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中国城市

陈 明◎著

公用事业民营化研究

A Study on the Privatization of China Urban Public Utilities



中国经济出版社

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前 言

城市公用事业民营化问题是产业经济学和规制经济学领域较为活跃的研究课题之一,也是当前中国经济体制改革的热点问题。从总体上分析,目前中国城市公用事业民营化改革还处于探索阶段,民营化改革只是在部分地区、部分行业中展开,对城市公用事业改革中的核心问题,即要不要搞民营化?搞什么样的民营化?怎样搞民营化等问题并没有真正得到解决。而这些问题正是研究中国城市公用事业民营化改革所涵盖的基本问题。本书对中国城市公用事业民营化模式进行了较为系统的分析探索,重点研究了中国城市公用事业民营化的改革取向和改革模式。纵观全文,集中阐述和探讨了以下四大问题:

一、中国城市公用事业民营化的动因

城市公用事业的性质与变异从本质上要求城市公用事业的服务生产体制发生转变,当然也包括服务安排制度发生相应的改革以适应生产体制的转变。这是由于城市公用事业产品(服务)的公共品性质已经演变为准公共品性质,具有一部分私人物品的性质,继续采用国有垄断经营的服务生产方式已不再适应,发挥市场机制与采取民营生产方式是城市公用事业发展的根本出路。这也是世界各国纷纷实行公用事业民营化的理论出发点。产权理论、棘轮效应理论、软约束预算理论则对国有垄断经营的重要缺陷提出了批评,进一步为城市公用事业民营化提供了针对性更强的理论

依据。

中国城市公用事业不仅存在垄断结构,而且存在垄断行为,其垄断行为带有行政垄断的特征。具体来讲,中国城市公用事业的运行在制度上表现为政企不分;城市公用事业的价格管制仍然具有很强的计划管制色彩;企业滥用垄断地位,侵权行为常见,而竞争行为鲜见。国外城市公用事业民营化的成功实践对中国城市公用事业国有垄断经营的传统体制提出了挑战。无论效率来自民营化还是来自竞争,城市公用事业在民营化后的绩效改善是有目共睹的,竞争应是民营化改革的重要内涵,但竞争并不能替代民营化。

中国城市公用事业几十年一贯制的国有垄断经营体制的弊端相当严重,存在着经营效率低下、发展滞后、亏损严重、人工成本过高等诸多垄断弊端,已到了非改不可的地步。关于运营效率低下,一方面是其产品或服务在网络传输过程中的漏损率偏高,另一方面就是X非效率严重存在。发展滞后是指城市公用事业滞后于经济发展与居民生活需求。亏损严重是说城市公用事业中绝大多数行业在其价格不断上涨的条件下,亏损面大,亏损额高。人工成本过高,可从两个方面理解:一是从业人员收入偏高,二是企业冗员严重。这些实际问题表明,传统体制已不适应社会发展的要求,需要进行体制改革,为城市公用事业注入新的活力。

因此,无论从国外城市公用事业民营化的成功实践来看,从城市公用事业民营化的理论依据来看,还是从中国城市公用事业国有垄断经营弊端的客观依据来看,中国城市公用事业民营化是改革的必由之路。

二、中国城市公用事业民营化的改革取向

改革取向意味着改革的宏观模式,对此学术界既有共识,也有

分歧。在改革的顺序方面,有人主张竞争优先民营论,有人主张产权竞争平衡论;在规制改革方面,有人主张放松规制,有人主张强化规制;在改革的速度方面,有人主张渐进式改革,有人主张激进式改革。关于这些问题是不能回避的,否则不能在宏观层面上把握民营化改革。

