the NPC work cooperatively under the leadership of the Party to carry out the Party's policy. Correspondingly, when we look at the models from the perspective of the interaction between the executive and the legislature, the three models' relative positions are co-existent and fluid.

In the light of the new division of the NPC evolution above, in the initial period, the respective autonomy model can be seen as the predominant model. In this period, before it was gradually distorted by a series of political movements launched by the CCP, as the regime was just established, the NPC worked as a legitimacy provider to enact laws including the first Constitution. There was little interaction between the NPC and the executive. In the oscillation period, relations were more characterised by the competing model because of the emerging tension between the PC system and the executive. In this period, the NPC started to seek for institutional development. An increasing number of occasions such as rejection of bills initiated by the executive and high rates of dissidence towards the work reports of the executive reflect the presence of the competing model. This trend extended to the NPC's golden decade; although it cannot be defined as dominated by the competing model, it was characterised by competition between the

¹² Interview, 06/03/2014; Interview, 28/02/2014; Interview, 10/03/2014.

executive and the legislature. In the steady and declining period, there was a moving towards more cooperative relations, which means that the competing model was not as significant to the same extent as in the golden decade period.

It can be concluded that we can see the progression from the primarily respective autonomy model in the initial period coming close to the end with elements of the competing model, which was more pronounced than the other models in the oscillation and golden decade periods. Then, there was a slight move towards the cooperative model in steady and declined period. It is noted that this does not mean there were no the elements of the other models. There were still tensions between the PC system and the executive in the period.

3. The factors influencing executive-legislative relations in the Chinese legislative process

The influencing factors are two-fold: external and internal (see Figure 29). The external factors include party policy and political culture. The internal factors are the institutionalisation and professionalization of the PC system itself.

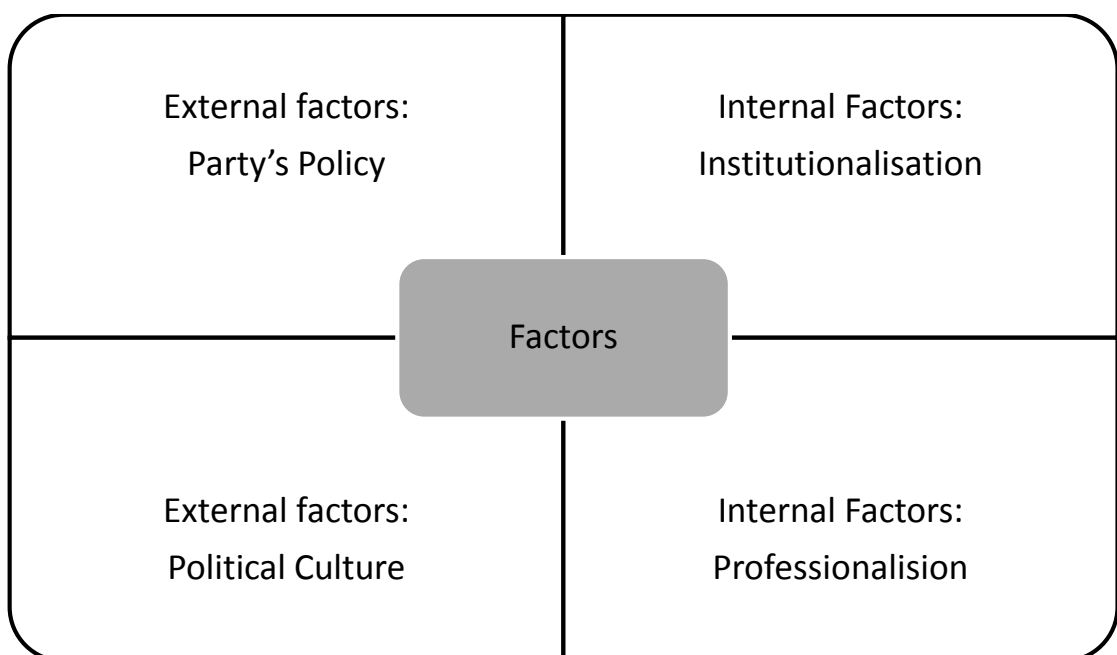


Figure made by author

Figure 29: *Factors influencing executive-legislative relations in the legislative process*

3.1. The Party's policy

Before the 1978 'reform and opening', the CCP gradually established a highly integrated 'party-state' political structure; since 1978, although the CCP started to implement adjustment reforms of the party-state system under the leadership of Deng Xiaoping, the

integrated structure of the party state has not changed greatly. In these circumstances, the legislative work is subject to the Party's policy. As a result, executive-legislative relations change frequently due to different party leaders with different ruling ideas. That is the reason why the 10th and 11th NPC, with a conservative leadership, entered a moderated or even declining phase suddenly after a 10-year golden era. This led to the executive domination of executive-legislative relations.

In the history of the NPC, the Party at least plays a role in determining guidelines for the legislative process and recommending candidates.¹³ In order to strengthen the Party's leading role in legislative work, the Central Committee of the CCP issued *Several Opinions on Strengthening the Party's Leadership on National Legislation* in 1991, requiring prior approval of legislative guidelines and principles of legislation, and the submission of important laws to the Central Committee for deliberation before approval. However, in fact, the Party does not deliberate every single provision of a bill, and it rarely substantively reviews the legislative activities of all stages in the legislative process. This reflects that the Party shows increased awareness of the PC system as the legislative authority, and accordingly, its leadership of specific legislation has become more indirect. However, although the Party rarely intervenes in the legislative drafting, initiation and deliberation, the PCs' 'consciousness' regarding implementing the Party's will is strong. This point can be founded obviously from the case study. This is because most of the PC members are CCP members. Although they may not be conscious that the identity of Party members has any impact on their participation in the legislative work, the NPC/PC members will 'unconsciously' abide by the Party's policy, since if they go against the Party's will, their career in the PCs will be affected, and they could even lose their NPC/PC membership.

3.2. Political culture

Tanner argues that "China is a Confucian-influenced political culture and a state system which is basically parliamentary in structure."¹⁴ It is characterised by 'strong government administrative systems' and 'weak electoral and legislative systems'.¹⁵ In fact, in defining the relationship between the executive and the PC system, the Party leadership intends to make it clear that China does not have separation of powers. The executive and the

¹³ Zhou, "50 Years of China's Legislation (Zhongguo Lifa 50 Nian)". p. 35.

¹⁴ Tanner, *The Politics of Lawmaking in Post-Mao China: Institutions, Processes, and Democratic Prospects*. p. 120.

¹⁵ Ibid. p. 121.

legislative work together to govern the country, under the leadership of the Party. They do not conflict with each other.

Politically, Chinese people are weak in public debate to reach an agreement. This results from the lack of an independent political platform where people can express their opinions freely. People are more concerned about the result rather than the justice of processes and means, and they prefer an administrative approach to the deliberation and debate of politics. Nowadays, this feature is embodied in people's preference for government instead of the PCs, because the PCs are agencies for deliberation while the governments are institutions of 'doing solid work'. Chinese people like 'doers', rather than 'talkers' – the NPC is what is called the 'Talking House', which makes it difficult to gain credibility among people who are not used to discussion and debate.

Although the NPC has recorded many achievements in the past thirty years, the political culture of weakness in public speaking and debate restricts the function of the NPC. Chinese people observe the strong development of the government administration. This makes the NPC look like an assistant facilitating the executive's work, which is clearly against the expectation of the NPC.

In addition, Chinese people accept the idea that teamwork between the legislative and executive branches is essential to build an effective government. On the other hand, legislatures are not only legitimation agencies, representative organs and decision-makers but also, from another perspective, institutions with the functional capacity to facilitate national goals such as economic expansion or social redistribution. China, like other developing countries, is facing the contradiction between social redistribution and economic growth. As social redistribution became a barrier to economic development, the regime has moved to undertake investments, regulate the scope of interest group demands, and subordinate the objective of social justice. Certainly, this requires teamwork between the legislative and the executive branches.

As a result, 'obstruction instruments' such as intense debates, the negation of deliberation and voting, the deferral of consideration suspension of deliberation, and temporary cessation of voting do not occur often, as such practices are contrary to the thinking that "harmony is precious" in the political culture of China. In addition, among the NPCSC members, the vast majority have had experience of working for the executive, so it is difficult to exclude the possibility of informal contacts with the executive. When the executive wishes to pass a particular bill in the NPC/PCs, under the atmosphere of China's society of interpersonal relationship (*Renji Guanxi*), the executive can obtain support

from some PC members via contact in private. This is similar to lobbying activities in established democracies, but much harder to control due to lack of appropriate institutional constraints. Therefore, the thinking that bills of the executive "just have to go through some procedures" in the NPC (i.e. their approval is a formality) exists widely in the Party and the executive.¹⁶ This defect potentially provides the executive with an opportunity to dominate the legislature.

3.3. Institutionalisation and professionalization

Nowadays, the complexity of governance influences executive-legislation relations. Comprehensive legislations require not only legislative technique but also a great deal of skill and knowledge of various specialised areas.¹⁷ Normally, compared with the legislature, the executive has more experts in specialised areas because the executive has higher institutionalisation and professionalization. This is especially true in developing countries, like China. Like many other legislatures, the NPC has been trying to increase its autonomy in executive-legislative relations, mainly by improving its institutionalisation and professionalization.

In terms of internal factors, the clarified and expanded jurisdiction and increased capability as the primary indicators of a legislature's organisational development, institutionalisation and professionalization are the two key factors influencing the autonomy of the NPC in executive-legislative relations. Institutionalisation comprises the process of expanding jurisdiction and boundaries, and the growth of internal complexity; professionalization refers to size and increasing work load, autonomy of the committee system, capability of staff and so on.

It is not difficult to see the importance of the institutionalisation and professionalization of a legislature. The reason why the executive tends to dominate the legislative process is that the legislature is unable to match the policy expertise of the executive.¹⁸ Therefore, the professionalization and institutionalisation of a legislature not only affects the effectiveness and efficiency of work in the legislature, but also affects the relations between the legislature and the executive significantly.

In the Chinese case, based on the research above, in recent decades, the institutional and professional development of the PC system has improved its autonomy and assertiveness

¹⁶ Interview, 28/02/2014.

¹⁷ Whaley, "Strengthening Legislative Capacity in Legislative-Executive Relations". p. 15.

¹⁸ Mezey, "The Legislature, the Executive, and Public Policy: The Futile Quest for Congressional Power". pp. 1-20.

in the legislative process. In terms of professionalization, the committee system plays a very decisive role in the process of the improvement of capabilities. Comparative legislative studies have demonstrated that a well-developed committee system is one of the most important factors enabling a developing legislature to assume a significant policy-making role.¹⁹ The development of a legislative committee system, including its permanent working units, greatly influences its capability to force the executive to share power over policy-making. This organisational structure is also indispensable if the legislature is to develop a virtual supervision capacity.²⁰ In China, although it is a late development,²¹ committees have emerged rapidly as an indispensable part of the PC system. In 1983, the 6th NPC stipulated that bills must be submitted to the Law Committee or relevant special committees for review. This development effectively enhanced the professionalization of the NPC.

Structurally, the number and membership of the NPCSC special committees have been growing substantially since it was established. As shown in Tables 17 and 18, in the first two NPC sessions, there were only two committees — the Committee on Minorities and the Committee on Bills and Proposals with 118 members in total. However, during the Cultural Revolution, the NPC was suspended. When the NPC was revived in 1979, two committees (the Committee on Nationalities and the Law Committee) were preserved. Then, four additional committees were created in 1983, but the size was decreased with the 77 members for all six committees in total. With enlarged functions and an additional three committees, the number of members enlarged nearly threefold to 205 in total by the 9th NPC. After that, the number and membership of NPC committees remained the same, with membership of 235 for nine committees consisting of the Agriculture and Rural Affairs Committee, the Overseas Chinese Affairs Committee, the Foreign Affairs Committee, the Environment Protection and Resources Conservation Committee, the Education, Science, Culture and Public Health Committee, the Internal and Judicial Affairs Committee, the Law Committee, the Ethnic Affairs Committee, and the Financial and Economic Affairs Committee (See Table 18).

¹⁹ See Shaw Malcolm, "Committees in Legislatures", in *Legislatures*, ed. Philip Norton, (Oxford; New York: Oxford University Press, 1990). pp. 237-267.

²⁰ Lees and Shaw, *Committees in Legislatures: A Comparative Analysis*. pp. 383-391.

²¹ Only two committees (the Committee on Bills and Proposals and Minorities Committee) set up by the 1st, 2nd, and 3rd NPC. The NPC was destroyed during the Cultural Revolution period. And the committee system was revived in 1979 after the Cultural Revolution.

Table 17: The NPC Committee Structure

NPC	Number of Committees	Size
1 st (1954-1959)	2	118
2 nd (1959-1965)	2	121
3 rd (1965-1975)	2	155
4 th (1975-1978)	-	-
5 th (1978-1983)	2	117
6 th (1983-1988)	6	77
7 th (1988-1993)	7	158
8 th (1993-1998)	8	175
9 th (1998-2003)	9	205
10 th (2003-2008)	9	235
11 th (2008-2013)	9	235
12 th (2013-2018)	9	235

Source: (1) Yin Zhongqin, ed., *Quanguo renmin daibiao dahui ji changwu weiyuanhui dashiji* (Chronicle of Events of the NPC and NPCSC) (Beijing: Zhongguo minzhu fazhi chubanshe, 2005). p1233-1237.

(2) Official website of the NPC, http://www.npc.gov.cn/npc/bmzz/caizheng/2013-03/17/content_1789033.htm

(3) Xinhua News Agency, http://news.xinhuanet.com/politics/2013-03/05/c_114896103.htm

(4) Xinhua News Agency, http://www.gov.cn/2013lh/content_2355898.htm

(5) Xinhua News Agency http://news.xinhuanet.com/misc/2008-03/17/content_7810104.htm

Table 18: The NPCSC Special Committees

NPC	Minorities	Law	Internal and Judicial Affairs	Finance and Economics	Education, Science, Culture and Public Health	Foreign Affairs	Overseas Chinese Affairs	Environment Protection	Agriculture and Villages
1 st (1954-1959)	85	33	-	-	-	-	-	-	-
2 nd (1959-1965)	84	37	-	-	-	-	-	-	-
3 rd (1965-1975)	114	41	-	-	-	-	-	-	-
4 th (1975-1978)	-	-	-	-	-	-	-	-	-
5 th (1978-1983)	81	36	-	-	-	-	-	-	-
6 th (1983-1988)	14	13	-	14	17	10	9	-	-
7 th (1988-1993)	22	21	20	28	30	18	17	-	-
8 th (1993-1998)	25	18	19	29	31	15	21	17	
9 th (1998-2003)	23	29	20	21	34	15	16	21	26
10 th (2003-2008)	26	24	26	34	35	18	20	28	24
11 th (2008-2013)	27	24	26	32	36	19	20	28	23
12 th (2013-2018)	28	23	25	31	34	20	19	32	23

Source: (1) Zhongqin Yin, ed., *Chronicle of Events of the NPC and NPCSC (Quangguo Renmin Daibiao Dahui ji Changwu Weiyuanhui Dashiji)* (Beijing: China Democracy and Law Press, 2005). pp. 1233-1237.

(2) Official website of the NPC, http://www.npc.gov.cn/npc/bmzz/caizheng/2013-03/17/content_1789033.htm

(3) Xinhua News Agency, http://news.xinhuanet.com/politics/2013-03/05/c_114896103.htm

(4) Xinhua News Agency, http://www.gov.cn/2013lh/content_2355898.htm

(5) Xinhua News Agency http://news.xinhuanet.com/misc/2008-03/17/content_7810104.htm

In terms of institutionalisation, it is worth mentioning that new parliamentary control instruments such as ‘Inspection of Implementation of Laws’ (*Zhifa jiancha*) represent the broad development of specialization of the PC system. ‘Inspection of Implementation of Laws’ has emerged as one of the main components of legislative supervision in the past decades. The law, ‘*Some Regulations on the Improvement of Inspections of the Implementation of Law*’, passed by the NPCSC in 1993, expounds the content, steps, and

the methods of inspection of laws' implementation.²² After the law was issued, the NPCSC, collaborating with sub-national PCs, carried out 23 inspections of over 19 laws and relevant legal decisions made at the 8th NPC between 1993 and 1998 and 22 inspections of over 21 laws and relevant legal decisions made at the 9th NPC between 1998 and 2003.²³ Moreover, the 'Supervision Law' ratified by the NPCSC in 2006 and going into effect as of January 1, 2007 reiterates the 'Inspection of Implementation of Laws'.²⁴ During the latest 11th NPC between 2008 and 2013, the NPCSC inspected the implementation of 21 laws.²⁵ For instance, the NPCSC engaged itself in 'Inspection of Implementation of Laws' on the *Food Safety Law* in 2008. In the inspection, the NPCSC urged the executive to formulate the supporting regulations, formulate and modify food safety standards as soon as possible, in order to improve nationwide food safety standards. This shows that the 'Inspection of Implementation of Laws' provides an effective instrument to strengthen the autonomy of the NPC's to the executive.

Cheng believes that inspection of the implementation of laws is a special legislative activity carried out by the PC system targeting the implementation of laws by the 'people's governments, people's courts and people's procuratorates'.²⁶ Pan points out that the inspection of the implementation of laws is a means of supervision, which is mostly used by PCs at all levels.²⁷ Sun believes that inspection of the implementation of laws is the 'institutional connection' enabling the PC system to collect information and strengthen connections with the public.²⁸

There are a number of measures taken for the inspection of the implementation of laws, such as reports made by the law-enforcing departments, forums and field investigations.

²² The National People's Congress standing committee bulletin, "Introduction on 'Some Regulations on the Improvement of Inspections of the Implementation of Law'," http://www.npc.gov.cn/wxzl/gongbao/2000-12/28/content_5003005.htm. [Assessed on 15/05/2013].

²³ Zhen Liu, "The Work of Oversight of the NPCSC (Quanguo Renda Changweihui De Jiandu Gongzuo)", Available online: http://news.xinhuanet.com/zhengfu/2003-11/04/content_1159830.htm. [Assessed on 15/05/2013].

²⁴ See Law of the People's Republic of China on Supervision by the Standing Committees of the People's Congresses at All Levels, Chapter IV Inspection of the Enforcement of Laws and Regulations.

²⁵ Zhen Liu, "The Supervision Work of the National People's Congress Standing Committee", Available online: http://news.xinhuanet.com/zhengfu/2003-11/04/content_1159830.htm. [Assessed on 15/05/2013].

²⁶ Xiangqing Cheng ed. *Supervision Institutions and Work of the State Power Organs (Guojia Quanli Jiguan de Jiandu Zhidu he Jiandu Gongzuo)*, (Beijing: China Democracy and Law Press, 1999). p. 103.

²⁷ Jinshun Pan, *Following the Footsteps of Rule of Law: Notes of a staff of the National People's Congress (Zhuisui Fazhi de Jiaobu: Yiwei Renda Gongzuohezhe de Qiusuo Zhaji)*, (Beijing: China Democracy and Law Press, 2008). p. 129.

²⁸ Sun, *A Study of the National People's Congress of China (Quanguo Renda Zhidu Yanjiu)*. p. 205.

In addition, surveys are also used in inspection. In 2005, a questionnaire was used in the inspection of the implementation of laws for the *Labour Law* conducted by the NPCSC. It sampled more than two thousand enterprises nationwide and sent over thirty thousand questionnaires. It acquired large amounts of first-hand information on the implementation of the *Labour Law*.²⁹

The most common way of dealing with the results of such inspection is by preparing a law implementation inspection report. Article 27 of the *Supervision Law* states: “The members of the standing committee shall submit the deliberation opinions about a law implementation inspection report to the people's government, the people's court or the people's procuratorate at the corresponding level for study and disposal together with the law implementation inspection report.”³⁰ For example, in 1995, the NPCSC conducted an inspection of the implementation of law for the *Environmental Protection Law* and compiled a report. After that, the relevant government department, the Environmental Protection Bureau of the State Council, provided follow-up feedback to the report. It mentioned formulations of local rules by local governments to implement the law and other rectification measures to solve the problems found during the inspection.³¹

Through inspection of the implementation of laws, the NPCSC imposes political power over the executive. In addition, inspection of the implementation of laws involves a duty to carry out investigations. For example the inspection of the *Securities Law*, beside the supervision and inspection of securities institutions' performance, also investigated and gathered information for subsequent amendment to the *Securities Law*.³²

In the practice of inspection of the implementation of laws, the influence of party policy is still obvious. As Li Peng said, “In China, the NPC and the government are both led by the Party, and they have the same basic targets but different responsibilities. This kind of relationship is a major characteristic of the Chinese political system, benefiting the effective operation of state machinery.”³³ The NPCSC often determines the theme of

²⁹ Xiaoyang Qiao ed. *Quiz on the Law of the People's Republic of China on the Supervision of Standing Committees of People's Congresses at Various Levels*(*Zhonghua Renmin Gongheguo Geji Renmin Daibiao Dahui Changwu Weiyuan Jiandufa Xuexi Wenda*), (Beijing: China Democracy and Law Press, 2006). p. 92.

