

# 执法环境建设 转变政府职能与法制论丛

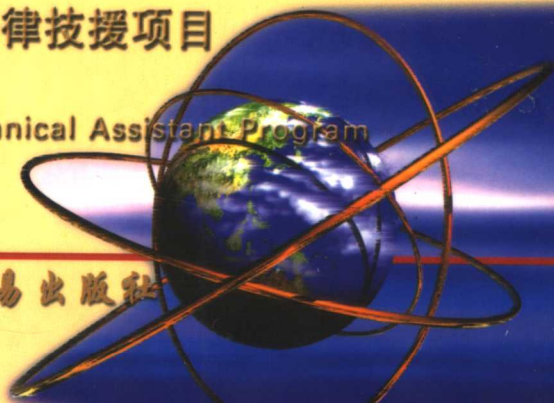
Papers on the Construction of the Enforcement and  
Supervision Environment of Laws and Legislation for  
Changing the Role of Government in  
Chinese Socialist Market Economy

国务院经济体制改革办公室  
《论丛》编译组  
The Editor's Team, SCORES

中国世界银行法律技援项目

World Bank China

Economic Law Technical Assistant Program



中国对外经济贸易出版社

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国务院经济体制改革办公室  
《论丛》编译组

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## 执法监督环境建设国际研讨会

四川 绵阳 2000.6.15



“执法监督环境建设国际研讨会”全体会议代表合影。

Group photo of participants to the “International Seminar on the Construction of the Enforcement and Supervision Environment of Laws.”



“适应中国市场经济发展转变政府职能国际研讨会”主席台就座的是：国务院体改办宋宝瑞副主任和外事司王东江司长，

财政部国际司关秀珍副处长，云南省牛绍尧副省长，云南省体改办姚建友主任等。

At the “International Seminar on Changing the Role of Government Regulation in China’s Market Economy”, attendants on the rostrum are: Mr. Song Baorui, Executive Vice Minister of SCORES, Mr. Wang Dongjiang, Director-General of the Department of Foreign Affairs, SCORES, Ms. Guan Xiuzhen from the International Department of the Ministry of Finance, Mr. Nu Shaoxiao, the Vice Governor of Sichuan Province, Mr. Yao Jianyou, the Director-General from the Office for Restructuring the Economic Systems in Yunnan Province, etc.



先生，德国专家葛毅先生，国务院体改办国际合作中心霍恩全先生。

From the left of the rostrum of the “International Seminar on Changing the Role of Government Regulation in China’s Market Economy”, they are: Mrs. Natalie Liechtenstein from the World Bank, Mrs. Li Ling from the Ministry of Foreign Trade and Economic Cooperation, Mr. Terry Halliday, an expert from USA, Mr. Immanuel Gebhardt, an expert from Germany and Mr. Huo Enquan from the International Cooperation Center of SCORES. USA, Mr. Immanuel Gebhardt, an expert from Germany, etc.



“适应中国市场经济发展转变政府职能国际研讨会”会场。前排右起：国务院体改办巡视员许骅先生，美国专家特伦斯·哈里德先生，德国专家葛毅先生等。

The participants are in session of the “International Seminar on Changing the Role of Government Regulation in China’s Market Economy”. From the right of the front row, they are: Mr. Xu Hua, Director-General from SCORES, Mr. Terry Halliday, an expert from.

## 编者按

江泽民总书记多次指出：“高度重视法制建设，加强立法工作，特别是抓紧制定和完善保障改革开放、加强宏观经济管理、规范微观经济行为的法制和法规，这是建立社会主义市场经济体制的迫切要求。”这就是说，法制是社会主义市场经济的内在要求，法制建设必须与市场经济体制建设同步发展，没有健全的法制，就没有完善、成功的社会主义市场经济。

目前，中国经济体制改革全面推进，社会主义市场经济体制初步建立，对外开放水平不断提高，全方位对外开放格局基本形成，人民生活水平不断提高，总体上达到小康水平，科技教育加速发展，社会事业全面进步。然而，中国经济体制改革和社会发展仍存在不少亟需解决的问题，主要是产业结构不尽合理，区域经济发展不协调，国民经济整体素质不高，科技、教育发展滞后，社会就业和资源、环境压力较大，阻碍生产力发展的体制因素仍然十分突出。所有这些问题，需要在深化经济体制改革中予以解决。如何运用法制手段推动经济体制改革，巩固改革成果，是我们长期予以关注的重要课题。

世界银行对中国政府的法律技援项目已持续多年。在最近两年里，国务院体改办、财政部、世界银行举办了“中国执法监督环境建设”和“适应中国市场经济发展，转变政府职能”国际研讨会。在研讨会上，中外专家从理论和实践的结合上，总结了改革实践中的经验和教训，交流了许多国际上的有益经验，从法制建设的角度探讨了许多中国经济体制改革的热点问题。通过对“中国执法监督环境建设”问题的研讨，中方专家就我国的执法环境，特别是行政执法环境及行政执法监督现状、存在问题及如何改善执法环境作了发言，并将《环保法》和《森林法》的执法及其监督情况作为案例进行了介绍。外方专家分别介绍了加拿大的《环保法》执法监督情况；意大利的立法质量、司法解释和公民法律意识；澳大利亚专家对中国的法律实施提出了建议。通过对“适应中国市场经济发展，转变政府职能”问题的研讨，中方专家就我国政府职能转变的现状、存在的问题及如何在社会主义市场经济发展过程中进一步转变政府职能作了发言。外方专家分别介绍了加拿大当前的福利状况和政府所起的作用；澳大利亚的执法与消费者权利；德国专家介绍了政府如何依法对经济进行规范以及怎样通过立法手段将政企分开；英国专家介绍了以经济及法律手段为主管理经济；法国专家介绍了依法管理企业建立公平竞争的市场经济；美国专家介绍了律师、会计师