关于民营化改革的顺序方面,竞争优先民营论与产权竞争平衡论均有一定的可取之处,但竞争优先民营论并不符合中国城市公用事业的服务提供不足的现实,产权竞争平衡论的可操作性则比较差。对于中国城市公用事业而言,民营优先竞争则是符合国情的改革取向。从供求关系考察,城市公用事业出现供求缺口,形成所谓“硬约束”,客观上要求民营企业进入该领域。从制度层面考察,没有民营企业参与的竞争是伪竞争,甚至是恶性竞争,其效率也不会有改善。当然,竞争对于民营化而言也是至关重要的,民营化的深层次内涵应是有竞争的民营化,但竞争并不能替代产权改革。

关于民营化涉及的规制改革方面,放松规制与强化规制均有道理。放松规制的依据在于引入竞争可以刺激效率的提高;城市公用事业的自然垄断属性并非一成不变;传统的规制存在规制失灵的问题。强化规制的依据在于通过强化规制可以抑制垄断价格,维护分配效率;可以为有效竞争创造条件;民营化对社会性规制的要求提高。实际上,中国城市公用事业规制改革既是一个放松规制的过程,又是一个强化规制的过程,从本质上属于规制重建的过程,既要求放松经济规制,又要求强化社会规制。中国城市公用事业的规制改革必须适应民营化的要求。要放松进入规制,解决民营企业“进得来”的问题;要实行不对称规制,解决民营企业“待得住”的问题;要强化社会规制,解决民营企业“干得好”的问题。具体而言,关于“进得来”,不能走“无门槛儿”或“门槛儿太高”两个极端。关于“待得住”,关键是制定合理的接入政策,为民营企

业进入后营造一个公平竞争的环境。关于“干得好”，可通过行政法规政策、经济政策、市场机制政策予以强化。

关于民营化改革的速度方面，渐进民营化应为中国城市公用事业民营化的主要选择。从中国“摸石头过河”的成功经验来看，中国的民营化改革能够不断深化，本质上是因为前项改革为后续改革不断地提供了丰富的有价值的信息。从中国“小步快跑”学习改革的过程来看，改革基本上是地方探索创新，中央政府推广的模式。由于中央政府的权威性较高，在改革中明显带有人为缩短的痕迹。从渐进民营化的可操作性来看，“摸石头过河”的成本较小，即造成的社会震荡较小，易于获得人们的支持。渐进式改革也容易导致“保守派”放弃维持现状的主张，退而接受而不是拒绝民营化。综合上述观点，中国城市公用事业宜采取渐进民营化。当然，渐进民营化也有不可逆转性较差，改革中容易发生扭曲的不足。需要说明的是，在中国的部分地区，在城市公用事业的部分行业也可以采取激进民营化。中国城市公用事业民营化可以是总体渐进、局部激进的民营化。

三、中国城市公用事业民营化的改革模式

中国城市公用事业民营化改革处于初始阶段且有加速推行的迹象，但改革的微观模式尚没有厘清。从理论上讲，城市公用事业民营化在技术不变的情况下，无论禀赋是否增加，均非帕累托改善。这是因为：(1)若禀赋不变，通过阿罗不可能定理可以证明城市公用事业在民营化初始阶段并非是帕累托改善。(2)民营化初始阶段禀赋增加与帕累托改善并不同时成立。(3)卡尔多—希克斯补偿不能自动充分实现。从实际上看，城市公用事业民营化也会产生诸多的政策困境，且有“两难”的特点，其中包括：(1)民营化与固定回报。(2)冗员与裁员。(3)“守信”与“失信”。(4)控

股与不控股。(5)价格调整与普遍服务。(6)特许经营中的垄断与竞争。(7)竞争与过度竞争。(8)存量资产民营化的“低价”与“溢价”。(9)市场准入门槛儿的“高”与“低”。(10)对规制者的“强规制”与“弱规制”等一系列操作性难题。加之,民营化易引发腐败和失业等负面效应。因此,必须建立符合中国国情的城市公用事业民营化改革模式,即良性民营化模式。