³⁰ See Article 27, the *Supervision Law*.

³¹ Sun, *A Study of the National People's Congress of China* (*Quanguo Renda Zhidu Yanjiu*). p. 208.

³² Secretariat of the General Office of National People's Congress Standing Committee, *Compilation of the Reports of Inspection of the implementation in 9th National People's Congress Standing Committee* (*Jiujie Quanguo Renda Changweihui Zhifa Jiancha Baogao Huibian*), (Beijing: China Democracy and Law Press, 2003). p. 13.

³³ See the Speech of Chairman Li Peng in the 2nd meeting of the 9th National People's Congress, 3/15/1999, in the Gazette of the National People's Congress Standing Committee, 1999(2).

inspection of the implementation of laws pursuant to party policy. In recent years, the NPCSC declared that “it shall make the promotion of the implementation of major decisions and arrangements of the party central committee a highest priority for the NPC’s work”.³⁴ For example, the inspection of the implementation of laws for the *Patent Law* carried out in 2006 was influenced by the party policy of “taking the path of independent innovation, building an innovative country”.³⁵ As another example, the then chairman of the NPCSC Wu Bangguo used to point out that the inspections for the *Farmer Professional Cooperative Law* and *Environmental Impact Assessment Law* in 2008 respectively supported two party policies of ‘construction of new rural socialism’ and ‘construction of a resource-conserving and environmental friendly society’.³⁶

To sum up, apart from the party policy and political culture, institutionalisation and professionalization are two key internal factors influencing executive-legislative in China.

4. What type of legislature is the NPC?

Legislatures in communist regimes have often been described as ‘rubber stamp’ legislatures that are subordinate and passive bodies, called simply for the purpose of legitimizing what the party has already decided.³⁷ They “hardly exerted more influence than mass associations, perhaps even less as compared with trade unions.”³⁸ However, in fact, most of the complaints levelled against the NPC are just as easily levelled against many other parliaments.³⁹ In many parliamentary systems, parties also have strong controlling effects on the legislative process. As Sun argued, “If the NPC has rarely voted down an executive or party-sponsored bill, the same can be said for the UK, Japan, and many other Western parliamentary systems.”⁴⁰ Dowdle also makes a similar statement:

“In fact, one of the most striking features of the NPC is its relative independence from the executive branch, and even from the controlling party, as compared to many Western parliamentary systems. The NPC plays a much more active

³⁴ See the Work Report of the National People’s Congress Standing Committee (2009).

³⁵ For more details see the Report of the Inspection of the Implementation of Laws on *the Patent Law of the People’s Republic of China (2006)*.

³⁶ See the Speech of Chairman Wu Bangguo in the 5th meeting of the 11th National People’s Congress, in the Gazette of the National People’s Congress Standing Committee, 2008(7).

³⁷ Daniel N. Nelson and Stephen White, *Communist Legislatures in Comparative Perspective*, (Albany: State University of New York Press, 1982). p. 191.

³⁸ *Ibid.* p.131.

³⁹ Dowdle, “The Constitutional Development and Operations of the National People’s Congress”. p. 123.

⁴⁰ Zhe Sun, “Party and Parliament in a Reforming Socialist State the Remaking of the National People’s Congress in China: 1979-1999”, Ph.D. Thesis, (Columbia University, 2000). p. 465.

institutional role in China's legislative development than does the Japanese Diet or the British House of Commons. Between 1955 and 1993, the NPC actually voted down more pieces of executive sponsored legislation than either of these two parliaments. Since 1995, the CCP has suffered 25 per cent or more defection rates among NPC delegates in seven instances. By contrast, as noted above, no similar breakdowns in party discipline have occurred in any contested parliamentary vote in either Britain or Japan since the Second World War."⁴¹

Nowadays, the CCP remains dominant, but is smaller in size relative to the state. The increasing specialisation and institutionalisation of the NPC have gradually led to a system that might cause a mighty CCP to be checked and balanced by the legislature to some extent. In regard to the development of the NPC since the 1980s, a number of relevant research outcomes can be observed. Some studies focus on the new development of the NPC's autonomy and assertiveness.⁴² Some pay attention to the process of law-making and the erosion in the Communist Party's control over the legislative process.⁴³ Other studies are attracted by institutionalisation of the NPC.⁴⁴ According to the data analysis above and relevant research, it is not difficult to conclude that, since the 1980s, the NPC has ensured that its legislative powers are not usurped and has sought to extend the scope of law-making and to occupy a stable and effective position in the political system.

The NPC seeks professionalization, a stronger committee system and capable staff, more resources, and high-ranked leaders. All in all, nowadays, although the NPC is not the primary engine of policy making in the political system, it remains a critical actor. Through improvement of institutionalisation and professionalization, the NPC is no longer a 'rubber stamp'.

In terms of where the NPC fits in Mezey's classification,⁴⁵ it depends on the different development phases of the NPC. The position of the NPC in Mezey's six-cell matrix is dynamic. Based on the new division of the evolution of the NPC made by the author, the

⁴¹ Dowdle, "The Constitutional Development and Operations of the National People's Congress". p. 16.

⁴² More information see Nathan, "China's Constitutionalist Option". pp. 43-57; O'Brien, "China's National People's Congress: Reform and Its Limits". pp. 343-374; O'Brien and Laura, "Institutionalizing Chinese Legislatures: Trade-Offs between Autonomy and Capacity". pp. 91-108.

⁴³ Tanner, "The Erosion of Communist Party Control over Lawmaking in China". pp. 381-403.

⁴⁴ More information refers to O'Brien, "Is China's National People's Congress a "Conservative" Legislature?". pp. 782-794.

⁴⁵ Mezey's typology is derived from the position of the legislature in relation to the policy making power and the support it enjoys. He generated a six-box classification of legislatures by cross-tabulating policy-making power with levels of support.

NPC in the initial phase can be categorised as a minimal legislature.⁴⁶ However, more attention should be paid to the NPC since 1982 when examining the type of the NPC. There are two main reasons for this belief; firstly, China had no long-lasting and effective constitution until 1982; secondly, theoretically, it takes time for an organisation to develop and get on track. Hence, the NPC's initial phase and the 5th session of the NPC, which was the first session of the NPC after the Cultural Revolution, can be summarised as the initial period of the organisation, which should be skipped in analysis.⁴⁷

Regarding the type of the NPC after 1982, traditionally, most legislatures in communist regimes, including the NPC, have been placed in the minimal legislature category, with little or no policy-making power. However, the empirical findings of this research show that since 1982, although the NPC is still under the control of the CCP, compared with the executive, the NPC does play an important policy role. Meanwhile, both the political elites and the public support the NPC because it works as a channel for expression of interests to support social stability and facilitate economic growth. In Jiang's demonstration, the acceptance of the majority of the society's populace has enabled the NPC to endure for 60 years.⁴⁸ This means that the NPC enjoys high support. As a result, based on Mezey's dualistic standard of classification, the NPC could be categorised as a reactive legislature, which is the same classification as the UK parliament.

However, as the 'mother of modern parliaments',⁴⁹ obviously the UK parliament is far more mature and developed than the NPC. At this point, putting the NPC and the UK Parliament in the same category is inappropriate. It means Mezey's typology may cause confusion. Therefore, in order to solve this contradiction, it would be useful to generate a new or reworked categorisation from a new perspective.

It would be useful to rework Mezey's classification based on institutionalisation and professionalization. The author would distinguish between legislatures which have been

⁴⁶ The NPC in the period of the Culture Revolution can be put into the non-existent Mezey's sixth type of legislature with no less support and little or no policy-making power because the NPC during that period existed in name only.

⁴⁷ The history of the political evolution in China prolonged the initial period. There were plenty of political movements at short intervals after the People's Republic China was established in 1949 such as the Campaign to Suppress Counterrevolutionaries (1950-1951), the Three-anti Campaign (1951) and Five-anti Campaign (1952), The Anti-Rightist Movement (1957-1959), the Great Leap Forward (1958-1960), The Great Proletarian Cultural Revolution, commonly known as the Cultural Revolution (1966-1976). All of these political movements initiated political unrest and severely hindered the development of the NPC. China has only had a relatively stable political environment since 1982.

⁴⁸ Jiang, *The National People's Congress of China*. p. 554.

⁴⁹ In the beginning, John Bright referred to England as the 'mother of Parliament' initially. After that, it was extended to refer to the Westminster system as 'mother of Parliament'. See Harry Graham, *The Mother of Parliaments*, (London: Methuen, 1910). p. 1.

highly, moderately, little or not at all institutionalised and professionalised. To concretize institutionalisation and professionalization, the author tries to flesh out these primary terms with sub-indicators. Such sub-indicators for measuring institutionalisation and professionalization have been provided by scholars in previous research. For example, O'Brien abstractly deems clarified and expanded jurisdiction and increased capability as the primary indicators of a legislature's organisational development.⁵⁰ Likewise, Polsby considers the process of expanding jurisdiction and boundaries, and the growth of internal complexity of a legislature to reflect the increasing autonomy of a legislature.⁵¹ Tanner provides more concrete indicators as he points out that the development of a legislative bureaucracy and committee system, and the strengthening of supervision instruments are two major institutional developments;⁵² Chao emphasises the importance of size and increasing workload, autonomy of the committee system, capability of staff in a legislature and membership stability to the development of a legislature.⁵³ Blondel identifies four specific variations including tabling of opposition amendments, opposition amendments passed, private members' bills passed, and length of debate, to evaluate the capability of the legislature to resist legislation initiated by the executive.⁵⁴ Inspired by previous research and the research on the PC system mentioned in Chapter Two, the author identifies size and workload, expertise, and work experience of legislators and membership stability as sub-indicators to depict professionalization; the sub-indicators of institutionalisation comprise the evolution of legislative procedure, committee system size and capability and oversight instruments (see Table 19).

⁵⁰ O'Brien, "Chinese People's Congresses and Legislative Embeddedness: Understanding Early Organizational Development". pp. 95-99.

⁵¹ Polsby, "The Institutionalization of the U.S. House of Representatives". pp. 144-168.

⁵² Tanner, "How a Bill Becomes a Law in China: Stages and Processes in Lawmaking". p. 64.

⁵³ Chao Chien-Min, "The National People's Congress Oversight Power and the Role of the China' Communist Party", *The Copenhagen Journal of Asian Studies*, 17 (2003). pp. 6-30.

⁵⁴ Blondel, "Legislative Behaviour: Some Steps Towards a Cross-National Measurement". pp. 67-85.

Table 19: *Sub-indicators to categorise legislatures*

Professionalization	Institutionalisation
<ul style="list-style-type: none"> • <i>Size and workload of legislators</i> • <i>Expertise of legislators</i> • <i>Experience of legislators</i> • <i>Membership stability</i> 	<ul style="list-style-type: none"> • <i>Legislative procedure</i> • <i>Committee system size and capability</i> • <i>Oversight instruments</i>

Made by the author

The author thereby tries to define a new three-fold typology of legislatures based on the level of professionalization and institutionalisation of a legislature:

(1) *Mature legislature* is the first category, which is exemplified by the U.S. Congress and the British Parliament, in which their professionalization and institutionalisation have been fully developed and they are thus afforded the capability to influence, and even decide the policy-making process, to supervise the executive effectively and even conflict with the executive. All mature legislatures should be fully supported by staff with expertise and experience. Moreover, this type of legislature usually has a strong committee system which is cohesive, collaborative, and capable of impacting the legislative process.

(2) The second category is called the *adolescent legislature*,⁵⁵ of which the NPC, the parliaments in central and eastern European countries and third wave democratic countries' legislatures in South America are examples. This type of legislature usually exists in political systems that are characterised by fragility and conflict. Norton and Olson point out, "The parliaments are in formative stage, their capacity to determine policy outcomes being limited in many cases by an independent executive and by the growing strength of political parties."⁵⁶ However, the parliaments have proved important actors in the political system. In this type of legislature, professionalization and institutionalisation have been developed for some time and render the legislatures, which have specialist staff and effective committees, capable of influencing policy-making with

⁵⁵ The concept of parliaments in adolescence has already been introduced by Norton and Olson in their research on central and eastern European countries' legislatures. It provides the grounding of this classification of legislature in this thesis. Details see Philip Norton and David M. Olson, *Parliament in Adolescence*, in *The New Parliaments of Central and Eastern Europe*, ed. David M. Olson and Philip Norton, (London; Portland: Frank Cass, 1996). pp. 231-243.

⁵⁶ Philip Norton and David M. Olson, *Parliament in Adolescence*, in *The New Parliaments of Central and Eastern Europe*, ed. David M. Olson and Philip Norton. p. 241.

effective parliamentary instruments. Therefore, this type of legislature plays an important and stable role in the whole political system, although it may not occupy the primary position.

Taking China as an example, the key difference between China in the current period and in the past seems to be the relative stability of the regimes and the complexity of society and economy. Since the 1980s, with the miraculous economic development, the urgent need for institutional mechanisms to counter the drawbacks associated with the socialist market reform has prompted the Party to turn its attention to the NPC. As Qiao Shi, who was chairman of the NPCSC from 1993 to 1998, stated:

“The establishment and improvement of a socialist market economy requires guidance, regulation and safeguard from a well-operated legal system. To achieve this goal, the first thing is to speed up legislation, to speed up the law-making concerning the market economy. The People’s Congresses and their Standing Committees that enjoy the authority to make statutes shall facilitate their local regulation in accordance with their own specific situations and demands arising from reform and construction, in order to complement the legal system of the socialist market economy.”⁵⁷

Although the NPC will still be constrained by the legacy of the traditionally strong executive and weak legislature, the greater stability of China affords a traditionally weak legislature an opportunity to assert itself by expanding its policy-making role and checking the executive. Thus, since the 1980s, reforms have been undertaken to revitalize and enhance the institution. While decisions over major matters are still made by the Party, the Party involves itself less with the daily administrative duties.⁵⁸ Another observation is that the Party is loosening its control over the legislative process.⁵⁹ Since the 1980s, laws that delimit legislative procedures and responsibilities have been promoted increasingly. The NPC ensures that the legislative powers are not usurped and seeks to extend the scope of law-making and to occupy a stable and effective position in the political system. The NPC seeks professionalization, a stronger committee system and capable staff, more resources, and a high-ranking leadership. Nowadays, although the

⁵⁷ Qiao Shi, "Speech to the Commemoration Meeting by All Circles in Beijing for the Forty Years Anniversary of the Establishment of PCs (Zai Shoudu Gejie Jinnian Renmin Daibiao Dahui Chengli Sishi Zhounian Dahui Shang de Jianghua)", 16/09/2000.

⁵⁸ O'Brien, "Legislative Development and Chinese Political Change". pp. 57-75.

⁵⁹ Tanner, "The Erosion of Communist Party Control over Lawmaking in China". p. 387.

NPC is not the primary engine of policy-making in the political systems, it remains a critical actor.

(3) The third type of legislature, *embryonic legislature*, with little or no professionalization and institutionalisation, is merely an empty symbol of popular sovereignty or fleeting, stage-managed displays of elite unity. The embryonic legislature often lacks a committee system and members with legislative expertise. It also can be seen as an ornamental legislature. Some legislatures in non-democratic states, such as the Majlis Al-Sh'ab of Syria and Hagerawi Baito of Eritrea, can be categorised into this type.

This new classification of legislatures has two advantages. Firstly, it provides a concise framework for distinguishing legislatures by a unitary classifying standard. It is a continuum reflecting various degrees rather than a dualistic box. It helps to categorise legislatures without considering the type of polity, which is fairly intricate. Regardless of different governance systems, including parliamentary system, presidential systems, and hybrid systems, increased professionalization and institutionalisation strengthen the capacity of a legislature in the polity, especially *vis-à-vis* the executive. Secondly, the distinction is useful in facilitating understanding of dynamic developments. Unlike Mezey's categories, which are static and describe legislatures at a particular point, it emphasizes the dynamic development of legislative power. It can be used to measure the changing trend of a legislature within a certain period.

In closing, executive-legislative relations in China often fall below the radar of those researching Chinese politics due to the 'rubber stamp' image of the Chinese legislature. This thesis has sought to fill this gap, analysing the development of executive-legislative relations in China from the perspective of the Chinese legislative process. It lays to rest some of the enduring images of the NPC's type and role in the political system. Although on the surface it may appear peripheral to the legislative process, it has the capacity to make substantial changes to bills from the executive. It is very different from the public perceptions. In terms of the three models of executive-legislative relations in China, based on the findings of this research, although no one model fits wholly, they do help us make sense of executive-legislative relations in the Chinese legislative process. Because of the NPC's characteristics, as a legislature in adolescence, it indicates that executive-legislative relations in China are fluid. They have changed over time initially from discrete elements which is fitting with the respective autonomy model, to the oscillation and golden decade periods with conspicuous elements of the competing model, in the end, it might be slightly moving towards a cooperative model in the steady and declining

period. All in all, the NPC is often able to show its impact in the legislative process. It can – and does – matter in the legislative process.

In addition, we may consider what these findings portend for the future of China's politics. Despite the great progress of autonomy of the NPC, we should not be blindly optimistic about the role of the NPC in the future China's political system. It is still too early to say whether the NPC will surpass the executive to play a more crucial role in the policy-making process, even if it is no longer a minimal or 'rubber stamp' legislature. For now, the NPC as 'a third power centre', in addition to the CCP and the executive branch, is consistent with the current political reality in China. In the foreseeable future, the current power structure will continue to prevail.

Appendix 1. The Data set of the Laws in force by 2013 in China

	Name of Law	Types of Law	Drafting	Drafting Institution	Session of Passing	Deliberation times	Date of First Deliberation meeting	Date of Passing
1979	Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Ministry of Civil Affairs of the PRC	the executive	2nd Plenary Session of the 5th NPC	1	1979.6.7-12	1979.7.1
	Resolution of Several Provisions of Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Law Committee of the NPCSC	legislature	5th Plenary Session of the 5th NPC	1	1982.11.12-11.19	1982.12.10
	Decision of the NPC on Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	18th meeting of the 6th NPCSC	1	1986.12.2	1986.12.2
	Decision of the NPC on Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	12th meeting of the 8th NPCSC	2	1994.12.21-12.29	1995.2.28
	Decision of the NPC on Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	2	2004.8.23	2004.10.27
	Decision of the NPC on Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	13th Plenary Session of the 11th NPC	3	2009.10.27-31	2010.3.14
	Organic Law of the Local People's Congresses and Local People's Governments of the PRC	Constitutional-related laws	Law Committee of the NPCSC	legislature	2nd Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1
	Resolution of Several Provisions of Amending the Electoral Law of the PRC for the NPC and Local PCs	Constitutional-related laws	Law Committee of the NPCSC	legislature	5th Plenary Session of the 5th NPC	1	1982.11.12-11.19	1982.12.10
	Decision of the NPCSC about the Amendments to the Organic Law of the PRC on the Local People's Congresses and Local People's Governments	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	18th meeting of the 6th NPCSC	1	1986.12.2	1986.12.2
	Decision of the NPCSC about the Amendments to the Organic Law of the PRC on the Local People's Congresses and Local People's Governments	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	12th meeting of the 8th NPCSC	2	1994.12.21-12.29	1995.2.28
	Decision of the NPCSC about the Amendments to the Organic Law of the PRC on the Local People's Congresses and Local People's Governments	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	12th meeting of the 10th NPCSC	2	2004.8.23-28	2004.10.27
	Organic Law of the People's Courts of the PRC	Constitutional-related laws	The Supreme People's Court of The PRC	the judiciary	2nd Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1