和破产清理行业等中介组织运行模式的经验等等。我们应当清醒地认识到，中国政府在贯彻“依法治国，建设社会主义法治国家”基本方略方面，还有大量的工作要做；在继续推进政府机构改革，进一步转变政府职能，深入开展反腐败斗争，加强廉政建设等方面，任重道远。

本书由国务院体改办论丛编译组负责选稿、翻译、编辑，将2000年6月在四川省绵阳市举办的“执法监督环境建设国际研讨会”和2001年4月在云南省昆明市举办的“适应中国市场经济发展，转变政府职能国际研讨会”中的论文以中英文对照的形式汇编成册，以飨读者。如有不妥之处，请予指正。

本书在出版过程中得到了财政部、世界银行有关人士的大力支持和协助，中外专家为此书做出很大贡献，在此一并感谢。

国务院体改办《论丛》编译组

2001年12月



## **The Editor's Note**

President Jiang Zemin repeatedly pointed out: "In order to build a socialist market economic system, we should devote much attention to the legal system construction, the legislation work, especially to the formulation of laws and regulations which play an important role to ensure the deepening of economic system reform and opening up to the outside world, improve the macro-economic management and regulate the micro-economic performances. This is a urgent need to develop the socialist market economic system in China." For this reason, it is an internal requirement of the socialist market economy to set up a legal system and the legal system construction must be in accordance with the development of market economic system. Without the integrated legal systems, there is no mean of a perfect and successful socialist market economy.

At present, the economic system restructuring in China is pushing forward comprehensively, the socialist market economic system is initially established, the opening up to the outside world is raising gradually to the higher level and it has covered almost every field of the economic activities. The living standard of citizens basically is at the stage of better off and will go on improving. The development of the science, technology and education is speeding up and the society is in full progress. The economic system restructuring in China is now at the critical moment as there are many urgent issues to be solved promptly. Such as the irrational industrial structure, the imbalanced regional economic development, the low quality of the national economy, the slow progress of science, technology and education, the pressures of social employment, limited resources and environment protection, and the striking impediments factors of systems are all still in the way to hold up the development of the productive forces. Therefore, all these issues need to be solved in the process of deepening the economic system restructuring. In this process, it is our long-term task to push forward the economic system restructuring and consolidate the achieved results though legal means.

For quite some time, China has good cooperative relations with the

World Bank through the Economic Law Technical Assistance Program. In the last two years, SCORES, the Ministry of Finance, and the World Bank successfully held the "International Seminar on the Construction of the Enforcement and Supervision Environment of Laws" and the "International Seminar on Changing the Role of Government Regulation in China's Market Economy". At the seminars, the internal and the external experts, on the basis of combining theory with practice and in terms of legal system construction, made the summaries on the experiences and the lessons gained in the process of reform, exchanged some good international experiences, and had heated discussions on some key issues in the economic system restructuring in China. At the first seminar the Chinese Experts made their speeches on the current situation of the environment of law enforcement and supervision, the existing problems, and how to improve the environment of law enforcement and supervision. They also introduced as examples of the enforcement situation of the *Environment Protection Law* and the *Forest Law*. The foreign experts introduced the situation of enforcing the *Environmental Protection Law* in Canada separately, the quality of legislation, the explanation of justice and citizen's consciousness of law in Italy. The Australian expert gave some proposals on undertaking of the Chinese law. At the second seminar, the domestic experts separately presented speeches on the present situation, the existing problems and how to change the role of government regulation on the process of the development of the Chinese socialist market economy. And the experts from foreign countries separately introduced the present situation of the welfare projects in Canada, and the law enforcement as well as the consumer rights in Australia. The expert from Germany made an introduction on how government regulated the economy through law and how government and enterprises could be separated by means of legislation. The expert from UK introduced how to regulate economy through economic and legal methods. The expert from France made an introduction on managing the enterprise in accordance with law, and establishing a market economy on the basis of free competition. And the expert from USA introduced on "Regulatory Models for Market Professions: Lawyers, Accountants, and Insolvency Practitioners". We should clearly recognize that we have much work to do in carrying out the basic strategy "to run the country by laws and build China into a socialist country with sound legal system". We have

a long way to go in the process of deepening the governmental organization restructuring, changing the role of government, in the anti-corruption struggle, and in the construction of a clean and high efficient government.

The editors team of SCORES has done a lot in paper collecting, translating and editing. This book includes most of the papers delivered at the two international seminars (the "International Seminar on the Construction of the Enforcement and Supervision Environment of Laws" in July 2000 held in Mianyang City of Sichuan Province, and the "International Seminar on Changing the Role of Government Regulation in China's Market Economy" held in Kunming City of Yunan Province jointly by SCORES, MOF and WB). The team offers this book to readers, which is both in Chinese and English entitled "Papers on the Construction of the Enforcement and Supervision Environment of Laws and Legislation for Changing the Role of Government in Chinese Socialist Market Economy". If there is any inappropriateness, you are kindly requested to make a comment or criticism.

Taking this opportunity, we sincerely express our thanks to the officials from the Ministry of Finance and the World Bank, and to the internal and the external experts who have made contribution to the successful publishing of this book.

The Editors Team, SCORES  
December, 2001

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