良性民营化模式的基本含义在于:(1)城市公用事业民营化应以提高效率,增加社会福利为目标。(2)城市公用事业民营化必须是打破垄断,引入竞争的民营化,而不是以私人垄断对国有垄断的替代。(3)城市公用事业民营化必须合理规制,以协调民营化各主体的利益,即起码要满足民营化各主体的最低利益要求,在此基础上追求社会福利的最大化。(4)城市公用事业民营化要努力削减民营化的负面效应,降低民营化的改革成本,使民营化在良性轨道上运行与发展。

良性民营化模式的政策含义在于:(1)城市公用事业民营化应以有效竞争为基本导向,通过有效竞争提高效率,增加社会福利。(2)城市公用事业要合理规制,通过规制使民营化各利益主体的利益分配实现公平和公正。既要防止民营企业利用不同程度的垄断地位谋取高额利润并损害消费者利益,又要保证民营企业补偿生产经营成本,使其获得微利或至少不发生实际亏损。(3)城市公用事业民营化应努力削减负面效应。由于失业与腐败不可避免,故对民营化中的负面效应要把握两大原则:必要的削减与必要的容忍。

四、中国城市公用事业民营化的制度安排

在有效竞争方面,可以采用合同承包、特许投标竞争、标尺竞争、直接竞争等4种形式。关于合同承包,认为合同承包适用于城市公共交通、固体垃圾回收、城市保洁与绿化等行业,强调竞争是

鼓励良好绩效的核心因素,比较理想的是数名投标者参与真正的竞争性招标。关于特许投标竞争,认为特许投标竞争适用于城市公用事业的一些自然垄断环节,强调城市政府要制定适合本地的特许经营管理办法,努力形成公平、透明的竞争环境,并采用适当的合同方式规范特许经营。关于标尺竞争,指出不能生搬硬套国外的方法于中国,但对于自然条件和经济条件等相似的区域而言,运用标尺竞争有助于打破本区域企业对信息的垄断,缓解信息不对称问题。关于直接竞争,主张将城市公用事业中的自然垄断业务与竞争业务进行区别,竞争性业务可以放松规制,允许多家企业竞争;自然垄断业务暂由1家企业垄断经营。

在合理规制方面,规制的独立性、承诺性、激励性、社会福利性等问题需引起注意。具体而言,在规制的独立性问题,必须重点解决政企不分的问题;其次是规制机构与城市政府的相对独立;再者,规制必须具备法理上的独立性;最后是规制机构自身运转的独立性。在规制的承诺性问题上,可通过司法介入、仲裁机制、重新谈判等方式加以改善;在规制的激励性问题上,民营化在初始阶段时可采用公正报酬率规制,条件成熟时可采用价格上限规制。提出现阶段采用公正报酬率规制而非价格上限规制,是因为采用公正报酬率规制能够达到吸引民间投资,满足投资方要求以解决投资缺口矛盾的目的;在目前价格水平较低的情况下,推行价格上限规制会带来许多麻烦;价格上限规制需要很强的规制承诺性,目前的中国地方政府还做不到;公正报酬率规制的负面效应,价格上限规制的正面效应均不如理论预测的那样大。在规制的社会福利性问题上,可采用两部式定价并通过普遍服务加以改善。两部式定价反映了公平原则,可以保证企业补偿成本和保本微利,有利于减少或避免规制者出台调价方案所造成的社会抱怨,有利于建立节约型社会。普遍服务可以通过建立普遍服务基金,建立以市场为