	Decision of the NPCSC on Amending the Law of the PRC on the Organisation of the People's Courts	Constitutional-related laws	Law Committee of the NPCSC	legislature	2nd meeting of the 6th NPCSC	1	1983.9.2	1983.9.2
	Organic Law of the People's Courts of the PRC amended according to Decision of the NPCSC about the Amendments to the Organic Law of the PRC on the Local People's Congresses and Local People's Governments	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	18th meeting of the 6th NPCSC	1	1986.12.2	1986.12.2
	Decision of the NPCSC on Amending the Law of the PRC on the Organisation of the People's Courts	Constitutional-related laws	The Supreme People's Court of The PRC	the judiciary	24th meeting of the 10th NPCSC	1	2006.10.31	2006.10.31
	Organic Law of the People's Procuratorates of the PRC	Constitutional-related laws	The Supreme People's Procuratorate of the PRC	the judiciary	2nd Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1
	Decision of the NPCSC on the Revision of the Organic Law of the People's Procuratorates of the PRC	Constitutional-related laws	The Supreme People's Procuratorate of the PRC, Law Committee of the NPCSC	the judiciary and legislature jointly	2nd meeting of the 6th NPCSC	1	1983.9.2	1983.9.2
	Organic Law of the People's Procuratorates of the PRC amended according to Decision of the NPCSC about the Amendments to the Organic Law of the PRC on the Local People's Congresses and Local People's Governments	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	18th meeting of the 6th NPCSC	1	1986.12.2	1986.12.2
	Criminal Law of the PRC	Criminal law	Law Committee of the NPCSC	legislature	5th Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1
	Criminal Law of the PRC (Amendment)	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	5th Plenary Session of the 8th NPC	2	1996.12.24	1997.3.14
	Decision of the NPCSC on Amending some Laws (Criminal Law of the PRC amended according to this decision)	Criminal law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	NPCSC's Decision Concerning Punishment of Criminal Offenses Involving Fraudulent Purchase	Criminal law	The People's Bank of China	the executive	5th meeting of the 9th NPCSC	1	1998.10.27-11.4	1998.12.29
	Amendment to the Criminal Law of the PRC	Criminal law	Law Committee of the NPCSC	legislature	13th meeting of the 9th NPCSC	3	1999.6.22-6.28	1999.12.25
	Amendment (II) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Office of the State Council, State Forestry Administration of the PRC	the executive	20th meeting of the 9th NPCSC	1	2001.6.26-6.30	2001.8.31
	Amendment (III) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	5th meeting of the 9th NPCSC	1	2001.12.29	2001.12.29
	Amendment (IV) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	30th meeting of the 9th NPCSC	1	2002.12.28	2002.12.28

	Amendment (V) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	14th meeting of the 10th NPCSC	2	2004.10.22-10.27	2005.2.28
	Amendment (VI) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	20th meeting of the 10th NPCSC	3	2005.12.24-12.29	2006.6.29
	Amendment (VII) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	7th meeting of the 11th NPCSC	3	2008.8.23-28	2009.2.28
	Amendment (VIII) to the Criminal Law of the PRC	Criminal law	Legislative Affairs Commission of the NPCSC	legislature	19th meeting of the 11th NPCSC	3	2010.8.23	2011.2.25
	Criminal Procedure Law of the PRC	Litigation and non-litigation procedural law	Law Committee of the NPC	legislature	2nd Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1
	Decision of the NPC on Amending the Criminal Procedure Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	4th Plenary Session of the 8th NPC	2	1995.12.20-12.28	1996.3.17
	Decision of the NPC on Amending the Criminal Procedure Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	5th Plenary Session of the 11th NPC	2	2011.8.24-26	2012.3.14
	Law of the PRC on Chinese-Foreign Equity Joint Ventures	Civil and commercial law	State Planning Commission	the executive	2nd Plenary Session of the 5th NPC	1	1979.6.7-6.12	1979.7.1
	Decision on the Amendment to the Law of the PRC on Chinese-foreign Joint Ventures	Civil and commercial law	Ministry of International Business and Economics of the PRC	the executive	3rd Plenary Session of the 7th NPC	2	1989.12.20-12.26	1990.4.4
	Decision on the Amendment to the Law of the PRC on Chinese-foreign Joint Ventures	Civil and commercial law	The Ministry of Foreign Trade Cooperation, Legislative Affairs Office of the State Council	the executive	4th Plenary Session of the 9th NPC	1	200.10.23-10.31	2001.3.15
	Resolution of the NPCSC Approving the Supplementary Provisions of the State Council for Rehabilitation Through Labour	Administrative law	The Ministry of Public Security of the PRC	the executive	12th meeting of the 5th NPCSC	1	1979.11.29	1979.11.29
1980	Regulations of the PRC on Academic Degrees	Administrative law	Ministry of Education of the PRC	the executive	13th meeting of the 5th NPCSC	1	1980.2.12	1980.2.12
	Decision of the NPCSC on Amending the Regulations of the PRC on Academic Degrees	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.24	2004.8.24
	Resolution of the NPCSC on Approving the Regulations on Special Economic Zones in Guangdong Province	Economic law	Guangdong Provincial People's Congress	legislature	15th meeting of the 5th NPCSC	1	1980.8.26	1980.8.26
	Nationality Law of the PRC	Constitutional-related laws	The Ministry of Public Security of the PRC	the executive	3rd Plenary Session of the 5th NPC	2	1980.2.5-2.12	1980.9.10

	Marriage Law of the PRC	Civil and commercial law	All-China Women's Federation	mass organisation	13th Plenary Session of the 5th NPC	2	1980.4.8-4.16	1980.9.10
	Decision of the NPCSC on Amending the Marriage Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	20th meeting of the 9th NPCSC	3	2000.10.23-10.31	2001.4.28
	Individual Income Tax Law of the PRC	Economic law	Law Committee of the NPCSC	legislature	3rd Plenary Session of the 5th NPC	1	1980.8.21-8.26	1980.9.10
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	4th meeting of the 8th NPCSC	2	1993.8.25-9.2	1993.10.31
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	11th meeting of the 9th NPCSC	1	1999.8.30	1999.8.30
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	18th meeting of the 10th NPCSC	2	2005.8.23-8.28	2005.10.27
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	28th meeting of the 10th NPCSC	1	2007.6.29	2007.6.29
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC, State Administration of Taxation	the executive	31st meeting of the 10th NPCSC	1	2007.12.29	2007.12.29
	Decision of the NPCSC on Amending the Individual Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	11th meeting of the 11th NPCSC	2	2011.4.20-22	2011.6.30
	Interim Provisions of the State Council for Veteran Cadres to Leave Their Posts in Order to Rest	Administrative law	State Personnel Bureau	the executive	16th meeting of the 5th NPCSC	1	1980.9.29	1980.9.29
1981	Resolution of the NPCSC Approving the Provisions of the State Council for Home Leave for Workers and Staff	Social law	Ministry of Finance of the PRC	the executive	17th meeting of the 5th NPCSC	1	1981.36	1981.36
1982	Marine Environment Protection Law of the PRC	Administrative law	Environmental Protection Leading Group of the State Council	the executive	24th meeting of the 5th NPCSC	1	1982.8.23	1982.8.23
	Trademark Law of the PRC	Civil and commercial law	State Administration for Industry & Commerce of the PRC	the executive	24th meeting of the 5th NPCSC	1	1982.8.23	1982.8.23
	Decision of the NPCSC on Revising the Trademark Law of the PRC	Civil and commercial law	State Administration for Industry & Commerce of the PRC	the executive	7th meeting of the 30th NPCSC	1	1992.12.22-12.28	1993.2.22
	Decision of the NPCSC on Revising the Trademark Law of the PRC	Civil and commercial law	State Administration for Industry & Commerce of the PRC	the executive	24th meeting of the 9th NPCSC	3	2000.12.22-12.28	2001.10.27
	Cultural Relics Protection Law of the PRC (Amendment)	Administrative law	Ministry of Culture of the PRC	the executive	25th meeting of the 5th NPCSC	1	1983.11.19	1983.11.19
	Decision of the NPCSC on Amending the Cultural Relics Protection Law of the PRC	Administrative law	Legislative Affairs Office of the State Council, State Administration of Cultural Heritage	the executive	31st meeting of the 10th NPCSC	1	2007.12.29	2007.12.29

	Constitution of the PRC	Constitutional-related laws	Committee for Revision of the Constitution (PENG Zhen)	legislature	5th Plenary Session of the 5th NPC	1	1982.4.22-5.4	1982.12.4
	Amendment to the Constitution of the PRC	Constitutional-related laws		legislature	1st Plenary Session of the 7th NPC	1	1988.3.5-3.12	1988.4.12
	Amendment to the Constitution of the PRC	Constitutional-related laws		legislature	1st Plenary Session of the 8th NPC	1	1993.2.15-2.22	1993.3.29
	Amendment to the Constitution of the PRC	Constitutional-related laws	Central Group for Revision of the Constitution	legislature	2nd Plenary Session of the 9th NPC	1	1999.1.29-1.30	1999.3.15
	Amendment to the Constitution of the PRC	Constitutional-related laws	Central Group for Revision of the Constitution	legislature	2nd Plenary Session of the 10th NPC	1	2003.12.22-12.27	2004.3.14
	Organic Law of the NPC of the PRC	Constitutional-related laws	General Office of the NPCSC, Law Committee of the NPCSC	legislature	5th Plenary Session of the 5th NPC	1	1982.11.12-11.19	1982.12.10
	Organic Law of the State Council of the PRC	Constitutional-related laws	The State Council	the executive	5th Plenary Session of the 5th NPC	1	1982.11.12-11.19	1982.12.10
1983	Provisions of the NPCSC for the Direct Election of Deputies to People's Congress at or Below the County Level	Constitutional-related laws	Law Committee of the NPC ,Ministry of Civil Affairs of the PRC	legislature and the executive jointly	26th meeting of the 5th NPCSC	1	1983.3.5	1983.3.5
	Maritime Traffic Safety Law of the PRC	Administrative law	Ministry of Transport of the PRC	the executive	2nd meeting of the 6th NPCSC	2	1983.2.28-3.5	1983.9.2
	Statistics Law of the PRC	Economic law	National Bureau of Statistics of the PRC	the executive	3rd meeting of the 6th NPCSC	2	1983.8.25-9.2	1983.12.8
	Decision of the NPCSC on Revising the Statistics Law of the PRC	Economic law	National Bureau of Statistics of the PRC	the executive	19th meeting of the 8th NPCSC	2	1995.8.23-8.29	1996.5.15
	Statistics Law of the PRC (Amendment)	Economic law	National Bureau of Statistics of the PRC	the executive	9th meeting of the 11th NPCSC	2	2008.12.22-27	2009.6.27
1984	Patent Law of the PRC	Civil and commercial law	Patent Bureau of the PRC	the executive	4th Plenary Session of the 6th NPC	2	1983.11.25-12.8	1984.3.12
	Decision of the NPCSC on Amending the Patent Law of the PRC	Civil and commercial law	Patent Bureau of the PRC	the executive	30th meeting of the 7th NPCSC	2	1992.6.23-7.1	1992.9.4
	Decision of the NPCSC on Amending the Patent Law of the PRC	Civil and commercial law	State Intellectual Property Office of the P. R. C	the executive	6th meeting of the 11th NPCSC	3	2000.4.25	2000.8.25

	Decision of the NPCSC on Amending the Patent Law of the PRC	Civil and commercial law	State Intellectual Property Office of the P. R. C	the executive	6th meeting of the 11th NPCSC	2	2008.8.23-28	2008.12.27
	Water Pollution Prevention and Control Law of the PRC	Administrative law	Environmental Protection Leading Group of the State Council	the executive	5th meeting of the 6th NPCSC	2	1984.2.29	1984.5.11
	Decision of the NPCSC on Revising the Law of the PRC on Prevention and Control of Water Pollution	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	19th meeting of the 8th NPCSC	2	1995.10.23-10.30	1996.5.15
	Water Pollution Prevention and Control Law of the PRC (Amendment)	Administrative law	State Environmental Protection Administration	the executive	32th meeting of the 10th NPCSC	2	1984.2.29-3.12	1984.5.31
	Law of the PRC on Regional National Autonomy	Constitutional-related laws	Ethnic Affairs Committee of the NPC	legislature	2nd Plenary Session of the 6th NPC	2	1984.2.29-3.12	1984.5.31
	Decision of the NPCSC Concerning Revisions of Law of the PRC on Regional National Autonomy	Constitutional-related laws	Ethnic Affairs Committee of the NPC	legislature	20th meeting of the 9th NPCSC	3	2000.12.23-10.31	2001.2.28
	Military Service Law of the PRC	Administrative law	Leading Group of Central Military Commission for Modifying the Military Service Law	military commission	2nd Plenary Session of the 6th NPC	2	1983.11.25-12.8	1984.5.31
	Decision of the NPCSC on Revision The Military Service Law of the PRC	Administrative law	Ministry of National Defence of the PRC	the executive	6th meeting of the 9th NPCSC	2	1998.10.27-11.4	1998.12.29
	Decision of the NPCSC on Amending some Laws (Military Service Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Decision of the NPCSC on Revision The Military Service Law of the PRC	Administrative law	China PLA General Political Department	military commission	13th meeting of the 11th NPCSC	2	2011.6.27-30	2011.10.29
	Pharmaceutical Administration Law of the PRC	Administrative law	Ministry of Health of the PRC	the executive	7th meeting of the 6th NPCSC	2	1984.7.4-7.7	1984.9.20
	Pharmaceutical Administration Law of the PRC (Amendment)	Administrative law	State Drug Administration	the executive	20th meeting of the 9th NPCSC	3	2000.8.21	2001.2.28
	The Forest Law of the PRC	Economic law	Ministry of Forestry of the PRC	the executive	7th meeting of the 6th NPCSC	2	1984.7.4-7.7	1984.9.20
	Decision of the NPCSC on Revising the Forestry Law of the PRC	Economic law	Ministry of Forestry of the PRC	the executive	2nd meeting of the 9th NPCSC	2	1997.10.27-11.1	1998.4.29
	Decision of the NPCSC on Amending some Laws (The Forest Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Decision of the NPCSC on the Establishment of Maritime Courts in Coastal Port Cities	Constitutional-related laws	The Supreme People's Court of The PRC	the judiciary	8th meeting of the 6th NPCSC	1	1984.11.14	1984.11.14
1985	Accounting Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	9th meeting of the 6th NPCSC	2	1984.9.11-9.20	1985.1.21

	Decision of the NPCSC on Amending the Accounting Law of the PRC (Attached With the First Revision of the Accounting Law of the PRC)	Economic law	Ministry of Finance of the PRC	the executive	5th meeting of the 8th NPCSC	2	1993.10.22-10.31	1993.12.29
	Accounting Law of the PRC (Amendment)	Economic law	Ministry of Finance of the PRC	the executive	12th meeting of the 9th NPCSC	3	1999.6.22-6.28	1999.10.31
	Law of Succession of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	3rd Plenary Session of the 6th NPC	2	1985.1.10-1.21	1985.4.10
	Grassland Law of the PRC	Economic law	The Farming Fisheries Department of the PRC	the executive	11th meeting of the 6th NPCSC	2	1984.11.6-11.14	1985.6.18
	Grassland Law of the PRC (Amendment)	Economic law	Ministry of Agriculture of the PRC	the executive	31th meeting of the 9th NPCSC	2	2002.8.23-8.29	2002.12.28
	Decision of the NPCSC on Amending some Laws (Grassland Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Metrology Law of the PRC	Economic law	National Metrology Bureau	the executive	12th meeting of the 6th NPCSC	2	1985.6.8-6.18	1985.9.6
	Decision of the NPCSC on Amending some Laws (Metrology Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Control of the Exit and Entry of Citizens	Administrative law	The Ministry of Public Security of the PRC	the executive	13th meeting of the 6th NPCSC	2	1985.8.26-9.6	1985.11.22
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Control of the Exit and Entry of Citizens amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th Plenary Session of the 11th NPC	2	2009.6.22	2009.8.27
	Law of the PRC on the Control of the Exit and Entry of Foreigners	Administrative law	The Ministry of Public Security of the PRC	the executive	13th meeting of the 6th NPCSC	2	1985.8.26-9.6	1985.11.22
1986	Fisheries Law of the PRC	Economic law	The Farming Fisheries Department of the PRC	the executive	14th meeting of the 6th NPCSC	2	1985.11.8-11.22	1986.1.20
	The Decision of the NPCSC about Amending the Fishery Law of the PRC	Economic law	Ministry of Agriculture of the PRC	the executive	18th meeting of the 9th NPCSC	1	2004.8.28	2004.8.28
	Decision of the NPCSC on Amending some Laws (Fisheries Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Mineral Resources Law of the PRC	Economic law	Ministry of Geology and Mineral Resources	the executive	15th meeting of the 6th NPCSC	1	1986.3.9	1986.3.9
	Decision of the NPCSC on Revising the Mineral Resources Law of the PRC	Economic law	Ministry of Geology and Mineral Resources	the executive	21th meeting of the 8th NPCSC	2	1996.6.28-7.5	1996.8.29
	Decision of the NPCSC on Amending some Laws (Mineral Resources Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27

	General Principles of the Civil Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	4th Plenary Session of the 6th NPC	2	1985.11.8-11.22	1986.4.12
	Decision of the NPCSC on Amending some Laws (General Principles of the Civil Law of the PRC amended according to this decision)	Civil and commercial law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Foreign-funded Enterprises	Civil and commercial law	Ministry of International Business and Economics of the PRC	the executive	4th Plenary Session of the 6th NPC	2	1986.1.10-1.20	1986.4.12
	Decision of the NPCSC on Amending the Law of the PRC on Foreign-funded Enterprises	Civil and commercial law	Ministry of International Business and Economics of the PRC, Legislative Affairs Office of the State Council	the executive	18th meeting of the 9th NPCSC	1	2000.10.31	2000.10.31
	Compulsory Education Law of the PRC	Administrative law	State Education Commission	the executive	4th Plenary Session of the 6th NPC	2	1986.1.10	1986.4.12
	Compulsory Education Law of the PRC (Amendment)	Administrative law	Ministry of Education of the PRC	the executive	22th meeting of the 10th NPCSC	3	2006.2.25-2.28	2006.6.29
	Land Administration Law of the PRC	Economic law	The Farming Fisheries Department of the PRC, The National Council of Agriculture	the executive	16th meeting of the 6th NPCSC	2	1986.3.11-3.19	1986.6.25
	Decision of the NPCSC on Amending the Land Administration Law of the PRC	Economic law	State Bureau of Land Administration	the executive	5th meeting of the 7th NPCSC	2	1988.8.29-9.5	1988.12.29
	Land Administration Law of the PRC (Amendment)	Economic law	State Bureau of Land Administration	the executive	4th meeting of the 9th NPCSC	3	1998.4.26-4.29	1998.8.29
	Decision of the NPCSC on Amending the Land Administration Law of the PRC	Economic law	Ministry of Land and Resources of the PRC	the executive	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Regulations of the PRC Concerning Diplomatic Privileges and Immunities	Constitutional-related laws	Ministry of Foreign Affairs of the PRC	the executive	17th meeting of the 6th NPCSC	2	1986.6.16-6.25	1986.9.5
	Frontier Health and Quarantine Law of the PRC	Administrative law	Ministry of Health of the PRC	the executive	18th meeting of the 6th NPCSC	2	1986.8.27-9.5	1986.12.2
	Decision of the NPCSC on Amending the Frontier Health and Quarantine Law of the PRC	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Postal Law of the PRC	Economic law	Ministry of Posts and Telecommunications	the executive	18th meeting of the 6th NPCSC	2	1986.8.27-9.5	1986.12.2
	Postal Law of the PRC (Amendment)	Economic law	Legislative Affairs Office of the State Council	the executive	18th meeting of the 11th NPCSC	2	2008.10.23-28	2009.4.24
	Decision of the NPCSC on Amending the Postal Law of the PRC	Economic law	State Post Bureau	the executive	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26

1987	Customs Law of the PRC	Administrative law	General Administration of Customs of the PRC	the executive	19th meeting of the 6th NPCSC	2	1986.11.15-12.2	1987.1.22
	Decision of the NPCSC on Amending the Customs Law of the PRC	Administrative law	General Administration of Customs of the PRC, Legislative Affairs Office of the State Council	the executive	16th meeting of the 9th NPCSC	3	1999.12.17-12.25	2000.7.8
	Decision of the NPCSC on Exercise the Jurisdiction on Crimes Stipulated in International Treaties concluded or acceded by the PRC	Litigation and non-litigation procedural law	State Council Legislative Affairs Bureau	the executive	21th meeting of the 6th NPCSC	1	1987.6.23	1987.6.23
	Law of the PRC on the Prevention and Control of Atmospheric Pollution	Administrative law	Environmental Protection Leading Group of the State Council	the executive	22th meeting of the 6th NPCSC	2	1987.6.11-6.23	1987.9.5
	Decision of the NPCSC on Revising the Law of the PRC on the Prevention and Control of Atmospheric Pollution	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	15th meeting of the 8th NPCSC	2	1994.10.21-10.27	1995.8.29
	Law of the PRC on the Prevention and Control of Atmospheric Pollution (Amendment)	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	15th meeting of the 9th NPCSC	3	1999.8.24-8.30	2000.4.29
	Archives Law of the PRC	Administrative law	The State Archives Administration of the PRC	the executive	22th meeting of the 6th NPCSC	2	1987.6.11-6.23	1987.9.5
	Decision of the NPCSC on the Revision of the Archives Law of the PRC	Administrative law	The State Archives Administration of the PRC	the executive	20th meeting of the 8th NPCSC	2	1996.5.7-5.15	1996.7.5
	Rules of Procedure of the NPCSC of the PRC	Constitutional-related laws	Secretary General of the NPCSC, Director of legislature Affairs Commission of the NPCSC	legislature	23th meeting of the 6th NPCSC	2	1987.8.28-9.5	1987.11.24
	Decision of the NPCSC on Amending the Rules of Procedure of the NPCSC of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	8th meeting of the 11th NPCSC	1	2009.4.24	2009.4.24
1988	Water Law of the PRC	Economic law	The Ministry of Water Resources and Power of the PRC	the executive	24th meeting of the 6th NPCSC	2	1987.11.12-11.24	1988.1.21
	Water Law of the PRC (Amendment)	Economic law	The Ministry of Water Resources of the PRC	the executive	29th meeting of the 9th NPCSC	4	2001.12.24-12.29	2002.8.29
	Decision of the NPCSC on Amending some Laws (Water Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Industrial Enterprises Owned by the Whole People	Civil and commercial law	State Economic Commission	the executive	1st Plenary Session of the 7th NPC	5	1985.1.10-1.21	1988.4.13
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Industrial Enterprises Owned by the Whole People amended according to this decision)	Civil and commercial law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Chinese-Foreign Contractual Joint Ventures	Civil and commercial law	Ministry of International Business and Economics of the PRC	the executive	1st Plenary Session of the 7th NPC	2	1988.1.11-21	1988.4.13
	Decision of the NPCSC on Amending the Law of the PRC on Chinese-Foreign Contractual Joint Ventures	Civil and commercial law	Ministry of International Business and Economics of the PRC, Legislative Affairs Office of the State Council	the executive	9th NPCSC	1	2000.10.31	2000.10.31