基础的普遍服务拍卖机制等措施来实现。

在削减负面效应方面,必须注意削减失业和腐败等民营化中的主要负面效应。关于削减失业的负面效应,可采取失业缓释与失业治理的方式,其中失业治理又包括实施消极的劳动政策和积极的劳动政策。在实施消极的劳动政策时,要避免采用下岗政策。积极的劳动政策包括政府购买岗位和实行就业补贴的岗位,鼓励失业人员自谋职业和创业,鼓励企业吸纳失业人员,加强就业培训与就业指导。关于削减腐败的负面效应,应遵循使潜在的腐败规制者“不想腐败、不能腐败、不敢腐败”的反腐败制度设计思路,通过高薪养廉以降低其想腐败的概率,通过放松规制以降低其能腐败的概率,通过强化监督以提高发现腐败使其不敢腐败的概率。在高薪养廉方面,将部分补贴纳入工资,避免规制者退休前后收入相差过大;建立廉政奖励基金,根据规制者的表现,待其退休时补发或扣发;完善财产申报制度,禁止“旋转门”的发生。在放松规制方面,可减少规制范围,引入市场机制;改进规制方式,减少规制收买;公开规制信息,增加合谋难度。在强化监督方面,要强化司法监督,提高反腐机构的独立性;强化新闻监督,提高新闻媒体的自由度;强化社会公众监督,提高社会公众的参与性。

最后,要特别感谢我的导师江西财经大学校长、博士生导师廖进球教授。廖教授对本书的整体构思和多个章节作了悉心指导,提出了许多非常有价值的修改意见。要特别感谢江西财经大学工商管理学院院长、博士生导师李良智教授对本书的出版所给予的决定性支持;感谢江西财经大学产业集群与企业发展研究中心主任、博士生导师胡宇辰教授对本书的出版所给予的奖励性支持。限于作者水平与研究条件,书中错误与偏颇之处在所难免,但文责自负。

陈明于 2008 年 7 月

Abstract

The problem of urban public utilities privatization is one of the popular research subjects in industrial economics; it is also a hot topic for the present China's economic system reform. In general, the reform of China's urban public utilities privatization is still at the exploring stage present, the reform has only been done in some regions and economic areas, the following central problems have not been solved yet: whether we need privatization; what kind of privatization we need and how to do it. And these are the basic problems that the public utilities privatization reform of China must cope with. In this article, the author makes comprehensive exploring analysis to the privatization mode of China's urban public utilities, special emphases are made to the reform orientation and reforming mode of China's urban utilities privatization.

1. Reason for the privatization of china's urban public utilities

The nature and the evolution of urban utilities demand the service system of public utilities be transformed, including the transformation of the arrangement of the service system. The reason is that urban public utilities have developed into the quasi-public utilities, having the nature of some private goods effects. It is not suitable to continue adopting the state-run monopolistic mode of production of service. The market mechanism and the production mode of privatization are the essential ways for the reform of urban public utilities. This is the theoretic vantage point that countries all over the world implement public utilities privatization one after another. Theory of property right, theory of ratchet wheel effect, theory of soft

budget restraint have criticized the state-run monopolistic mode and offer the theoretic foundations for the privatization of the urban public utilities.

China's urban public utilities contain not only monopolistic structures, but also monopolistic behavior, which has the character of administrative monopoly. Specifically, on the system, the run of China's urban public utilities has the problem of not separate administrative department and the enterprise; the price regulation of China's urban public utilities still has the character of planned economy; the abuse of monopoly and infringement for enterprises are common, yet competitive behavior is seldom seen. The successful practice of foreign urban public utilities privatization challenges China's traditional system of state-run monopolistic urban public utilities. Wherever the efficiency comes from, it is well known that the urban public utilities reform has performed very well after privatization. The competition should be the important aspect of the privatization reform, but it cannot substitute the privatization of urban public utilities.

The state-run monopolistic management system of China's urban public utilities has quite serious problems with the low efficiency, development lagging behind, the loss of the profit, the high cost of labor, to name just a few. So, the privatization of China's urban public utilities is the only way out. As to the low efficiency, one reason is the high wearing down of product and service on the way of network transmission, the other reason is the existence of X non-efficiency. Development lagging behind refers to urban public utilities lag behind economic development and the living demand of residents. The serious loss of profit means in most of the areas, both the number of the enterprises and the quantity of losses are too large. The high cost of labor can be comprehended from two aspects, one is the high income of the staff, and the other is the redundant of the employees. The problems shows the traditional system has become the obstacle of modern development, and should be reformed, so to put new vital into the area.

From what have been discussed above, it is clear that privatization of China's urban public utilities should be realized.