	Regulations of the Military Ranks of Officers of the Chinese People's Liberation Army	Administrative law	The Central Military Commissioner, Director of General Political Department	military commission	2nd meeting of the 7th NPCSC	2	1988.4.13	1988.7.1
	Decision of the NPCSC on the Revision of the Regulations on the Military Ranks of Officers of the Chinese People's Liberation Army	Administrative law	General Political Department	military commission	7th meeting of the 8th NPCSC	1	1994.5.12	1994.5.12
	Decision of the NPCSC Approving the Central Military Commission's Regulations for Conferring on Retired Officers Honorary Medals of Meritorious Service in the Chinese People's Liberation Army	Constitutional-related laws	General Political Department	military commission	2nd meeting of the 7th NPCSC	2	1988.4.13	1988.7.1
	Law of the PRC on Guarding State Secrets	Administrative law	State Secrecy Department	the executive	3rd meeting of the 7th NPCSC	2	1988.1.11	1988.9.5
	Law of the PRC on Guarding State Secrets (Amendment)	Administrative law	State Secrets Bureau	the executive	14th meeting of the 11th NPCSC	3	2009.6.22-27	2010.4.29
	Law of the PRC on the Protection of Wildlife	Administrative law	Ministry of Forestry of the PRC, Ministry of Agriculture of the PRC	the executive	4th meeting of the 7th NPCSC	2	1988.8.29-9.5	1988.11.8
	The Decision of the NPCSC about Amending the Law of the PRC on the Protection of Wild Animals	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Protection of Wildlife amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Standardization Law of the PRC	Economic law	State Standard Bureau	the executive	5th meeting of the 7th NPCSC	3	1988.8.29-9.5	1988.12.29
1989	Law of the PRC on the Prevention and Treatment of Infectious Diseases	Administrative law	Ministry of Health of the PRC	the executive	6th meeting of the 7th NPCSC	2	1988.12.23-12.29	1989.2.21
	Law of the PRC on the Prevention and Treatment of Infectious Diseases (Amendment)	Administrative law	Ministry of Health of the PRC	the executive	11th meeting of the 10th NPCSC	3	2004.4.2-4.6	2004.8.28
	Law of the PRC on Import and Export Commodity Inspection	Economic law	State Commodity Inspection Bureau	the executive	6th meeting of the 7th NPCSC	2	1988.12.23-12.29	1989.2.21
	Decision of the NPCSC on Amending the Law of the PRC on Import and Export Commodity Inspection	Economic law	General Administration of Quality Supervision, Inspection and Quarantine of the PRC, Legislative Affairs Office of the State Council	the executive	27th meeting of the 9th NPCSC	2	2002.2.27-2.28	2002.4.28
	Rules of Procedure for the NPC of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	2nd Plenary Session of the 7th NPC	2	1989.2.15-2.21	1989.4.4
	Administrative Litigation Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	2nd Plenary Session of the 7th NPC	2	1988.10.31-11.8	1989.4.4
	Law of the PRC on Assemblies, Processions and Demonstrations	Constitutional-related laws	The Ministry of Public Security of the PRC	the executive	10th meeting of the 7th NPCSC	3	1989.6.29-7.6	1989.10.31

	Decision of the NPCSC on Amending some Laws (Law of the PRC on Assemblies, Processions and Demonstrations amended according to this decision)	Constitutional-related laws	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Organic Law of the Urban Residents Committee of the PRC	Constitutional-related laws	Ministry of Civil Affairs of the PRC	the executive	11th meeting of the 7th NPCSC	3	1989.8.29-9.4	1989.12.26
	Environmental Protection Law of the PRC	Administrative law	State Department of Environmental Conservation	the executive	11th meeting of the 7th NPCSC	2	1989.10.25-10.31	1989.12.26
	Environmental Protection Law of the PRC (For Trial Implementation)	Administrative law	Environmental Protection Leading Group of the State Council	the executive	11th meeting of the 5th NPCSC	1	1979.9.13	1979.9.13
1990	Law of the PRC on the Protection of Military Installations	Administrative law	China PLA General Political Department	military commission	12th meeting of the 7th NPCSC	2	1989.12.20-12.26	1990.2.23
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Protection of Military Installations amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	The Basic Law of the Hong Kong Special Administrative Region of the PRC	Constitutional-related laws	Hong Kong Special Administrative Region Basic Law Committee	legislature	3rd Plenary Session of the 7th NPC	2	1989.2.15-2.21	1990.4.4
	Law of the PRC on the National Flag	Constitutional-related laws	State Council Legislative Affairs Bureau	the executive	14th meeting of the 7th NPCSC	3	1990.2.19-2.23	1990.6.28
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the National Flag amended according to this decision)	Constitutional-related laws	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Copyright Law of the PRC	Civil and commercial law	State Copyright Bureau	the executive	15th meeting of the 7th NPCSC	3	1989.12.20-12.26	1990.9.7
	Decision of the NPCSC on Amending the Copyright Law of the PRC	Civil and commercial law	State Copyright Bureau, Legislative Affairs Office of the State Council	the executive	24th meeting of the 9th NPCSC	4	1998.12.23-12.29	2001.10.27
	Decision of the NPCSC on Amending the Copyright Law of the PRC	Civil and commercial law	State Copyright Bureau	the executive	13th meeting of the 11th NPCSC	1	2010.2.26	2010.2.26
	Railway Law of the PRC	Economic law	Ministry of Railways	the executive	15th meeting of the 7th NPCSC	2	1990.2.19-2.23	1990.9.7
	Decision of the NPCSC on Amending some Laws (Railway Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese	Social law	Overseas Chinese Affairs Committee of the NPC	legislature	14th meeting of the 7th NPCSC	1	1990.6.20-6.28	1990.9.7
	Decision of the NPCSC on Amending the Law of the PRC on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese	Social law	Overseas Chinese Affairs Committee of the NPC	legislature	18th meeting of the 9th NPCSC	2	2000.8.21-8.25	2000.10.31

	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Regulations of the PRC Concerning Consular Privileges and Immunities	Constitutional-related laws	Ministry of Foreign Affairs of the PRC	the executive	16th meeting of the 7th NPCSC	2	1990.8.28-9.7	1990.10.30
	Law of the PRC on the Procedure of the Conclusion of Treaties	Constitutional-related laws	Ministry of Foreign Affairs of the PRC	the executive	17th meeting of the 7th NPCSC	2	1990.8.28-9.7	1990.12.28
	Law of the PRC on the Protection of Disabled Persons	Social law	Ministry of Civil Affairs of the PRC, China Disabled Persons' Federation	the executive and the mass organisation jointly	17th meeting of the 7th NPCSC	2	2008.2.26-28	2008.4.24
	Law of the PRC on the Protection of Disabled Persons (Amendment)	Social law	Ministry of Civil Affairs of the PRC	the executive	2nd Plenary Session of the 11th NPC	2	2008.2.26-28	2008.4.24
1991	Law of the PRC on the National Emblem	Constitutional-related laws	State Council Legislative Affairs Bureau	the executive	18th meeting of the 7th NPCSC	2	1990.12.20-12.28	1991.3.2
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the National Emblem amended according to this decision)	Constitutional-related laws	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Civil Procedure Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC, The Supreme People's Court of The PRC	legislature	4th Plenary Session of the 7th NPC	2	1990.12.20-12.28	1991.4.9
	Decision of the NPCSC on Amending the Civil Procedure Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC, Internal and Judicial Affairs Committee of the NPC, The Supreme People's Court of The PRC, The Supreme People's Procuratorate of the PRC	legislature	30th meeting of the 10th NPCSC	3	2007.6.24-29	2007.10.28
	Civil Procedure Law of the PRC (For Trial Implementation)	Litigation and non-litigation procedural law	Law Committee of the NPCSC	legislature	22th meeting of the 5th NPCSC	2	1981.11.20-11.26	1982.3.8
	Decision of the NPCSC on Amending the Civil Procedure Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	28th meeting of the 11th NPCSC	3	2011.10.24-29	2012.8.31
	Law of the PRC on Water and Soil Conservation	Economic law	The Ministry of Water Resources of the PRC	the executive	20th meeting of the 7th NPCSC	2	1991.2.25-3.2	1991.6.29
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Water and Soil Conservation amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Water and Soil Conservation (Amendment)	Economic law	The Ministry of Water Resources of the PRC	the executive	18th meeting of the 11th NPCSC	2	2010.8.23-28	2010.12.25

	Law of the PRC on Tobacco Monopoly	Economic law	China Tobacco	the executive	20th meeting of the 7th NPCSC	2	1990.6.20-6.28	1991.6.29
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Tobacco Monopoly amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Protection of Minors	Social law	The Central Committee of the Communist Young League, State Education Commission	mass organisation and the executive jointly	21th meeting of the 7th NPCSC	2	1991.6.21-6.29	1991.9.4
	Law of the PRC on the Protection of Minors (Amendment)	Social law	Internal and Judicial Affairs Committee of the NPC	legislature	25th meeting of the 10th NPCSC	3	2006.8.22-8.27	2006.12.29
	Decision of the NPCSC on Amending the Law of the PRC on the Protection of Minors	Social law	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Law of the PRC on the Entry and Exit Animal and Plant Quarantine	Economic law	Ministry of Agriculture of the PRC	the executive	22th meeting of the 7th NPCSC	2	1991.8.27-9.4	1991.10.30
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Entry and Exit Animal and Plant Quarantine amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Adoption Law of the PRC	Civil and commercial law	Ministry of Justice of the PRC	the executive	23th meeting of the 7th NPCSC	2	1991.6.21-6.29	1991.12.29
	Decision of the NPCSC on Revising the Adoption Law of the PRC	Civil and commercial law	Ministry of Civil Affairs of the PRC, Legislative Affairs Office of the State Council	the executive	5th meeting of the 9th NPCSC	2	1998.8.24-8.29	1998.11.4
	Law of the PRC on the Territorial Sea and the Contiguous Zone	Constitutional-related laws	State Oceanic Administration of the PRC	the executive	24th meeting of the 7th NPCSC	2	1991.10.25-10.30	1992.2.25
	Law of the PRC on Deputies to the NPC and Deputies to the Local People's Congresses	Constitutional-related laws	General Office of the NPCSC	legislature	5th Plenary Session of the 7th NPC	2	1991.12.23-12.29	1992.4.3
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Deputies to the NPC and Deputies to the Local People's Congresses amended according to this decision)	Constitutional-related laws	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Trade Union Law of the PRC	Social law	Legislative Affairs Commission of the NPCSC, All China Federation of Trade Union	legislature	5th Plenary Session of the 7th NPC	2	1991.12.23-12.29	1992.4.3
	Decision of the NPCSC on Revising the Trade Union Law of the PRC	Social law	Legislative Affairs Commission of the NPCSC, All China Federation of Trade Union	legislature	24th meeting of the 9th NPCSC	2	2001.8.27-8.31	2001.10.27
	Decision of the NPCSC on Amending some Laws (Trade Union Law of the PRC amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27

	Law of the PRC on the Protection of Women's Rights and Interests	Social law	Internal and Judicial Affairs Committee of the NPC	legislature	5th Plenary Session of the 7th NPC	2	1991.10.25-10.30	1992.4.3
	Regulations of the PRC on the Police Ranks of the People's Police	Administrative law	The Ministry of Public Security of the PRC	the executive	26th meeting of the 7th NPCSC	2	1991.12.23-12.29	1992.7.1
	Decision of the NPCSC on Amending some Laws (Regulations of the PRC on the Police Ranks of the People's Police amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC Concerning the Administration of Tax Collection	Economic law	Ministry of Finance of the PRC	the executive	27th meeting of the 7th NPCSC	3	1992.2.20-2.25	1992.9.4
	Decision of the NPCSC on the Amendments to the Law of the PRC on the Administration of Taxation Collection	Economic law	State Administration of Taxation	the executive	12th meeting of the 8th NPCSC	1	1995.2.28	1995.2.28
	Law of the PRC Concerning the Administration of Tax Collection (Amendment)	Economic law	State Administration of Taxation	the executive	21th meeting of the 9th NPCSC	3	2000.8.21-8.25	2001.4.28
	Maritime Law of the PRC	Civil and commercial law	State Council Legislative Affairs Bureau	the executive	28th meeting of the 7th NPCSC	2	1992.8.28-9.4	1992.11.7
	Mine Safety Law Of The PRC	Social law	Ministry of Labour and Personnel	the executive	28th meeting of the 7th NPCSC	2	1992.8.28-9.4	1992.11.7
	Decision of the NPCSC on Amending some Laws (Mine Safety Law Of The PRC amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Surveying and Mapping Law of the PRC	Administrative law	State Bureau of Surveying and Mapping	the executive	29th meeting of the 7th NPCSC	2	1992.8.28-9.4	1992.12.28
	Surveying and Mapping Law of the PRC (Amendment)	Administrative law	State Bureau of Surveying and Mapping	the executive	29th meeting of the 9th NPCSC	2	2002.6.24-6.29	2002.8.29
1993	State Security Law of the PRC	Administrative law	Ministry of State Security of the PRC	the executive	30th meeting of the 7th NPCSC	2	1992.12.22-12.28	1993.2.22
	Decision of the NPCSC on Amending some Laws (State Security Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Product Quality Law of the PRC	Economic law	State Bureau of Technical Supervision	the executive	30th meeting of the 7th NPCSC	2	1992.10.30-11.7	1993.2.22
	Decision of the NPCSC on Amending the Product Quality Law of the PRC	Economic law	State Bureau of Technical Supervision, Legislative Affairs Office of the State Council	the executive	16th meeting of the 9th NPCSC	3	1999.10.25-10.31	2000.7.8
	Decision of the NPCSC on Amending some Laws (Product Quality Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	The Basic Law of the Macao Special Administrative Region of the PRC	Constitutional-related laws	Macao Special Administrative Region Basic Law Committee of the NPC	legislature	1st Plenary Session of the 8th NPC	2	1992.3.14-3.16	1993.3.31
	Scientific and Technological Progress Law of the PRC	Administrative law	State Scientific and Technological Commission	the executive	2nd meeting of the 8th NPCSC	2	1992.10.30-11.7	1993.7.2

	Law of the PRC on Scientific and Technological Progress (Amendment)	Administrative law	Ministry of Science and Technology of the PRC	the executive	31th meeting of the 10th NPCSC	2	2007.8.24-8.30	2007.12.29
	Agriculture Law of the PRC	Economic law	Ministry of Agriculture of the PRC	the executive	2nd meeting of the 8th NPCSC	2	1993.2.15-2.22	1993.7.2
	Agriculture Law of the PRC (Amendment)	Economic law	Agriculture and Rural Affairs Committee of the NPC	legislature	31th meeting of the 9th NPCSC	3	2002.6.24-6.29	2002.12.28
	Decision of the NPCSC on Amending some Laws (Agriculture Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Popularization of Agriculture Technology	Economic law	Ministry of Agriculture of the PRC	the executive	2nd meeting of the 8th NPCSC	2	1992.12.22-12.28	1993.7.2
	Decision of the NPCSC on Amending the Law of the PRC on the Popularization of Agricultural Technology	Economic law	Agriculture and Rural Affairs Committee of the NPC	legislature	11th NPCSC	2	2012.4.24-27	2012.8.31
	Anti-Unfair Competition Law of the PRC	Economic law	State Administration for Industry & Commerce of the PRC	the executive	3rd meeting of the 8th NPCSC	2	1993.6.22-7.2	1993.10.31
	Law of the PRC on the Protection of Consumer Rights and Interests	Civil and commercial law	State Administration for Industry & Commerce of the PRC	the executive	4th meeting of the 8th NPCSC	2	1993.8.25-9.2	1993.10.31
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Protection of Consumer Rights and Interests amended according to this decision)	Civil and commercial law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Teachers Law of the PRC	Administrative law	State Education Commission	the executive	4th meeting of the 8th NPCSC	1	1993.10.31	1993.10.31
	Decision of the NPCSC on Amending some Laws (Teachers Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Certified Public Accountants	Economic law	Ministry of Finance of the PRC	the executive	4th meeting of the 8th NPCSC	2	1993.8.25-9.2	1993.10.31
	Law of the PRC on the Red Cross Society	Social law	Red Cross Society of China	mass organisation	4th meeting of the 8th NPCSC	2	1993.8.25-9.2	1993.10.31
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Red Cross Society amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Company Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	5th meeting of the 8th NPCSC	3	1993.2.15-2.22	1993.12.29
	The Decision of the NPCSC about Amending the Company Law of the PRC	Civil and commercial law	Legislative Affairs Office of the State Council	the executive	13th meeting of the 9th NPCSC	1	1999.12.25	1999.12.25
	The Decision of the NPCSC about Amending the Company Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.12.25	2004.12.25

	Company Law of the PRC (Amendment)	Civil and commercial law	Legislative Affairs Office of the State Council	the executive	18th meeting of the 10th NPCSC	3	2005.2.25-2.28	2005.10.27
	Decision of the NPCSC Concerning the Application of Interim Regulations on Such Taxes as Value-added Tax, Consumption Tax and Business Tax to Enterprises with Foreign Investment and Foreign Enterprises	Economic law	Ministry of Finance of the PRC	the executive	5th meeting of the 8th NPCSC	1	1993.12.29	1993.12.29
1994	Law of the PRC on the Protection of Taiwan Compatriots' Investment	Economic law	The Ministry of Foreign Trade Cooperation	the executive	6th meeting of the 8th NPCSC	2	1993.12.20-12.29	1994.3.5
	Budget Law of the PRC	Economic law	Ministry of Finance of the PRC	the executive	2nd Plenary Session of the 8th NPC	2	1993.10.22-10.31	1994.3.22
	State Compensation Law of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	7th meeting of the 8th NPCSC	2	1993.10.22-10.31	1994.5.12
	Decision of the NPCSC on Amending the State Compensation Law of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	14th meeting of the 10th NPCSC	4	2008.10.23-28	2010.4.29
	Decision of the NPCSC on Amending the State Compensation Law of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Foreign Trade Law of the PRC	Economic law	The Ministry of Foreign Trade Cooperation	the executive	7th meeting of the 8th NPCSC	2	1993.12.20-12.29	1994.5.12
	Foreign Trade Law of the PRC (Amendment)	Economic law	Legislative Affairs Office of the State Council	the executive	6th meeting of the 10th NPCSC	3	2003.12.22-12.27	2004.4.6
	Urban Real Estate Administration Law of the PRC	Economic law	Ministry of Construction	the executive	8th meeting of the 8th NPCSC	2	1994.5.5-5.12	1994.7.5
	Decision of the NPCSC on Amending the Urban Real Estate Administration Law of the PRC	Economic law	Legislative Affairs Office of the State Council	the executive	29th meeting of the 10th NPCSC	1	2007.8.30	2007.8.30
	Decision of the NPCSC on Amending some Laws (Urban Real Estate Administration Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Labour Law of the PRC	Social law	State Labour Bureau	the executive	8th meeting of the 8th NPCSC	2	1994.3.2-3.5	1994.7.5
	Decision of the NPCSC on Amending some Laws (Labour Law of the PRC amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Audit Law of the PRC	Economic law	National Audit Office of the PRC	the executive	9th meeting of the 8th NPCSC	2	1994.6.28-7.5	1994.8.31