2. The reform orientation of China ' s urban public utilities privatization

The reform orientation means the macro-mode of the reform, to which the academia has had different opinions. In the order of the reform, some maintain the privatization should go first, some advocate the balance of competition and the property right; In the reform area of regulation, some advocate that we should relax it, some hold it should be strengthened; In speed of the reform, some advocate the evolutionary reform, some advocate radical reform. These questions can ' t be avoided; otherwise we can ' t grasp the privatization reform on the macro-level.

As to the order of privatization of the reform, both the privatization priority theory and the balance theory have certain desirable aspects. But the privatization priority theory does not accord with the insufficient fact of China ' s urban utilities in services. And the maneuverability of the balance theory is not easy. As to China ' s urban public utilities, that the privatization should prior to competition is a practicable reform orientation. Seen from the aspects of supply and demand, the supply of the state-run enterprises can not meet the demand, forming the supply-demand gap, and the "hard restraint" is formed. So the private enterprise should enter into the area. Seen the system level, the competition without the evolvement of private enterprises is not the real competition, sometimes it is the evil competition, and the efficiency can not be improved. Of course, competition is also very important to the process of privatization, and competition can not substitute the reform of property right.

As to the of regulation reform, both relaxation and strengthening the regulation hold some reason. Relax the regulation can stimulate the improvement of efficiency by competition. The status of monopoly of the urban utilities is not the same all the time. And the traditional regulation has the problem of regulation failure. The reason why we should strengthen the regulation is that by which we can hold up the monopolistic price and maintain the distribution efficiency; create the

condition for efficient competition, because privatization has higher demand for the social regulation. In fact, China's urban public utilities regulation reform is the course of not only relaxing it but also strengthening it. It is the course of re-regulation, which not only demand relaxation but also demand strengthening in essence. The regulation reform of China's urban public utilities must meet the need of privatization. We should relax the regulation for the private enterprises to enter into the competition area; adopting the asymmetry regulation policy so the enterprises can stay in the competition arena. We should strengthen social regulation, so to solve the problem of "doing well". Specifically, as to "entering into the competition arena", we should not go to the two extremes. As to the "stay in the competition", the critical problem is to make the reasonable joining policy, so to foster a fair competitive environment. As to the problem of "doing well", we can strengthen it through administrative policy, economic policy, and market mechanism.

As to the speed of the privatization reform, gradual privatization should be the main choice of China's urban public utilities privatization process. The successful experience of China's "wades across the stream by feeling the way" and "little step run" is a very good example of going step by step. So we should adopt gradual privatization reform process for the reform of China's urban public utilities, though it is not easy for the process to go backward, and some aspects can be distorted. What needs to be mentioned is that, in some areas of China some public utilities areas can adopt radical privatization processes. Privatization of China's urban public utilities can be adopted gradual privatization process overall and radical privatization in some special areas.

3. The reform mode of China's urban public utilities privatization

The reform of China's urban public utilities is at the initial stage and there is an indication that it will be pushed with higher speed, but the micro-mode of

the reform is still not clarified. In theory, if technology keeps constant, the privatization of urban public utilities is not Pareto efficiency, no matter whether endowment increases or not. This is because, (1) If endowment is the same, we can verify that at the initial privatization stage of the urban public utilities reform, it is not the Pareto efficiency by using Arrow theorem; (2) At the initial stage of privatization, the endowment and the Pareto improvement can not be increased at the same time; (3) Kaldor-Hicks Compensation can not be fully realized automatically. Practically, the privatization of urban public utilities can produce a great deal of policy predicaments, which has the character of "dilemma", including, (1) Privatization and fixed return; (2) Employee redundant and cut down; (3) "Keeping promise" and "breaking promise"; (4) Stock holding and non-stock holding; (5) Price regulating and universal service; (6) Monopoly and competition in franchise; (7) Competition and over-competition; (8) Low price and high price of stock asset; (9) The market entering barrier; (10) The "tough" and "soft" regulation for the regulator, and so on. What's more, privatization can bring negative effects such as corruption and unemployment, etc. Therefore, we must set up the privatization reforming mode of China's urban public utilities which accords with the Chinese actual conditions, namely benign privatization mode.