	Decision of the NPCSC on Amending the Audit Law of the PRC	Economic law	National Audit Office of the PRC	the executive	20th meeting of the 10th NPCSC	2	2005.10.22-10.27	2006.2.28
	Arbitration Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	9th meeting of the 8th NPCSC	2	1994.6.28-7.5	1994.8.31
	Decision of the NPCSC on Amending some Laws (Arbitration Law of the PRC amended according to this decision)	Litigation and non-litigation procedural law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Maternal and Infant Health Care	Administrative law	Ministry of Health of the PRC	the executive	10th meeting of the 8th NPCSC	2	1993.12.20-12.29	2009.8.27
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Maternal and Infant Health Care amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Advertising Law of the PRC	Economic law	State Administration for Industry & Commerce of the PRC	the executive	10th meeting of the 8th NPCSC	2	1994.8.24-8.31	1994.10.27
	Prison Law of the PRC	Administrative law	Ministry of Justice of the PRC	the executive	11th meeting of the 8th NPCSC	2	1994.10.21-10.27	1994.12.29
	Decision of the NPCSC on Amending some Laws (Prison Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
1995	Judges Law of the PRC	Constitutional-related laws	The Supreme People's Court of The PRC	the judiciary	12th meeting of the 8th NPCSC	3	1994.5.5-5.12	1995.2.28
	Decision of the NPCSC on Amending the Judges Law of the PRC	Constitutional-related laws	The Supreme People's Court of The PRC	the judiciary	22th meeting of the 9th NPCSC	3	2000.7.3-7.8	2001.6.30
	Public Procurators Law of the PRC	Constitutional-related laws	The Supreme People's Procuratorate of the PRC	the judiciary	12th meeting of the 8th NPCSC	3	1994.5.5-5.12	1995.2.28
	Decision of the NPCSC on Amending the Public Procurator Law of the PRC	Constitutional-related laws	The Supreme People's Procuratorate of the PRC	the judiciary	22th meeting of the 9th NPCSC	3	2000.7.3-7.8	2001.6.30
	People's Police Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	12th meeting of the 8th NPCSC	2	1994.12.21-12.29	1995.2.28
	Decision of the NPCSC on Amending the People's Police Law of the PRC	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Education Law of the PRC	Administrative law	State Education Commission	the executive	13th Plenary Session of the 8th NPC	1	1994.12.21-12.29	1995.3.18
	Decision of the NPCSC on Amending some Laws (Education Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC On the People's Bank of China	Economic law	The People's Bank of China	the executive	3rd Plenary Session of the 8th NPC	3	1994.6.28-7.5	1995.3.18

	Decision of the NPCSC on Modifying the “Law of the PRC on the People's Bank of China”	Economic law	The People's Bank of China, Legislative Affairs Office of the State Council, China Banking Regulatory Commission	the executive	6th meeting of the 10th NPCSC	3	2003.8.22-8.27	2003.12.27
	Law of the PRC on Commercial Banks	Civil and commercial law	The People's Bank of China	the executive	13th meeting of the 8th NPCSC	3	1994.8.24-8.31	1995.5.10
	Decision of the NPCSC on Amending the Law of the PRC on Commercial Banks	Civil and commercial law	China Banking Regulatory Commission, Legislative Affairs Office of the State Council, The People's Bank of China	the executive	6th meeting of the 10th NPCSC	3	2003.8.22-8.27	2003.12.27
	Negotiable Instruments Law of the PRC	Civil and commercial law	The People's Bank of China	the executive	13th meeting of the 8th NPCSC	2	1995.2.21-2.28	1995.5.10
	The Decision of the NPCSC about Amending the Negotiable Instruments Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Reserve Officers Law of the PRC	Administrative law	General Political Department	military commission	13th meeting of the 8th NPCSC	2	1995.2.21-2.28	1995.5.10
	Decision of the NPCSC on Amendment to the Reserve Officers Law of the PRC	Administrative law	General Political Department	military commission	16th meeting of the 11th NPCSC	2	2010.6.22-25	2010.8.28
	The Guarantee Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	14th meeting of the 8th NPCSC	2	1995.2.21-2.28	1995.6.30
	Insurance Law of the PRC	Civil and commercial law	The People's Bank of China	the executive	14th meeting of the 8th NPCSC	2	1995.2.21-2.28	1995.6.30
	Decision of the NPCSC on Amending the Insurance Law of the PRC	Civil and commercial law	China Insurance Regulatory Commission, Legislative Affairs Office of the State Council	the executive	30th meeting of the 9th NPCSC	3	2002.6.24-6.29	2002.10.28
	Insurance Law of the PRC (Amendment)	Civil and commercial law	China Insurance Regulatory Commission	the executive	7th meeting of the 11th NPCSC	3	2008.8.23-28	2009.2.28
	Law of the PRC on Physical Culture and Sports	Administrative law	State Physical Culture and Sports Commission	the executive	15th meeting of the 8th NPCSC	2	1995.6.23-6.30	1995.8.29
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Physical Culture and Sports amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Prevention and Control of Environmental Pollution by Solid Wastes	Administrative law	State Department of Environmental Conservation	the executive	16th meeting of the 8th NPCSC	2	1995.8.23-8.29	1995.10.30
	Law of the PRC on the Prevention and Control of Environmental Pollution by Solid Wastes (Amendment)	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	13th meeting of the 10th NPCSC	2	2004.10.22-10.27	2004.12.29
	Civil Aviation Law of the PRC	Economic law	Civil Aviation Administration of China	the executive	16th meeting of the 8th NPCSC	2	1995.6.23-6.30	1995.10.30
	Decision of the NPCSC on Amending some Laws (Civil Aviation Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27

	Electric Power Law of the PRC	Economic law	Ministry of Power Industry	the executive	17th meeting of the 8th NPCSC	2	1995.10.23-10.30	1995.12.28
	Decision of the NPCSC on Amending some Laws (Electric Power Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
1996	Marital Law of the PRC	Constitutional-related laws	Legislative Affairs Commission of the NPCSC, Legislative Affairs of the CMC	legislature and military commission jointly	18th meeting of the 8th NPCSC	2	1995.12.20-12.28	1996.3.1
	Law of the PRC on Administrative Penalty	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	4th Plenary Session of the 8th NPC	2	1995.10.23-10.30	1996.3.17
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Administrative Penalty amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Lawyers Law of the PRC	Administrative law	Ministry of Justice of the PRC	the executive	18th meeting of the 8th NPCSC	2	1995.10.23-30	1996.5.15
	Decision of the NPCSC on Amending the Lawyers Law of the PRC	Administrative law	Ministry of Justice of the PRC	the executive	25th meeting of the 9th NPCSC	1	2001.12.29	2001.12.29
	Lawyers Law of the PRC (Amendment)	Administrative law	Ministry of Justice of the PRC	the executive	30th meeting of the 10th NPCSC	3	2007.6.24-6.29	2007.10.28
	Decision of the NPCSC on Amending the Lawyers Law of the PRC	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Vocation Education Law of the PRC	Administrative law	State Education Commission	the executive	19th meeting of the 8th NPCSC	2	1995.12.20-12.28	1996.5.15
	Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements	Administrative law	Education, Science, Culture and Public Health Committee of the NPC	legislature	19th meeting of the 8th NPCSC	2	1995.12.20-12.28	1996.5.15
	The Auction Law of the PRC	Civil and commercial law	Ministry of Internal Trade	the executive	20th meeting of the 8th NPCSC	2	1995.12.20-12.28	1996.7.5
	The Decision of the NPCSC about Amending the Auction Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	1	2004.8.28	2004.8.28
	Law of the PRC on Control of Guns	Administrative law	The Ministry of Public Security of the PRC	the executive	20th meeting of the 8th NPCSC	2	1996.5.7-5.15	1996.7.5
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Control of Guns amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Coal Industry Law of the PRC	Economic law	Ministry of Coal Industry	the executive	21th meeting of the 8th NPCSC	2	1996.6.28-7.5	1996.8.29

	Decision of the NPCSC on Amending some Laws (Coal Industry Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Decision of the NPCSC on Amending the Coal Industry Law of the PRC	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	20th meeting of the 11th NPCSC	1	2001.4.22	2001.4.22
	Law of the PRC on Protection of the Rights and Interests of the Elderly	Social law	Internal and Judicial Affairs Committee of the NPC	legislature	21th meeting of the 8th NPCSC	2	1996.6.28-7.5	1996.8.29
	Decision of the NPCSC on Amending some Laws (Law of the PRC on Protection of the Rights and Interests of the Elderly amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Protection of the Rights and Interests of the Elderly (Amendment)	Social law	Internal and Judicial Affairs Committee of the NPC	legislature	30th meeting of the 11th NPCSC	2	2012.6.26-30	2012.12.28
	Measures for the Election of Deputies from the Chinese People's Liberation Army to the NPC and Local People's Congresses	Constitutional-related laws	General Political Department	military commission	19th meeting of the 5th NPCSC	1	1981.6.10	1981.6.10
	Measures for Election of Deputies from the Chinese People's Liberation Army to the NPC and Local People's Congresses at or Above the County Level	Constitutional-related laws	General Political Department	military commission	22th meeting of the 8th NPCSC	2	1996.8.23-8.29	1996.10.29
	Decision of the NPCSC on Amending the Measures for the Election of Deputies from the Chinese People's Liberation Army to the NPC and the Local People's Congresses at and above the County Level	Constitutional-related laws	General Political Department	military commission	27th meeting of the 11th NPCSC	1	2012.6.30	2012.6.30
	Civil Air Defence Law of the PRC	Administrative law	National Civil Air Defence Committee	military commission	22th meeting of the 8th NPCSC	2	1996.8.23-8.29	1996.10.29
	Decision of the NPCSC on Amending some Laws (Civil Air Defence Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Prevention and Control of Pollution From Environmental Noise	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	22th meeting of the 8th NPCSC	2	1996.8.23-8.29	1996.10.29
	Law of the PRC on Township Enterprises	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	22th meeting of the 8th NPCSC	2	1996.8.23-8.29	1996.10.29
	Law of the PRC on Garrisoning the Hong Kong Special Administrative Region	Constitutional-related laws	China PLA General Political Department	military commission	23th meeting of the 8th NPCSC	2	1996.10.23-10.29	1996.12.30
1997	Partnership business law of the PRC	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	24th meeting of the 8th NPCSC	2	1996.10.23-10.29	1997.2.23
	Partnership business law of the PRC (Amendment)	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	23th meeting of the 10th NPCSC	3	2006.4.25-4.29	2006.8.27

	Law of the PRC on National Defence	Constitutional-related laws	The National Defence Law Drafting Committee	military commission	5th Plenary Session of the 8th NPC	2	1996.5.7-5.15	1997.3.14
	Decision of the NPCSC on Amending some Laws (Law of the PRC on National Defence amended according to this decision)	Constitutional-related laws	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Administrative Supervision Law of the PRC	Administrative law	Ministry of Supervision	the executive	25th meeting of the 8th NPCSC	3	1995.12.20-12.28	1997.5.9
	Decision of the NPCSC on Amending the Administrative Supervision Law of the PRC	Administrative law	Ministry of Supervision	the executive	5th meeting of the 11th NPCSC	2	2010.2.24	2010.6.25
	Highway law of the PRC	Economic law	Ministry of Transport of the PRC	the executive	26th meeting of the 8th NPCSC	2	1997.2.19-2.25	1997.7.3
	The Decision of the NPCSC about Amending the Highway Law of the PRC	Economic law	Ministry of Transport of the PRC	the executive	12th meeting of the 9th NPCSC	3	1998.10.27-11.4	1999.10.31
	The Decision of the NPCSC about Amending the Highway Law of the PRC	Economic law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Decision of the NPCSC on Amending some Laws (Highway law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Animal Epidemic Prevention Law of the PRC	Economic law	Ministry of Agriculture of the PRC	the executive	26th meeting of the 8th NPCSC	2	1997.2.19-2.25	1997.7.3
	Animal Epidemic Prevention Law of the PRC (Amendment)	Economic law	Ministry of Agriculture of the PRC	the executive	29th meeting of the 10th NPCSC	2	2007.4.24-4.27	2007.8.30
	Flood Control Law of the PRC	Economic law	The Ministry of Water Resources of the PRC	the executive	27th meeting of the 8th NPCSC	2	1997.6.27-7.3	1997.8.29
	Decision of the NPCSC on Amending some Laws (Flood Control Law of the PRC amended according to this decision)	Economic law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Construction Law of the PRC	Economic law	Ministry of Construction	the executive	28th meeting of the 8th NPCSC	2	1996.8.23-8.29	1997.11.1
	Decision of the NPCSC on Amending the Construction Law of the PRC	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	20th meeting of the 11th NPCSC	1	2011.4.22	2011.4.22
	Law of the PRC on Conserving Energy	Economic law	State Development Planning Commission, State Economic and Trade Commission	the executive	28th meeting of the 8th NPCSC	4	1995.5.5-5.10	1997.11.1
	Law of the PRC on Conserving Energy (Amendment)	Economic law	Financial and Economic Affairs Committee of the NPC, National Development and Reform Commission, Legislative Affairs Office of the State Council	legislature and the executive jointly	30th meeting of the 10th NPCSC	2	2007.6.24-6.29	2007.10.28

	Law of the PRC on Blood donation	Administrative law	Ministry of Health of the PRC	the executive	29th meeting of the 8th NPCSC	3	1996.12.24-12.30	1997.12.29
	Law of the PRC on Protecting Against and Mitigating Earthquake Disasters	Administrative law	State Seismological Bureau	the executive	29th meeting of the 8th NPCSC	2	1997.8.25-8.29	1997.12.29
	Law of the PRC on Protecting Against and Mitigating Earthquake Disasters (Amendment)	Administrative law	State Seismological Bureau	the executive	6th meeting of the 11th NPCSC	2	2008.10.23-28	2008.12.27
	Price Law of the PRC	Economic law	State Planning Commission	the executive	29th meeting of the 8th NPCSC	2	1997.8.25-8.29	1997.12.29
1998	Fire Control Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	2nd meeting of the 9th NPCSC	2	1997.10.27-11.1	1998.4.29
	Fire Control Law of the PRC (Amendment)	Administrative law	The Ministry of Public Security of the PRC	the executive	5th meeting of the 11th NPCSC	3	2008.4.22-24	2008.10.28
	Law on the Exclusive Economic Zone and the Continental Shelf of the PRC	Constitutional-related laws	Ministry of Foreign Affairs of the PRC	the executive	3rd meeting of the 9th NPCSC	2	1996.12.24-12.30	1998.6.26
	Law on Practicing Doctors of the PRC	Administrative law	Ministry of Health of the PRC	the executive	3rd meeting of the 9th NPCSC	2	1995.6.23-6.30	1998.6.26
	Decision of the NPCSC on Amending some Laws (Law on Practicing Doctors of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Higher Education Law of the PRC	Administrative law	State Education Commission	the executive	4th meeting of the 9th NPCSC	4	1997.6.27-7.3	1998.8.29
	Organic Law of the Villagers Committees of the PRC	Constitutional-related laws	Ministry of Civil Affairs of the PRC, Legislative Affairs Office of the State Council	the executive	5th meeting of the 9th NPCSC	3	1998.6.22-6.26	1998.11.4
	Organic Law of the Villagers Committees of the PRC (For Trial Implementation)	Constitutional-related laws	Ministry of Civil Affairs of the PRC	the executive	23th meeting of the 6th NPCSC	3	1987.1.12-1.22	1987.11.24
	Organic Law of the Villagers Committees of the PRC (Amendment)	Constitutional-related laws	Ministry of Civil Affairs of the PRC	the executive	17th meeting of the 11th NPCSC	3	2009.12.22-26	2010.10.28
	Securities Law of the PRC	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	6th meeting of the 9th NPCSC	5	1993.8.25-9.2	1998.12.29
	The Decision of the NPCSC about Amending the Securities Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Securities Law of the PRC (Amendment)	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	18th meeting of the 10th NPCSC	3	2005.4.24-4.27	2005.10.27
1999	Contract Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	2nd Plenary Session of the 9th NPC	4	1998.8.24-8.29	1999.3.15
	Administrative Reconsideration Law of the PRC	Administrative law	Legislative Affairs Office of the State Council	the executive	5th meeting of the 9th NPCSC	3	1998.10.27-11.4	1999.4.29

	Decision of the NPCSC on Amending some Laws (Administrative Reconsideration Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Garrisoning the Macao Special Administrative Region	Constitutional-related laws	China PLA General Political Department	military commission	10th meeting of the 9th NPCSC	2	1999.4.26-4.29	1999.6.28
	Law of the PRC on Donations for Public Welfare	Social law	Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 9th NPCSC	2	1999.4.26-4.29	1999.6.28
	Law of the PRC on the Prevention of Juvenile Delinquency	Social law	Internal and Judicial Affairs Committee of the NPC, The Central Committee of the Communist Young League	legislature and mass organisation jointly	10th meeting of the 9th NPCSC	3	1998.4.26-4.29	1999.6.28
	Decision of the NPCSC on Amending the Law of the PRC on the Prevention of Juvenile Delinquency	Social law	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Law of the PRC on Individual Proprietorship Enterprises	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	11th meeting of the 9th NPCSC	3	1999.4.26-4.29	1999.8.30
	The Bidding Law of the PRC	Civil and commercial law	State Development Planning Commission	the executive	11th meeting of the 9th NPCSC	3	1999.4.26-4.29	1999.8.30
	Meteorology Law of the PRC	Administrative law	China Meteorological Administration	legislature	12th meeting of the 9th NPCSC	3	1999.6.22-6.28	1999.10.31
	Decision of the NPCSC on Amending some Laws (Meteorology Law of the PRC amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Special Maritime Procedure Law of the PRC	Litigation and non-litigation procedural law	The Supreme People's Court of The PRC	the judiciary	13th meeting of the 9th NPCSC	3	1999.8.24-8.30	1999.12.25
2000	The Law on Legislation of the PRC	Constitutional-related laws	The NPCSC	legislature	3rd Plenary Session of the 9th NPC	2	1999.10.25-10.31	2000.3.15
	Seed Law of the PRC	Economic law	Legislative Affairs Commission of the NPCSC	legislature	16th meeting of the 9th NPCSC	3	1999.10.25-10.31	2000.3.15
	Decision of the NPCSC on Amending the Seed Law of the PRC	Economic law	Legislative Affairs Commission of the NPCSC	legislature	11th meeting of the 10th NPCSC	1	2004.8.28	2004.8.28
	Law of the PRC on the Standard Spoken and Written Chinese Language	Administrative law	Education, Science, Culture and Public Health Committee of the NPC	legislature	18th meeting of the 9th NPCSC	3	2000.7.3-7.8	2000.10.31
	Law of the PRC on Officers in Active Service	Administrative law	General Political Department	military commission	3rd meeting of the 7th NPCSC	2	1988.6.25-7.1	1988.9.5
	Regulations of the Chinese People's Liberation Army on the Military Services of Officers in Active Service	Administrative law	General Political Department	military commission	3rd meeting of the 7th NPCSC	2	1988.6.25-7.1	1988.9.5
	Decision of the NPCSC on the Revision of the Regulations of the Chinese People's Liberation	Administrative law	General Political Department	military commission	7th meeting of the 8th NPCSC	1	1994.5.12	1994.5.12

	Army on the Military Service of Officers in Active Service							
	Extradition Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	19th meeting of the 9th NPCSC	3	2000.8.21-8.25	2000.12.28
2001	Trust Law of the PRC	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	21th meeting of the 9th NPCSC	3	1996.12.24-12.30	2001.4.28
	National Defence Education Law of the PRC	Administrative law	General Political Department	military commission	21th meeting of the 9th NPCSC	2	2000.12.22	2001.4.28
	Law of the PRC on Desert Prevention and Transformation	Administrative law	Environment Protection and Resources Conservation Committee of the NPC , Agriculture and Rural Affairs Committee of the NPC	legislature	23th meeting of the 9th NPCSC	3	2001.2.26-2.28	2001.8.31
	Law of the PRC on the Administration of Sea Areas	Economic law	Ministry of Land and Resources of the PRC, Ministry of Finance of the PRC, State Oceanic Administration of the PRC	the executive	24th meeting of the 9th NPCSC	3	2001.6.26-6.30	2001.10.27
	Law of the PRC on the Prevention and Treatment of Occupational Diseases	Social law	Ministry of Health of the PRC, Legislative Affairs Office of the State Council	the executive	2nd meeting of the 9th NPCSC	3	2001.6.26-6.30	2001.10.27
	Decision of the NPCSC on Amending the Law of the PRC on the Prevention and Control of Occupational Diseases	Social law	Ministry of Health of the PRC	the executive	24th meeting of the 11th NPCSC	3	2011.6.27-30	2011.12.31
	Law of the PRC on Population and Family Planning	Administrative law	State Family Planning Commission	the executive	25th meeting of the 9th NPCSC	3	2001.4.24-4.28	2001.12.29
2002	Government Procurement Law of the PRC	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	28th meeting of the 9th NPCSC	3	2001.10.22-10.27	2002.6.29
	Law of the PRC on Promulgation of Science and Technology	Administrative law	Education, Science, Culture and Public Health Committee of the NPC	legislature	29th meeting of the 9th NPCSC	2	2002.4.24-4.28	2002.6.29
	Law of the PRC on Promoting Clean Production	Economic law	Environment Protection and Resources Conservation Committee of the NPC	legislature	28th meeting of the 9th NPCSC	2	2002.4.24-4.28	2002.6.29
	Decision of the NPCSC on Amending the Law of the PRC on Promoting Clean Production	Economic law	Environment Protection and Resources Conservation Committee of the NPC	legislature	25th meeting of the 11th NPCSC	2	2001.10.24-29	2012.2.29
	Law of the PRC on the Promotion of Small and Medium-sized Enterprises	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	28th meeting of the 9th NPCSC	3	2001.12.24-12.29	2002.6.29
	Work Safety Law of the PRC	Social law	State Economic and Trade Commission	the executive	28th meeting of the 9th NPCSC	3	2001.12.24-12.29	2002.6.29
	Decision of the NPCSC on Amending some Laws (Work Safety Law of the PRC amended according to this decision)	Social law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Contracting of Rural Land	Civil and commercial law	Agriculture and Rural Affairs Committee of the NPC	legislature	29th meeting of the 9th NPCSC	3	2001.6.26-6.30	2002.8.29