The basic meaning of the benign privatization mode lies in: (1) the privatization of urban public utilities should aim at raising the efficiency and increasing social welfare. (2) The privatization of urban public utilities should break the monopoly and introduce the competition, but not substitute the state-owned monopoly for the private monopoly. (3) The privatization of urban public utilities must have reasonable structure to coordinate the interests of the main privatization bodies, namely to meet their minimum interests demand at least and pursue the maximization of the social welfare on this basis. (4) The privatization of urban public utilities should cut down its negative effect, reduce its reform cost, make it run and develop healthily.

The policy meaning of the benign privatization mode lies in: (1) The privatization of urban utilities should regard effective competition as the basic direction, raise the efficiency through the effective competition, and increase the social welfare. (2) Urban public utilities should take reasonable structure to make the distribution of the interests of the main privatization interest bodies be fair and just. On one hand, the private enterprises seek maximum amount of profit from their monopoly position in various degree and damage the interests of consumers, which should be prevented; on the other hand, they should be guaranteed to compensate their operating cost and get reasonable profit. (3) Great efforts should be made to cut down the negative effect during the privatization process, where we should grasp two major principles: essential cut and tolerance should go hand in hand.

4. System arrangement of the privatization of China's urban public utilities

In the aspect of valid competition, four kinds of forms can be adopted, namely, contracting, franchise bidding, yardstick competition and direct competition. Contracting is suitable for urban public transportation, solid rubbish recycle, city cleaning and greening etc. Competition is the key factor of encouraging good performance; the ideal mode is that several bidders participate in the real competitiveness bid. Franchise bidding is suitable for urban public utilities in the area of some natural monopoly trades, emphasizing that the government should establish the suitable regulations and make great efforts to form the fair, transparent competitive environment and adopt the proper contract way to standardize franchise operation. As to the yardstick competition, we can't use the same method as used by foreign countries. But in some areas where similar natural and economic conditions exist, we could use it to contribute to breaking the monopoly of information of regional enterprise and alleviating the problem of information asymmetry. As for direct competition, we should distinguish natural monopoly business

from competition business in urban utilities, the competition business can be relaxed, allowing several enterprises to compete; the natural monopoly business is monopolized temporarily by one company.

In the aspect of reasonable regulation, special attention should be paid to the problems of independence, commitment, encouraging, and social welfare. Particularly, on the problem of independent regulation, we must separate the government and the enterprises. And then we must ensure the regulating bodies be independently of the city government, third, the regulating bodies must be independent in the legislate sense, last, it should run independently. As to the commitment of regulation, it can get improved through the involvement of justice department, arbitration mechanism, negotiating etc. On the encouragement of the regulation, at initial stage of privatization, fair return regulation can be adopted, when the condition is mature, the ceiling price regulation can be adopted. Now we must adopt the fair return regulation, the reason is that by which we can absorb private investment, so to fill gap of investment. On the problem of social welfare, two steps of pricing can be adopted and social welfare could be improved by universal serve. This kind of pricing reflects the fair principle, making the enterprise compensate the cost and make some profit, so to reduce the social complaint and build the economy society. Universal service can be realized by setting up the general service fund and the relative bidding measures.

On the aspect of cutting down the negative effect, special attention should be paid to prevent the main negative effects of cutting down the unemployment and corruption during privatization. As to the negative effects of cutting down the unemployment, the unemployment buffer and governance mechanism should be adopted; the latter includes implementing the passive laboring policy and active laboring policy. When implementing the passive laboring policy, we should avoid taking the policy of laying off the employees. The active laboring policy include the government buying the post, posting subsidizing, encouraging those unemployment set up the own enterprises or find jobs for their own, encouraging the enter-