	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Contracting of Rural Land amended according to this decision)	Civil and commercial law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on Appraising of Environment Impacts	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	30th meeting of the 9th NPCSC	3	2000.12.22-12.28	2002.10.28
	Non-state Education Promotion Law of the PRC	Administrative law	Education, Science, Culture and Public Health Committee of the NPC	legislature	31th meeting of the 9th NPCSC	4	2002.6.24-6.29	2002.12.28
2003	Regulations of the PRC on Customs Titles	Administrative law	General Administration of Customs of the PRC	the executive	32th meeting of the 9th NPCSC	2	2002.12.23-12.28	2003.2.28
	Law of the PRC on Resident Identity Cards	Administrative law	The Ministry of Public Security of the PRC	the executive	3th meeting of the 10th NPCSC	4	2002.10.25-10.28	2003.6.28
	Decision of the NPCSC on Amending the Law of the PRC on Resident Identity Cards	Administrative law	The Ministry of Public Security of the PRC	the executive	23th meeting of the 11th NPCSC	1	2001.10.29	2001.10.29
	Law of the PRC on Prevention and Control of Radioactive Pollution	Administrative law	State Environmental Protection Administration	the executive	3rd meeting of the 10th NPCSC	3	2002.12.23-12.28	2003.6.28
	Law of the PRC on Ports	Economic law	Ministry of Transport of the PRC	the executive	3th meeting of the 10th NPCSC	3	2002.12.23-12.28	2003.6.28
	Administrative License Law of the PRC	Administrative law	Legislative Affairs Office of the State Council	the executive	4th meeting of the 10th NPCSC	4	2002.8.23-8.29	2003.8.27
	Law of the PRC on Securities Investment Fund	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	5th meeting of the 10th NPCSC	3	2002.8.23-8.29	2003.10.28
	Securities Investment Fund Law of the PRC (Amendment)	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	30th meeting of the 11th NPCSC	3	2012.6.26-6.30	2012.12.28
	Road Traffic Safety Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	5th meeting of the 10th NPCSC	4	2001.12.24-12.29	2003.10.28
	Decision of the NPCSC on Amending the Road Traffic Safety Law of the PRC	Administrative law	Legislative Affairs Office of the State Council, The Ministry of Public Security of the PRC	legislature	31th meeting of the 10th NPCSC	2	2011.4.22	2011.4.22
	Banking Supervision Law of the PRC	Economic law	China Banking Regulatory Commission, Legislative Affairs Office of the State Council, The People's Bank of China	the executive	6th meeting of the 10th NPCSC	3	2003.8.22-8.27	2003.12.27
	Decision of the NPCSC on Amending the Banking Supervision Law of the PRC	Economic law	Legislative Affairs Office of the State Council, China Banking Regulatory Commission	the executive	24th meeting of the 10th NPCSC	1	2006.10.31	2006.10.31

2004	Law of the PRC on Promotion of Agricultural Mechanization	Economic law	Agriculture and Rural Affairs Committee of the NPC	legislature	10th meeting of the 10th NPCSC	2	2004.2.26-2.29	2004.6.25
	Law of the PRC on Electronic Signature	Civil and commercial law	Legislative Affairs Office of the State Council	the executive	11th meeting of the 10th NPCSC	3	2004.4.2-4.6	2004.8.28
2005	Renewable Energy Law of the PRC	Economic law	Environment Protection and Resources Conservation Committee of the NPC	legislature	14th meeting of the 10th NPCSC	2	2004.12.25-12.29	2005.2.28
	Decision of the NPCSC on Amending the Renewable Energy Law of the PRC	Economic law	Environment Protection and Resources Conservation Committee of the NPC	legislature	20th meeting of the 10th NPCSC	2	2009.8.24-27	2009.12.26
	Anti-Secession Law	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	3rd Plenary Session of the 10th NPC	3	2004.12.25-12.29	2005.3.14
	Civil Servant Law of the PRC	Administrative law	The Organisation Department of the Central Committee of the CPC, Ministry of Personnel	the executive	15th meeting of the 10th NPCSC	1	2004.12.25-12.29	2005.4.27
	Public Security Administration Punishments Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	17th meeting of the 10th NPCSC	3	2004.10.22-10.27	2005.8.28
	Regulations on the PRC on Administrative Penalties for Public Security	Administrative law	The Ministry of Public Security of the PRC	the executive	17th meeting of the 6th NPCSC	3	1986.3.11-3.19	1986.9.5
	Decision of the NPCSC on Revising the Regulations of the PRC on Administrative Penalties for Public Security	Administrative law	The Ministry of Public Security of the PRC	the executive	7th meeting of the 8th NPCSC	1	1994.5.12	1994.5.12
	Decision of the NPCSC on Amending the Public Security Administration Punishments Law of the PRC	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	29th meeting of the 11th NPCSC	1	2012.10.26	2012.10.26
	Notary Law of the PRC	Administrative law	Ministry of Justice of the PRC	the executive	17th meeting of the 10th NPCSC	3	2004.12.25-12.29	2005.8.28
	Law of the PRC on Immunity of the Property of Foreign Central Banks from Compulsory Judicial Measures	Constitutional-related laws	Ministry of Foreign Affairs of the PRC	the executive	18th meeting of the 10th NPCSC	2	2005.8.23-8.28	2005.12.29
	Animal Husbandry Law of the PRC	Economic law	Agriculture and Rural Affairs Committee of the NPC	legislature	19th meeting of the 10th NPCSC	2	2005.8.23-8.28	2005.12.29
2006	Agricultural Product Quality Safety Law of the PRC	Economic law	Ministry of Agriculture of the PRC	the executive	20th meeting of the 10th NPCSC	3	2005.10.22-10.27	2006.4.29
	Passport Law of the PRC	Administrative law	Legislative Affairs Office of the State Council, Ministry of Foreign Affairs of the PRC, The Ministry of Public Security of the PRC	the executive	21th meeting of the 10th NPCSC	2	2005.12.24-12.29	2006.4.29

	Law of the PRC on the Supervision of Standing Committees of People's Congresses at Various Levels	Constitutional-related laws	Legislative Affairs Commission of the NPCSC	legislature	23th meeting of the 10th NPCSC	4	2002.8.23-8.29	2006.8.27
	Enterprise Bankruptcy Law of the PRC	Civil and commercial law	Financial and Economic Affairs Committee of the NPC	legislature	23th meeting of the 10th NPCSC	3	2004.6.21-6.25	2006.8.27
	Enterprise Bankruptcy Law of the PRC (For Trial Implementation)	Civil and commercial law	State Economic Commission	the executive	18th meeting of the 6th NPCSC	3	1986.6.16-6.25	1986.12.2
	Law of the PRC on Farmers' Professional Cooperatives	Civil and commercial law	Agriculture and Rural Affairs Committee of the NPC	legislature	24th meeting of the 10th NPCSC	3	2006.6.24-6.29	2006.10.31
	Anti-Money Laundering Law of the PRC	Economic law	Budgetary Affairs Commission of the NPCSC	legislature	24th meeting of the 10th NPCSC	3	2006.4.25-4.29	2006.10.31
2007	Property Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	5th Plenary Session of the 10th NPC	7	2002.12.23-12.28	2007.3.16
	Enterprise Income Tax Law of the PRC	Economic law	Ministry of Finance of the PRC, State Administration of Taxation, Legislative Affairs Office of the State Council	the executive	5th Plenary Session of the 10th NPC	1	2006.12.24-12.29	2007.3.16
	Income Tax Law of the PRC for Enterprises with Foreign Investment and Foreign Enterprises	Economic law	Ministry of Finance of the PRC, State Administration of Taxation, Legislative Affairs Office of the State Council	the executive	4th Plenary Session of the 7th NPC	2	1990.12.20-12.28	1991.4.9
	Labour Contract Law of the PRC	Social law	Ministry of Labour and Social Security of the PRC	the executive	28th meeting of the 10th NPCSC	4	2005.12.24-12.29	2007.6.29
	Decision of the NPCSC on Amending the Employment Contract Law of the PRC	Social law	Financial and Economic Affairs Committee of the NPC	legislature	30th meeting of the 11th NPCSC	2	2012.6.26-30	2012.12.28
	Anti-Monopoly Law of the PRC	Economic law	Ministry of Commerce of the PRC, State Administration for Industry and Commerce of the PRC	the executive	29th meeting of the 10th NPCSC	3	2006.6.24-6.29	2007.8.30
	Emergency Response Law of the PRC	Administrative law	Legislative Affairs Office of the State Council	the executive	29th meeting of the 10th NPCSC	3	2006.6.24-6.29	2007.8.30
	Employment Promotion Law of the PRC	Social law	Ministry of Labour and Social Security of the PRC	the executive	29th meeting of the 10th NPCSC	3	2007.2.26-2.28	2007.8.30
	Urban and Rural Planning Law of the PRC	Administrative law	Ministry of Construction	the executive	30th meeting of the 10th NPCSC	3	2007.4.24-4.27	2007.10.28
	City Planning Law of the PRC	Administrative law	Ministry of Construction	the executive	11th meeting of the 7th NPCSC	2	1989.10.25-10.31	1989.12.26

	Narcotics Control Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	31th meeting of the 10th NPCSC	3	2006.8.22-8.27	2007.12.29
	Labour Dispute Mediation and Arbitration Law of the PRC	Litigation and non-litigation procedural law	Legislative Affairs Commission of the NPCSC	legislature	31th meeting of the 10th NPCSC	3	2007.8.24-8.30	2007.12.29
2008	Circular Economy Promotion Law of the PRC	Economic law	Environment Protection and Resources Conservation Committee of the NPC	legislature	4th meeting of the 11th NPCSC	3	2007.8.23-30	2008.8.29
	Law of the PRC on the State-Owned Assets of Enterprises	Economic law	Financial and Economic Affairs Committee of the NPC	legislature	5th meeting of the 10th NPCSC	3	2007.12.23-29	2008.10.28
2009	Food Safety Law of the PRC	Administrative law	Legislative Affairs Office of the State Council	the executive	7th meeting of the 11th NPCSC	4	2007.12.23-29	2009.2.28
	Food Hygiene Law of the PRC (For Trial Implementation)	Administrative law	Ministry of Health of the PRC	the executive	25th meeting of the 5th NPCSC	1	1982.11.19	1982.11.19
	Food Hygiene Law of the PRC	Administrative law	Ministry of Health of the PRC	the executive	16th meeting of the 8th NPCSC	2	1995.8.23-8.29	1995.10.30
	Law of the PRC on the Mediation and Arbitration of Rural Land Contract Disputes	Litigation and non-litigation procedural law	Ministry of Agriculture of the PRC	the executive	9th meeting of the 11th NPCSC	3	2008.12.22-27	2009.6.27
	Law of the PRC on the People's Armed Police Force	Administrative law	PAP Headquarters	the executive, military commission	10th meeting of the 10th NPCSC	2	2009.4.20-24	2009.8.27
	Law of the PRC on Diplomatic Personnel Stationed Abroad	Administrative law	Ministry of Foreign Affairs of the PRC	the executive	11th meeting of the 11th NPCSC	2	2009.6.22-27	2009.10.31
	Tort Law of the PRC	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	12th meeting of the 10th NPCSC	4	2002.12.23-28	2009.12.26
	Island Protection Law of the PRC	Administrative law	Environment Protection and Resources Conservation Committee of the NPC	legislature	12th meeting of the 11th NPCSC	3	2009.6.22-27	2009.12.26
2010	National Defence Mobilization Law of the PRC	Administrative law	National Defence Mobilization Commission	military commission	13th meeting of the 11th NPCSC	3	2009.4.20-24	2010.2.26
	Oil and Natural Gas Pipeline Protection Law of the PRC	Economic law	Legislative Affairs Office of the State Council	the executive	15th meeting of the 11th NPCSC	3	2009.10.27-31	2010.6.25
	People's Mediation Law of the PRC	Litigation and non-litigation procedural law	Ministry of Justice of the PRC	the executive	16th meeting of the 11th NPCSC	2	2010.6.22-25	2010.8.28

	Social Insurance Law of the PRC	Social law	Ministry of Labour and Social Security of the PRC	the executive	17th meeting of the 11th NPCSC	4	2007.12.23-29	2010.10.28
	Law of the PRC on Choice of Law for Foreign-related Civil Relationships	Civil and commercial law	Legislative Affairs Commission of the NPCSC	legislature	17th meeting of the 11th NPCSC	3	2002.12.23-28	2010.10.28
2011	Intangible Cultural Heritage Law of the PRC	Administrative law	Ministry of Culture of the PRC	the executive	19th meeting of the 11th NPCSC	3	2010.8.23-28	2011.2.25
	Vehicle and Vessel Tax Law of the PRC	Economic law	Ministry of Finance of the PRC, State Administration of Taxation	the executive	19th meeting of the 11th NPCSC	2	2010.10.25-28	2011.2.25
	Administrative Compulsion Law of the PRC	Administrative law	Legislative Affairs Commission of the NPCSC	legislature	21th meeting of the 11th NPCSC	5	2005.12.24-29	2011.6.30
2012	Military Personnel Insurance Law of the PRC	Social law	General Logistics Department	military commission	26th meeting of the 11th NPCSC	2	2011.12.26-31	2012.4.27
	Exit-Entry Administration Law of the PRC	Administrative law	The Ministry of Public Security of the PRC	the executive	27th meeting of the 11th NPCSC	3	2011.12.26-31	2012.6.30
	Law of the PRC on the Control of the Exit and Entry of Citizens	Administrative law	The Ministry of Public Security of the PRC	the executive	13th meeting of the 6th NPCSC	2	1985.8.26-9.6	1985.11.22
	Decision of the NPCSC on Amending some Laws (Law of the PRC on the Control of the Exit and Entry of Citizens amended according to this decision)	Administrative law	Law Committee of the NPCSC, Legislative Affairs Commission of the NPCSC	legislature	10th meeting of the 11th NPCSC	2	2009.6.22	2009.8.27
	Law of the PRC on the Control of the Exit and Entry of Foreigners	Administrative law	The Ministry of Public Security of the PRC	the executive	13th meeting of the 6th NPCSC	2	1985.8.26-9.6	1985.11.22
	Mental Health Law of the PRC	Social law	Ministry of Health of the PRC	the executive	29th meeting of the 11th NPCSC	3	2011.10.24-29	2012.10.29

Collected and compiled by the author

Note: (1) In the light of the *Decision of the NPCSC on Amending Some Laws* passed at the 10th meeting of the 11th NPCSC (August 27, 2009), 55 laws were amended. In the data set above, they are listed respectively according to different laws. However, they passed only one legislative process, which is considered as one piece in statistical analysis.

(2) An original law and its amendment were counted separately because they had all been through the whole legislative process.

(3) The deliberation length counts from the date of the end of the first deliberation meeting to the date the bill was passed.

(4) The Headquarters of Armed Police is led by the executive and the Central Military Commission, but the executive takes charge of legislative affairs. Hence, the drafting institution of laws drafted by the Headquarter of Armed Police is coded as the executive.

Appendix 2. The Data Set of Legislative Planning

Coding Instruction:

Drafting Institution

1	the executive
2	legislature
3	the legislative and the executive jointly
4	others

Deliberation Status

1	deliberated and passed
2	deliberated but failed
3	undeliberated

Types of Law

1	Constitutional-related laws
2	Civil and commercial law
3	Administrative law
4	Economic law
5	Social law
6	Litigation and non-litigation procedural law
7	Criminal law

Note: (1) Regarding drafting institution, 'others' includes the Supreme People's Court, the Supreme People's Procuratorate and the Military Commission.
(2) 'Undeliberated' includes withdrawal of proposal. 'Fail' includes termination of deliberation.

Name of Law	Types of Law	Types of Plan	Drafting body	Drafting Institution type	Deliberation Status	Session of the NPC
Company Law of the PRC	2	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Partnership Business Law of the PRC	2	Type 1	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	1	8th
Law of the PRC on Individual Proprietorship Enterprises	2	Type 1	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	3	8th
Law of the PRC on Shareholding Cooperative Enterprises	2	Type 1	State Commission for Restructuring, State Economic and Trade Commission	1	3	8th
Law of the PRC on Commercial Banks	2	Type 1	The People's Bank of China	1	1	8th
Enterprise Bankruptcy Law of the PRC	2	Type 1	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	3	8th
Property Law of the PRC	2	Type 1	Legislative Affairs Commission of the NPCSC	2	3	8th
Labour Contract Law of the PRC	2	Type 1	Legislative Affairs Commission of the NPCSC	2	3	8th
Economic Contract Law of the PRC (Amendment)	2	Type 1	State Administration for Industry and Commerce of the PRC	1	1	8th
Securities Law of the PRC	2	Type 1	Financial and Economic Affairs Committee of the NPC	2	2	8th
Negotiable Instruments Law of the PRC	2	Type 1	The People's Bank of China	1	1	8th
Insurance Law of the PRC	2	Type 1	The People's Bank of China	1	1	8th

The Guarantee Law of the PRC	2	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Trust Law of the PRC	2	Type 1	Financial and Economic Affairs Committee of the NPC	2	2	8th
Brokers Law of the PRC	2	Type 1	State Commission for Restructuring, State Economic and Trade Commission	1	3	8th
Credit Law of the PRC	2	Type 1	Legislative Affairs Commission of the NPCSC	2	3	8th
Futures Trading Law of the PRC	2	Type 1	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	3	8th
The Auction Law of the PRC	2	Type 1	Ministry of Internal Trade	1	1	8th
The Bidding Law of the PRC	2	Type 1	State Development Planning Commission to take the lead, the relevant departments to attend	1	3	8th
Real Estate Law of the PRC	4	Type 1	Ministry of Construction	1	1	8th
Advertising Law of the PRC	4	Type 1	State Administration for Industry and Commerce of the PRC	1	1	8th
Arbitration Law of the PRC	6	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Law of the PRC on Protection of Consumer Rights and Interests	2	Type 1	State Administration for Industry and Commerce of the PRC	1	1	8th
Law of the PRC on the Protection of Taiwan Compatriots' Investment	4	Type 1	Ministry of International Business and Economics of the PRC	1	1	8th
Anti-Unfair Competition Law of the PRC	4	Type 1	State Administration for Industry and Commerce of the PRC	1	1	8th
Foreign Trade Law of the PRC	4	Type 1	Ministry of International Business and Economics of the PRC	1	1	8th

Law of the PRC on Certified Public Accountants	4	Type 1	Ministry of Finance of the PRC	1	1	8th
Accounting Law of the PRC (Amendment)	4	Type 1	Ministry of Finance of the PRC	1	1	8th
Budget Law of the PRC	4	Type 1	Ministry of Finance of the PRC	1	1	8th
Central Bank Law of the PRC	4	Type 1	The People's Bank of China	1	1	8th
Law of the PRC on the State-Owned Assets of Enterprises	4	Type 1	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	3	8th
Foreign Exchange Administration Law of the PRC	4	Type 1	Financial and Economic Affairs Committee of the NPC	2	3	8th
National Debt Law of the PRC	4	Type 1	Ministry of Finance of the PRC	1	3	8th
Fixed Assets Investment Law of the PRC	4	Type 1	State Development Planning Commission to take the lead, the relevant departments to attend	1	3	8th
Audit Law of the PRC	4	Type 1	National Audit Office of the PRC	1	3	8th
Statistics Law of the PRC (Amendment)	4	Type 1	National Bureau of Statistics of the PRC	1	1	8th
Tax Law of the PRC	4	Type 1	Financial and Economic Affairs Committee of the NPC, Ministry of Finance of the PRC, State Administration of Taxation	3	1	8th
Individual Income Tax Law of the PRC (Amendment)	4	Type 1	Ministry of Finance of the PRC	1	1	8th
Social Insurance Law of the PRC	5	Type 1	Ministry of Labour	1	3	8th
Social Relief Law of the PRC	5	Type 1	Ministry of Civil Affairs of the PRC to take the lead, All China Federation of Trade Union to attend	1	3	8th

Labor Law of the PRC	5	Type 1	Ministry of Labour	1	1	8th
Agriculture Law of the PRC	4	Type 1	Ministry of Agriculture of the PRC	1	1	8th
Law of the PRC on the Popularization of Agricultural Technology	4	Type 1	Ministry of Agriculture of the PRC	1	1	8th
Forestry Law of the PRC (Amendment)	4	Type 1	Ministry of Forestry of the PRC	1	2	8th
Water Law of the PRC (Amendment)	4	Type 1	The Ministry of Water Resources of the PRC	1	3	8th
Mineral Resources Law of the PRC	4	Type 1	Ministry of Geology and Mineral Resources	1	1	8th
Civil Aviation Law of the PRC	4	Type 1	Civil Aviation Administration of China	1	1	8th
Law of the PRC on Ports	4	Type 1	Ministry of Transport of the PRC	1	3	8th
Highway law of the PRC	4	Type 1	Ministry of Transport of the PRC	1	1	8th
Telecommunications Law of the PRC	4	Type 1	Ministry of Posts and Telecommunications	1	3	8th
Electric Power Law of the PRC	4	Type 1	The Ministry of Electric Power of the PRC	1	1	8th
Atomic Energy Law of the PRC	4	Type 1	State Science and Technology Commission	1	3	8th
Law of the PRC on Conserving Energy	4	Type 1	State Development Planning Commission, State Economic and Trade Commission	1	1	8th
Organic Law of the National People's Congress of the PRC (Amendment)	1	Type 1	General Office of the NPCSC	2	3	8th

Rules of Procedure for the National People's Congress of the PRC (Amendment)	1	Type 1	General Office of the NPCSC	2	3	8th
Rules of Procedure for the Standing Committee of the National People's Congress of the PRC (Amendment)	1	Type 1	General Office of the NPCSC	2	3	8th
The Law on Legislation of the PRC	1	Type 1	Legislative Affairs Commission of the NPCSC	2	3	8th
Law of the PRC on the Supervision of Standing Committees of People's Congresses at Various Levels	1	Type 1	General Office of the NPCSC	2	3	8th
Organic Law of the Local People's Congresses and Local People's Governments of the PRC	1	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Organic Law of the People's Courts of the PRC (Amendment)	1	Type 1	The Supreme People's Court of The PRC	4	3	8th
Organic Law of the People's Procuratorates of the PRC (Amendment)	1	Type 1	The Supreme People's Procuratorate of the PRC	4	3	8th
Organic Law of the People's Courts of the PRC	1	Type 1	The Supreme People's Court of The PRC	4	3	8th
Organic Law of the Military Courts of the PRC	1	Type 1	General Political Department	4	3	8th
Organic Law of the Military Procuratorates of the PRC	1	Type 1	General Political Department	4	3	8th
Electoral Law of the PRC for the National People's Congress and Local People's Congresses	1	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Measures for the Generation of Deputies from Hong Kong Special Administrative Regions to the National People's Congress Generation	1	Type 1	Hong Kong and Macao Affairs Office of the State Council, Legislative Affairs Commission of the NPCSC	2	1	8th
Measures for the Election of Deputies from the Chinese People's Liberation Army to the National People's Congress and the Local People's Congresses (Amendment)	1	Type 1	General Political Department	4	1	8th
Organic Law of the Villagers' Committees of the PRC (Amendment)	1	Type 1	Ministry of Civil Affairs of the PRC	1	3	8th

Civil Servant Law of the PRC	3	Type 1	Ministry of Personnel	1	3	8th
Judges Law of the PRC	1	Type 1	The Supreme People's Court of The PRC	4	1	8th
Public Procurators Law of the PRC	1	Type 1	The Supreme People's Procuratorate of the PRC	4	1	8th
People's Police Law of the PRC	3	Type 1	The Ministry of Public Security of the PRC	1	1	8th
Regulations of the Military Ranks of Officers of the Chinese People's Liberation Army (Amendment)	3	Type 1	General Political Department	4	1	8th
Regulations of the Chinese People's Liberation Army on the Military Services of Officers in Active Service (Amendment)	3	Type 1	General Political Department	4	1	8th
Reserve Officers Law of the PRC	3	Type 1	General Political Department	4	1	8th
Administrative Supervision Law of the PRC	3	Type 1	Ministry of Supervision	1	1	8th
Law of the PRC on Administrative Penalty	3	Type 1	Legislative Affairs Commission of the NPCSC	2	1	8th
Administrative Reconsideration Law of the PRC	3	Type 1	Legislative Affairs Commission of the NPCSC, State Council Legislative Affairs Bureau	3	3	8th
Education Law of the PRC	3	Type 1	State Education Commission	1	1	8th
Teachers Law of the PRC	3	Type 1	State Education Commission	1	1	8th
Science and Technology Advancement Law of the PRC	3	Type 1	State Education Commission	1	1	8th
Law of the PRC on Promoting the Transformation of Scientific and Technological Achievements	3	Type 1	Education, Science, Culture and Public Health Committee of the NPC	2	1	8th

News Law of the PRC	3	Type 1	Press and Publication Administration	1	3	8th
Press Law of the PRC	3	Type 1	Press and Publication Administration	1	3 (withdrawed)	8th
Archives Law of the PRC	3	Type 1	The State Archives Administration of the PRC	1	1	8th
Law on Practicing Doctors of the PRC	3	Type 1	Ministry of Health of the PRC	1	2	8th
Law of the PRC on Maternal and Infant Health Care	3	Type 1	Ministry of Health of the PRC	1	1	8th
Pharmaceutical Administration Law of the PRC (Amendment)	3	Type 1	Ministry of Health of the PRC	1	3	8th
Food Hygiene Law of the PRC (Amendment)	3	Type 1	Ministry of Health of the PRC	1	1	8th
Law of the PRC on the Red Cross Society	3	Type 1	Ministry of Health of the PRC	1	1	8th
Marine Environment Protection Law of the PRC (Amendment)	3	Type 1	Environment Protection and Resources Conservation Committee of the NPC	2	3	8th
Water Pollution Prevention and Control Law of the PRC (Amendment)	3	Type 1	Environment Protection and Resources Conservation Committee of the NPC	2	1	8th
Law of the PRC on the Prevention and Control of Atmospheric Pollution (Amendment)	3	Type 1	Environment Protection and Resources Conservation Committee of the NPC	2	1	8th
Law of the PRC on the Prevention and Control of Environmental Pollution by Solid Wastes	3	Type 1	State Environmental Protection Administration	1	1	8th
Decision of the Standing Committee of the National People's Congress on Punishment of the Crimes of Production and Sale of Fake or Substandard Commodities	7	Type 1	Law Committee of the NPCSC	2	1	8th
Criminal Procedure Law of the PRC	7	Type 1	Law Committee of the NPCSC	2	1	8th

Interim Regulations of the PRC on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties (Amendment)	7	Type 1	General Political Department	4	1	8th
Law of the PRC on punishment of Embezzlement and Bribery	7	Type 1	The Supreme People's Procuratorate of the PRC	4	3	8th
Supplementary Provisions of the Standing Committee of the National People's Congress Concerning Neglect Duties	7	Type 1	The Supreme People's Court of The PRC	4	1	8th
Supplementary Provisions of the Standing Committee of the National People's Congress Concerning the Strict Punishment of the Cross-border Crime of organisation and transportation	7	Type 1	Law Committee of the NPCSC	2	1	8th
Lawyers Law of the PRC	3	Type 1	Ministry of Justice of the PRC	1	1	8th
Prison Law of the PRC	3	Type 1	Ministry of Justice of the PRC	1	1	8th
Extradition Law of the PRC	3	Type 1	Ministry of Foreign Affairs of the PRC	1	3	8th
Provisions of Transfer of Accounts with Criminal Cases	6	Type 1	The Supreme People's Court of The PRC	4	3	8th
State Compensation Law of the PRC	1	Type 1	Law Committee of the NPCSC	2	1	8th
Association Law of the PRC	5	Type 1	Ministry of Civil Affairs of the PRC	1	3	8th
Law of the PRC on the State Medal and Honours	1	Type 1	Law Committee of the NPCSC	2	3	8th
Law of the PRC on National Defence	1	Type 1	The Central Military Commission	4	1	8th
National Defence Education Law of the PRC	3	Type 1	General Political Department	4	3	8th
Civil Air Defence Law of the PRC	3	Type 1	National Civil Air Defence Committee	1	1	8th

Law of the PRC on National Defence Scientific Research and Production	3	Type 1	State Commission of Science and Technology for National Defence Industry	1	3	8th
Martial Law of the PRC	1	Type 1	Law Committee of the NPCSC	2	1	8th
Notary Law of the PRC	3	Type 1	Ministry of Justice of the PRC	1	3	8th
Visa Law of the PRC	3	Type 1	Ministry of Foreign Affairs of the PRC	1	3	8th
Law of the PRC on Chamber of Commerce		Type 2	State Economic and Trade Commission	1	3	8th
Law of the PRC on Business Secret Protection		Type 2	State Economic and Trade Commission	1	3	8th
Anti-Monopoly Law of the PRC		Type 2	State Economic and Trade Commission	1	3	8th
Patent Law of the PRC (Amendment)		Type 2	Patent Bureau of the PRC	1	3	8th
Labor Contract Law of the PRC		Type 2	Ministry of Labour	1	3	8th
Planning Law of the PRC		Type 2	State Development Planning Commission	1	3	8th
Price Law of the PRC		Type 2	State Development Planning Commission	1	1	8th
Law of the PRC on Township Enterprises		Type 2	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments to attend	2	1	8th
Law of the PRC on Electronic Revitalization		Type 2	Ministry of Electron	1	3	8th
Law of the PRC on Power Protection of Scattered Ethnic Minorities		Type 2	Ethnic Affairs Committee of the NPC	2	3	8th

Law of the PRC on Protection of the Rights and Interests of the Elderly		Type 2	Internal and Judicial Affairs Committee of the NPC, Ministry of Civil Affairs of the PRC	2	1	
Law of the PRC on the Protection of Military Personnel Status, Rights and Interests		Type 2	The Central Military Commission	4	3	8th
Law of the PRC on the Placement of Veteran		Type 2	Ministry of Civil Affairs of the PRC	1	3	8th
Law of the PRC on Declaration of Property and Income		Type 2	Ministry of Supervision	1	3	8th
Law of the PRC on Regional National Autonomy (Amendment)		Type 2	Ethnic Affairs Committee of the NPC	2	3	8th
Law of the PRC on Procedures for Administrative License		Type 2	Law Committee of the NPCSC	2	3	8th
Higher Education Law of the PRC		Type 2	State Education Commission	1	2	8th
Vocation Education Law of the PRC		Type 2	State Education Commission	1	1	8th
Law of the PRC on Investment in Science and Technology		Type 2	Education, Science, Culture and Public Health Committee of the NPC	2	3	8th
Law of the PRC on Minority Nationalities Spoken and Written Language		Type 2	State Ethnic Affairs Commission	1	3	8th
Law of the PRC on the Prevention and Treatment of Occupational Diseases		Type 2	Ministry of Health of the PRC	1	3	8th
Law of the PRC on Primary Health Care		Type 2	Ministry of Health of the PRC	1	3	8th
Law of the PRC on Population and Family Planning		Type 2	State Family Planning Commission	1	3	8th
Land Law of the PRC		Type 2	State Land Bureau	1	3	8th

Fisheries Law of the PRC (Amendment)		Type 2	Ministry of Agriculture of the PRC	1	3	8th
Grassland Law of the PRC (Amendment)		Type 2	Ministry of Agriculture of the PRC	1	3	8th
Coal Industry Law of the PRC		Type 2	Ministry of Coal Industry	1	1	8th
Environmental Protection Law of the PRC (Amendment)		Type 2	Environment Protection and Resources Conservation Committee of the NPC	2	3	8th
Law of the PRC on Prevention and Control of Pollution From Environmental Noise		Type 2	Environment Protection and Resources Conservation Committee of the NPC to take the lead, the relevant departments of The State Council to attend	2	1	8th
Law of the PRC on Desert Prevention and Transformation		Type 2	Environment Protection and Resources Conservation Committee of the NPC	2	3	8th
Law of the PRC on Poisonous Chemical Products Administration		Type 2	State Environmental Protection Administration	1	3	8th
Flood Control Law of the PRC		Type 2	The Ministry of Water Resources of the PRC	1	3	8th
Law of the PRC on Re-education through Labour		Type 2	Ministry of Justice of the PRC, The Ministry of Public Security of the PRC	1	1	8th
Law of the PRC on Prevention of Juvenile Delinquency		Type 2	Internal and Judicial Affairs Committee of the NPC, The Central Committee of the Communist Young League	2	3	8th
Provisions on Proceedings of Admiralty Action		Type 2	The Supreme People's Court of The PRC	4	3	8th
Passport Law of the PRC		Type 2	Ministry of Foreign Affairs of the PRC	1	3	8th
Constitution of the PRC (Amendment)	1	type1	Committee for Revision of the Constitution	2	1	9th
The Law on Legislation of the PRC	1	type1	Legislative Affairs Commission of the NPCSC	2	1	9th

Supervision Law of the PRC	1	type1	General Office of the NPCSC	2	2	9th
Organic Law of the Military Courts of the PRC	1	type1	The Central Military Commission	4	3	9th
Organic Law of the Military Procuratorates of the PRC	1	type1	The Central Military Commission	4	3	9th
Law on the Exclusive Economic Zone and the Continental Shelf of the PRC	1	type1	The State Council	1	1	9th
Measures for Election of Deputies of the Macao Special Administrative Region of the PRC to the Ninth National People's Congress	1	type1	Legislative Affairs Commission of the NPCSC	2	1	9th
Measures for Election of Deputies of the Hong Kong Special Administrative Region of the People's Republic China to the Ninth National People's Congress			Legislative Affairs Commission of the NPCSC	2	1	9th
Organic Law of the State Council of the PRC (Amendment)	1	type1	Legislative Affairs Commission of the NPCSC	2	3	9th
Law of the PRC on Regional National Autonomy (Amendment)	1	type1	Ethnic Affairs Committee of the NPC	2	1	9th
Organic Law of the People's Courts of the PRC (Amendment)	1	type1	The Supreme People's Court of The PRC	4	3	9th
Organic Law of the People's Procuratorates of the PRC (Amendment)	1	type1	The Supreme People's Procuratorate of the PRC	4	3	9th
Organic Law of the Villagers' Committees of the PRC (Amendment)	1	type1	The State Council	1	1	9th
Contract Law of the PRC	2	type1	Legislative Affairs Commission of the NPCSC	2	1	9th
Law of the PRC on Individual Proprietorship Enterprises	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	9th
Securities Law of the PRC	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	9th

Trust Law of the PRC	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	9th
Law of the PRC on Commercial registration	2	type1	The State Council	1	3	9th
Trademark Law of the PRC (Amendment)	2	type1	The State Council	1	1	9th
Patent Law of the PRC (Amendment)	2	type1	The State Council	1	1	9th
Copyright Law of the PRC (Amendment)	2	type1	The State Council	1	1	9th
Adoption Law of the PRC (Amendment)	2	type1	The State Council	1	1	9th
Company Law of the PRC (Amendment)	2	type1	The State Council	1	1	9th
Administrative Reconsideration Law of the PRC	3	type1	The State Council	1	1	9th
Civil Servant Law of the PRC	3	type1	The State Council	1	3	9th
Government Procurement Law of the PRC	3	type1	Financial and Economic Affairs Committee of the NPC	2	1	9th
Higher Education Law of the PRC	3	type1	The State Council	1	1	9th
Law of the PRC on the Standard Spoken and Written Chinese Language	3	type1	Education, Science, Culture and Public Health Committee of the NPC	2	1	9th
Law of the PRC on the Prevention and Treatment of Occupational Diseases	3	type1	The State Council	1	1	9th
Law on Practicing Doctors of the PRC	3	type1	The State Council	1	1	9th

Law of the PRC on Prevention and Control of Radioactive Pollution	3	type1	The State Council	1	2	9th
Law of the PRC on Prevention of Desert	3	type1	Environment Protection and Resources Conservation Committee of the NPC, The National Council of Agriculture	2	3	9th
Law of the PRC on Appraising of Environment Impacts	3	type1	Environment Protection and Resources Conservation Committee of the NPC	2	1	9th
Fire Control Law of the PRC	3	type1	The State Council	1	1	9th
Road Traffic Administration Law of the PRC	3	type1	The State Council	1	2	9th
Notary Law of the PRC	3	type1	The State Council	1	3	9th
Law of the PRC on Prevention of Juvenile Delinquency	3	type1	Internal and Judicial Affairs Committee of the NPC	2	1	9th
Regulations of the PRC on Administrative Penalties for Public Security (Amendment)	3	type1	The State Council	1	3	9th
Regulations of the PRC on Academic Degrees (Amendment)	3	type1	The State Council	1	3	9th
Pharmaceutical Administration Law of the PRC (Amendment)	3	type1	The State Council	1	1	9th
Marine Environment Protection Law of the PRC (Amendment)	3	type1	Environment Protection and Resources Conservation Committee of the NPC	2	1	9th
Law of the PRC on the Prevention and Control of Atmospheric Pollution (Amendment)	3	type1	Environment Protection and Resources Conservation Committee of the NPC	2	1	9th
Military Service Law of the PRC (Amendment)	3	type1	The State Council, The Central Military Commission	1	1	9th
Telecommunications Law of the PRC	4	type1	The State Council	1	3	9th

Law of the PRC on Ports	4	type1	The State Council	1	2	9th
The Bidding Law of the PRC	4	type1	The State Council	1	1	9th
Law of the PRC on Heritage Tax	4	type1	The State Council	1	3	9th
Foreign Exchange Administration Law of the PRC	4	type1	Financial and Economic Affairs Committee of the NPC	2	3	9th
Seed Law of the PRC	4	type1	Agriculture and Rural Affairs Committee of the NPC	2	1	9th
Law of the PRC on National High Technology and New Technology Industry Development Zones	4	type1	Education, Science, Culture and Public Health Committee of the NPC	2	2 (termination)	9th
Individual Income Tax Law of the PRC (Amendment)	4	type1	The State Council	1	1	9th
Agriculture Law of the PRC (Amendment)	4	type1	Agriculture and Rural Affairs Committee of the NPC	2	1	9th
Land Administration Law of the PRC (Amendment)	4	type1	The State Council	1	1	9th
Forestry Law of the PRC (Amendment)	4	type1	The State Council	1	1	9th
Water Law of the PRC (Amendment)	4	type1	The State Council	1	1	9th
Accounting Law of the PRC (Amendment)	4	type1	The State Council	1	1	9th
Law of the PRC on the Protection of Farmers Rights and Interests	5	type1	Agriculture and Rural Affairs Committee of the NPC to take the lead, the relevant departments of The State Council to attend	2	3	9th
Labour Contract Law of the PRC	5	type1	The State Council	1	3	9th

Social Insurance Law of the PRC	5	type1	The State Council	1	3	9th
Law of the PRC on Donations for Public Welfare	5	type1	Legislative Affairs Commission of the NPCSC	2	1	9th
Trade Union Law of the PRC (Amendment)	5	type1	Legislative Affairs Commission of the NPCSC	2	1	9th
Extradition Law of the PRC	6	type1	Legislative Affairs Commission of the NPCSC	2	1	9th
Several Provisions of Supervision Judiciary Investigation and Handling of Major Cases on Law Violations Working Procedures		type2	Internal and Judicial Affairs Committee of the NPC	2	3	9th
Property Law of the PRC		type2	Legislative Affairs Commission of the NPCSC	2	2	9th
Marriage Law of the PRC (Amendment)		type2	Legislative Affairs Commission of the NPCSC	2	1	9th
Law of the PRC on Cooperative Economic Organisation		type2	The State Council	1	3	9th
Enterprise Bankruptcy Law of the PRC		type2	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments of The State Council to attend	2	3	9th
Law of the PRC on Business Secret Protection		type2	The State Council	1	3	9th
Law of the PRC on Securities Investment Fund		type2	Financial and Economic Affairs Committee of the NPC	2	2	9th
Law of the PRC on Administrative Charge		type2	The State Council	1	3	9th
Administrative License Law of the PRC		type2	The State Council	1	2	9th
Law of the PRC on Administrative Compulsory Measure		type2	Education, Science, Culture and Public Health Committee of the NPC	2	3	9th

Non-state Education Promotion Law of the PRC		type2	Legislative Affairs Commission of the NPCSC	2	1	9th
Law of the PRC on Population and Family Planning		type2	The State Council	1	1	9th
National Defence Mobilization Law of the PRC		type2	The State Council, The Central Military Commission	1	3	9th
National Defence Education Law of the PRC		type2	The Central Military Commission	4	1	9th
Law of the PRC on Re-education through Labour		type2	Law Committee of the NPCSC	2	3	9th
Law of the PRC on Clean Production		type2	Environment Protection and Resources Conservation Committee of the NPC	2	1	9th
Tax Law of the PRC		type2	The State Council	1	3	9th
Anti-Monopoly Law of the PRC		type2	The State Council	1	3	9th
Law of the PRC on Anti-dumping and Countervailing		type2	The State Council	1	3	9th
Credit Law of the PRC		type2	The State Council	1	3	9th
Law of the PRC on the State-Owned Assets of Enterprises		type2	Financial and Economic Affairs Committee of the NPC to take the lead, the relevant departments of The State Council to attend	2	3	9th
Law of the PRC on the Promotion of Small and Medium-sized Enterprises		type2	Financial and Economic Affairs Committee of the NPC	2	1	9th
Law of the PRC on Risk Investment		type2	Education, Science, Culture and Public Health Committee of the NPC	2	3	9th
Law of the PRC on National Economic Mobilization		type2	The State Council, The Central Military Commission	1	3	9th

Law of the PRC on the Protection of the Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese (Amendment)		type2	Overseas Chinese Affairs Committee of the NPC	2	1	9th
Special Maritime Procedure Law of the PRC		type2	The Supreme People's Court of The PRC	4	1	9th
Amendments to the Constitution of the PRC	1	type1	Constitution-Drafting Committee	2	1	10th
Emergency Law of the PRC	1	type1	The State Council	1	2	10th
Organic Law of the Military Courts of the PRC	1	type1	The Central Military Commission	4	3	10th
Organic Law of the Military Procuratorates of the PRC	1	type1	The Central Military Commission	4	3	10th
Electoral Law of the PRC for the National People's Congress and Local People's Congresses	1	type1	Legislative Affairs Commission of the NPCSC	2	1	10th
Organic Law of the Local People's Congresses and Local People's Governments of the PRC	1	type1	Legislative Affairs Commission of the NPCSC	2	1	10th
Organic Law of the People's Courts of the PRC (Amendment)	1	type1	The Supreme People's Court of The PRC	4	1	10th
Organic Law of the People's Procuratorates of the PRC (Amendment)	1	type1	The Supreme People's Procuratorate of the PRC	4	3	10th
Organic Law of the Urban Residents Committee of the PRC	1	type1	The State Council	1	3	10th
Rules of Procedure for the Standing Committee of the National People's Congress of the PRC	1	type1	General Office of the NPCSC	2	3	10th
Civil Law-Property Law of the PRC	2	type1	Legislative Affairs Commission of the NPCSC	2	1	10th
Civil Law-Tort Law of the PRC	2	type1	Legislative Affairs Commission of the NPCSC	2	3	10th

Civil Law-Law of the PRC on Choice of Law for Foreign-related Civil Relationships	2	type1	Legislative Affairs Commission of the NPCSC	2	3	10th
Law of the PRC on Commercial Registration	2	type1	The State Council	1	3	10th
Enterprise Bankruptcy Law of the PRC	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	10th
Law of the PRC on Securities Investment Fund	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	10th
Company Law of the PRC (Amendment)	2	type1	The State Council	1	1	10th
Partnership Business Law of the PRC (Amendment)	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	10th
Law of the PRC on Commercial Banks (Amendment)	2	type1	The State Council	1	1	10th
Securities Law of the PRC (Amendment)	2	type1	Financial and Economic Affairs Committee of the NPC	2	1	10th
Administrative License Law of the PRC	3	type1	The State Council	1	1	10th
Law of the PRC on Administrative Charge	3	type1	The State Council	1	3	10th
Administrative Compulsion Law of the PRC	3	type1	Legislative Affairs Commission of the NPCSC	2	2	10th
National Defence Mobilization Law of the PRC	3	type1	The State Council, The Central Military Commission	1	3	10th
Civil Servant Law of the PRC	3	type1	The State Council	1	1	10th
Law of the PRC on Resident Identity Cards	3	type1	The State Council	1	1	10th

Passport Law of the PRC	3	type1	The State Council	1	1	10th
Notary Law of the PRC	3	type1	The State Council	1	1	10th
Education and Correction Law for Illegal Act	3	type1	Legislative Affairs Commission of the NPCSC	2	3	10th
Law of the PRC on Primary Health Care	3	type1	The State Council	1	3	10th
Regulations of the PRC on Administrative Penalties for Public Security (Amendment)	3	type1	The State Council	1	1	10th
Compulsory Education Law of the PRC (Amendment)	3	type1	The State Council	1	1	10th
Law of the PRC on Scientific and Technological Progress (Amendment)	3	type1	The State Council	1	1	10th
Law of the PRC on Prevention and Treatment of Infectious Diseases (Amendment)	3	type1	The State Council	1	1	10th
Law of the PRC on the Prevention and Control of Environmental Pollution by Solid Wastes (Amendment)	3	type1	Environment Protection and Resources Conservation Committee of the NPC	2	1	10th
Construction Law of the PRC	3	type1	The State Council	1	3	10th
Law of the PRC on the State-Owned Assets of Enterprises	4	type1	Financial and Economic Affairs Committee of the NPC	2	3	10th
Law of the PRC on Foreign Exchange	4	type1	Financial and Economic Affairs Committee of the NPC	2	3	10th
Anti-Monopoly Law of the PRC	4	type1	The State Council	1	1	10th
Law of the PRC on Anti-dumping and Countervailing	4	type1	The State Council	1	3	10th

Law of the People's Republic China on Safeguard Measures	4	type1	The State Council	1	3	10th
Enterprise Income Tax (Unified Apply to All Kinds of Enterprise)	4	type1	The State Council	1	1	10th
Banking Supervision Law of the PRC	4	type1	The State Council	1	1	10th
Law of the PRC on the People's Bank of China (Amendment)	4	type1	The State Council	1	1	10th
Budget Law of the PRC (Amendment)	4	type1	Budgetary Affairs Commission of the NPC	2	3	10th
Individual Income Tax Law of the PRC (Amendment)	4	type1	The State Council	1	1	10th
Audit Law of the PRC (Amendment)	4	type1	The State Council	1	1	10th
Land Administration Law of the PRC (Amendment)	4	type1	The State Council	1	1	10th
Foreign Trade Law of the PRC (Amendment)	4	type1	The State Council	1	1	10th
Anti-Unfair Competition Law of the PRC (Amendment)	4	type1	The State Council	1	3	10th
Social Insurance Law of the PRC	5	type1	The State Council	1	2	10th
Social Relief Law of the PRC	5	type1	The State Council	1	3	10th
Labour Contract Law of the PRC	5	type1	The State Council	1	1	10th
Law of the PRC on the Protection of Farmers Rights and Interests	5	type1	Agriculture and Rural Affairs Committee of the NPC	2	3	10th

Law of the PRC on the Protection of Women's Rights and Interests (Amendment)	5	type1	The State Council	1	1	10th
Law of the PRC on the Protection of Minors (Amendment)	5	type1	Internal and Judicial Affairs Committee of the NPC	2	1	10th
Amendment (V) to the Criminal Law of the PRC	7	type1	National People's Congress	2	1	10th
Amendment (VI) to the Criminal Law of the PRC	7	type1	National People's Congress	2	1	10th
Criminal Procedure Law of the PRC (Amendment)	6	type1	Legislative Affairs Commission of the NPCSC	2	3	10th
Civil Procedure Law of the PRC (Amendment)	6	type1	Legislative Affairs Commission of the NPCSC	2	1	10th
Arbitration Law of the PRC (Amendment)	6	type1	The State Council	1	3	10th
Law of the PRC on Farmers' Cooperative Economic Organisation		type2	Agriculture and Rural Affairs Committee of the NPC	2	1	10th
Law of the PRC on Futures Trading		type2	Financial and Economic Affairs Committee of the NPC	2	3	10th
Law of the PRC on Real Estate Registration		type2	The State Council	1	3	10th
Law of the PRC on Capital Lease		type2	Financial and Economic Affairs Committee of the NPC	2	3	10th
Law of the PRC on Administrative Procedure		type2	Legislative Affairs Commission of the NPCSC	2	3	10th
Law of the PRC on Government Affairs Information Disclosure		type2	The State Council	1	3	10th
Narcotics Control Law of the PRC		type2	The State Council	1	1	10th

Basic Taxation Law of the PRC		type2	Financial and Economic Affairs Committee of the NPC, Budgetary Affairs Commission	3	3	10th
Law of the PRC on Financial Transfer Payment		type2	Financial and Economic Affairs Committee of the NPC, Budgetary Affairs Commission	3	3	10th
Law of the PRC on National Economic Mobilization		type2	The State Council	1	3	10th
Law of the PRC on Development and Promotion of west China		type2	The State Council	1	3	10th
Anti-Money Laundering Law of the PRC		type2	Budgetary Affairs Commission of the NPCSC	2	1	10th
Law of the PRC on Natural Protection Regions		type2	Environment Protection and Resources Conservation Committee of the NPC	2	3	10th
Island Protection Law of the PRC		type2	Environment Protection and Resources Conservation Committee of the NPC	2	3	10th
State Compensation Law of the PRC (Amendment)		type2	Legislative Affairs Commission of the NPCSC	2	3	10th
Administrative Litigation Law of the PRC (Amendment)		type2	Legislative Affairs Commission of the NPCSC	2	3	10th
Supervision Law of the PRC		type2	General Office of the NPCSC	2	1	10th
Organic Law of the Villagers' Committees of the PRC (Amendment)	1	type1	Ministry of Civil Affairs of the PRC	1	1	11th
Law of the PRC on the Urban Residents Committee	1	type1	Ministry of Civil Affairs of the PRC	1	3	11th
Measures of Election of the National People's Congress and Local People's Congresses	1	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Organic Law of the National People's Congress of the PRC (Amendment)	1	type1	Legislative Affairs Commission of the NPCSC	2	3	11th

State Compensation Law of the PRC (Amendment)	1	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Insurance Law of the PRC (Amendment)	2	type1	China Insurance Regulatory Commission	1	1	11th
Law of the PRC on the Protection of Consumer Rights and Interests (Amendment)	2	type1	State Administration for Industry & Commerce of the PRC	1	3	11th
Patent Law of the PRC (Amendment)	2	type1	State Intellectual Property Office of the P. R. C	1	1	11th
Trademark Law of the PRC (Amendment)	2	type1	State Administration for Industry & Commerce of the PRC	1	2	11th
Tort Law of the PRC	2	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Law of the PRC on Choice of Law for Foreign-related Civil Relationships	2	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Food Safety Law of the PRC	3	type1	Legislative Affairs Office of The State Council	1	1	11th
Law of the PRC on Diplomatic Personnel Stationed Abroad	3	type1	Ministry of Foreign Affairs of the PRC	1	1	11th
Law of the PRC on the Protection of Intangible Cultural Heritages	3	type1	Ministry of Culture of the PRC	1	1	11th
National Defence Mobilization Law of the PRC	3	type1	China PLA General Political Department, National Defence Mobilization Commission	4	1	11th
Law of the PRC on the People's Armed Police Force	3	type1	PAP Headquarters	4	1	11th
Military Service Law of the PRC (Amendment)	3	type1	China PLA General Political Mobilization Department	4	1	11th
Vocation Education Law of the PRC (Amendment)	3	type1	Ministry of Education of the PRC	1	3	11th

Pharmaceutical Administration Law of the PRC (Amendment)	3	type1	Ministry of Health of the PRC	1	3	11th
Law of the PRC on the Prevention and Control of Atmospheric Pollution (Amendment)	3	type1	Ministry of Environmental Protection of the PRC	1	3	11th
Forestry Law of the PRC (Amendment)	3	type1	State Forestry Administration of the PRC	1	3	11th
Urban Real Estate Administration Law of the PRC (Amendment)	3	type1	Ministry of Housing and Urban-Rural Development of the PRC	1	3	11th
Law of the PRC on Protecting Against and Mitigating Earthquake Disasters (Amendment)	3	type1	China Earthquake Administration	1	1	11th
Emergency Response Law of the PRC (Amendment)	3	type1	Legislative Affairs Office of The State Council	1	3	11th
Administrative Supervision Law of the PRC (Amendment)	3	type1	Ministry of Supervision	1	1	11th
Administrative Compulsion Law of the PRC	3	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Law of the PRC on the State-Owned Assets of Enterprises	4	type1	Financial and Economic Affairs Committee of the NPC	2	1	11th
Circular Economy Promotion Law of the PRC	4	type1	Environment Protection and Resources Conservation Committee of the NPC	2	1	11th
Several Separate Tax Law of the PRC including Value-Added Tax	4	type1	Ministry of Industry and Information Technology of the PRC	1	1	11th
Telecommunications Law of the PRC	4	type1	State Administration of Taxation	1	3	11th
Grain Law of the PRC	4	type1	National Development and Reform Commission	1	3	11th
Law of the PRC Concerning the Administration of Tax Collection	4	type1	State Administration of Taxation	1	3	11th

Advertising Law of the PRC (Amendment)	4	type1	State Administration for Industry & Commerce of the PRC	1	3	11th
Postal Law of the PRC (Amendment)	4	type1	Legislative Affairs Office of The State Council	1	1	11th
Land Administration Law of the PRC (Amendment)	4	type1	Ministry of Land and Resources of the PRC	1	2	11th
Mineral Resources Law of the PRC (Amendment)	4	type1	Ministry of Land and Resources of the PRC	1	3	11th
Budget Law of the PRC (Amendment)	4	type1	Legislative Affairs Office of The State Council, Ministry of Finance of the PRC	3	2	11th
Social Insurance Law of the PRC	4	type1	Ministry of Human Resources and Social Security of the PRC	1	1	11th
Law of the PRC on Basic Medical and Health Care	4	type1	Ministry of Health of the PRC	1	3	11th
Mental Health Law of the PRC	4	type1	Ministry of Health of the PRC	1	1	11th
Social Relief Law of the PRC	4	type1	Ministry of Civil Affairs of the PRC	1	3	11th
Law of the PRC on Charity Undertakings	4	type1	Ministry of Civil Affairs of the PRC	1	3	11th
Law of the PRC on Protection of the Rights and Interests of the Elderly (Amendment)	4	type1	Ministry of Civil Affairs of the PRC	1	1	11th
Amendment to the Criminal Law of the PRC	7	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Law of the PRC on Arbitration of Rural Land Contract Disputes	6	type1	Ministry of Agriculture of the PRC	1	1	11th
People's Mediation Law of the PRC	6	type1	Ministry of Justice of the PRC	1	1	11th

Criminal Procedure Law of the PRC (Amendment)	6	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Civil Procedure Law of the PRC (Amendment)	6	type1	Legislative Affairs Commission of the NPCSC	2	1	11th
Administrative Litigation Law of the PRC (Amendment)	6	type1	Legislative Affairs Commission of the NPCSC	2	3	11th
Law of the PRC on Industry Associations Chamber of Commerce		type2	National Development and Reform Commission	1	3	11th
Administration Law of the PRC on Administrative Charge		type2	Legislative Affairs Office of The State Council	1	3	11th
Law of the PRC on National Economic Mobilization		type2	National Development and Reform Commission	1	3	11th
National Defence Traffic Law of the PRC		type2	General Logistics Department	4	3	11th
Law of the PRC on the Land Boundary		type2	The State Council, The Central Military Commission	1	3	11th
Law of the PRC on Judicial Assistance		type2	Ministry of Justice of the PRC	1	3	11th
Exit-Entry Administration Law of the PRC		type2	The Ministry of Public Security of the PRC	1	1	11th
Law of the PRC on Traditional Chinese Medicines		type2	Ministry of Health of the PRC	1	3	11th
Library Law of the PRC		type2	Ministry of Culture of the PRC	1	3	11th
Law of the PRC on Government-Assisted Housing		type2	Ministry of Housing and Urban-Rural Development of the PRC	1	3	11th
Futures Law of the PRC		type2	Financial and Economic Affairs Committee of the NPC, China Securities Regulatory Commission	3	3	11th

Asset Appraisal Law of the PRC		type2	Financial and Economic Affairs Committee of the NPC	2	2	11th
Island Protection Law of the PRC		type2	Environment Protection and Resources Conservation Committee of the NPC	2	1	11th
Law of the PRC on Natural Protection Regions		type2	Environment Protection and Resources Conservation Committee of the NPC	2	3	11th
Education and Correction Law for Illegal Act		type2	Legislative Affairs Commission of the NPCSC	2	3	11th

Collected and compiled by the author

Source: Compiled by the author from The Legislative Planned Office of the Legislative Affairs Commission of the NPC Standing Committee (Quanguo Renda Changweihui Fagongwei Lifa Guihuashi), *Legislation Statistics of the People's Republic of China, 2013 Edition (Zhonghua Renmin Gongheguo Lifa Tongji)*, (Beijing: Zhongguo Minzhu Fazhi Chubanshe, 2013). pp. 248-263.

Appendix 3. List of interview questions and interviewees

Part 1. Interviewees list

	Type	Interviewee Role or Position	Date Conducted	Venue
1	NPC staff member or deputy	NPC standing committee secretary	14-03-2014	Beijing
2	NPC staff member or deputy	NPC standing committee researcher	14-03-2014	Beijing
3	NPC staff member or deputy	- Secretary of deputy director of the NPC special committee - Secretary of Provincial Governor - Government officer (the Development and Reform Commission)	28-02-2014	Fuzhou
4	NPC staff member or deputy	- NPC Deputy - Director of a special committee of the Provincial People's Congress	25-02-2014	Xiamen
5	People's Congress staff member or deputy	Director of research office of the Provincial People's Congress	26-02-2014	Fuzhou
6	People's Congress staff member or deputy	Director of foreign affairs office of the Provincial People's Congress	28-02-2014	Fuzhou
7	People's Congress staff member or deputy	-Municipal People's Congress deputy - University professor	18-02-2014	Xiamen
8	People's Congress staff member or deputy	Member of research office of the municipal People's Congress	19-02-2014	Xiamen

9	People's Congress staff member or deputy	Deputy director of the Overseas Chinese and Foreign Affairs committee of the municipal People's Congress	20-02-2014	Xiamen
10	People's Congress staff member or deputy	Member of the Internal and Judicial Affairs Committee of the municipal People's Congress	20-02-2014	Xiamen
11	People's Congress staff member or deputy	Deputy director of the Financial and Economic Committee of the municipal People's Congress	21-02-2014	Xiamen
12	People's Congress staff member or deputy	Director of the committee of the legislative affairs of the county People's Congress	27-02-2014	Fuqing
13	Parliamentary Scholar	-University professor of public administration -Vice dean	12-03-2014	Beijing
14	Parliamentary Scholar	-University professor of politics -Dean	10-03-2014	Beijing
15	Parliamentary Scholar	-University professor of politics and legislative politics -Director of Research Centre of Social Justice and Governance	10-03-2014	Beijing
16	Parliamentary Scholar	-University professor of politics -Deputy director of Chinese Political Science Association	09-03-2014	Beijing
17	Parliamentary Scholar	- Retired university professor - Authority on the NPC study	06-03-2014	Shanghai
18	Parliamentary Scholar	-University lecturer in politics	05-03-2014	Shanghai

Note: the interviewees' names cannot be provided for the reason of avoiding any prosecution addressed by related agents that may obtain this thesis.

Part 2. Interview Questions (15 Questions)

1. The NPC is defined as the state organ of supreme power in China. How do you understand ‘the state organ of supreme power’?
2. What role does the NPC play in the political system and the development of economy and society?
3. What do you think is the relationship between the NPC and the executive (the State Council and local governments)? Are they cooperative or conflicted?
4. Do you think the development of the committee system in the PC system strengthens the autonomy of the PC system to the executive?
5. How does the committee system influence executive-legislative relations?
6. Could you describe the situation of deliberating the bills, government work reports and budget report during the period that you attended the NPC, the NPCSC, the PC, or the PCSC meeting? Do you deliberate the bills from the perspective of supervising the executive? (For NPCSC/PCSC members or NPC/PC deputies)
7. Do you think strengthening the legislative work is the priority for the development of the PC system?
8. In recent years, has the legislative function of the PC system been strengthened? If it has, what are the methods of strengthening the legislative function?
9. Does the executive get involved at each stage of the legislative process, including legislative planning, bill drafting, and deliberation, resolution, and implementation? How is the executive involved? (For NPCSC/PCSC members or NPC/PC deputies)
10. In deliberation, are there communication channels between the PC system and the executive? Whose opinion dominates? (For NPCSC/PCSC members or NPC/PC deputies)
11. What do you think about “the bill would be passed by the PC system easily after it has reached an agreement within the government departments”? Do you think is it the reflection of high efficiency?

12. Which aspect of suggestions do the NPCSC/PCSC members or the NPC/PC deputies put forward in bill deliberation (including government work report and budget report)? Do they put forward substantive or literal amendment suggestions? (For NPCSC/PCSC members or NPC/PC deputies)

13. Do you know whether there is the situation of rejecting a bill in the legislative process? If there is not such a situation, what's your opinion of the unanimous vote?

14. Do you think the professionalization of the PC system has increased? Is it helpful to increase the autonomy of the PC system in the legislative process?

15. What are your judgment criteria in deliberation? Is it professional knowledge, appeal of constituency, or the order of the Party? (For NPCSC/PCSC members or NPC/PC deputies)

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