

# **Provisions of Guangdong Province on Major Administrative Decision-making Hearings**

(Promulgated by Decree No. 303 of the People's Government of Guangdong Province on October 20, 2023)

## Chapter I General Provisions

Article 1 These Provisions have been formulated for the purposes of standardizing the major administrative decision-making hearings of administrative organs, promoting scientific, democratic and lawful decision-making, and protecting the legitimate rights and interests of citizens, legal persons, and other organizations, in accordance with the *Interim Regulations on Major Administrative Decision-Making Procedures*, relevant laws and regulations, and in light of the actual situation of Guangdong Province,

Article 2 These Regulations shall apply to major administrative decision-making hearings held by people's governments at or above the county level (hereafter collectively referred to as decision-making organs) within the administrative region of this Province.

Hearings may be held concerning major administrative decision-making matters that directly involve the vital interests of citizens, legal persons and other organizations, or where major differences of opinion exist, except for decision-making matters that are not made public by law. Where citizens, legal persons or other organizations propose hearings on major administrative decision-making matters, these may be held after the entity responsible for said matters (hereafter referred to as the decision-making entity) has undertaken research and arrived at a determination.

Where laws, regulations or rules contain other provisions concerning the holding of hearings, those provisions shall be followed.

Article 3 Decision-making organs may, in accordance with Article 2 of these Provisions in combination with the limits upon their authority and local conditions, decide whether to hold a hearing on decision-making matters during determination of their catalog of major administrative decision-making matters. They shall employ dynamic management practices and make it public to the society.

Article 4 Major administrative decision-making hearings shall follow the principles of openness, fairness and impartiality, and shall give a good hearing to the opinions and suggestions of citizens, legal persons or other organizations, safeguarding their right to state opinions, examine evidence, and engage in debate.

## Chapter II Hearing Organizers

Article 5 Decision-making entities or other entities designated by decision-making organs (hereinafter referred to as "hearing organizers") shall be responsible for organizing hearings.

Article 6 Where major administrative decisions are being undertaken by two or more entities, the lead decision-making entity shall organize hearings together with the other entities, or one of the entities may be designated to organize hearings.

Article 7 Hearing organizers may delegate the organization of hearings to relevant third-party institutions, including higher education institutions, scientific research institutions, and social organizations. Where organization of the hearing has

been delegated, the hearing organizer shall sign an agreement with the third-party institution to clarify the assigned tasks, quality requirements, deadline for completion, remuneration, and liability for breach of contract, and strengthen supervision and guidance.

### Chapter III Hearing Participants

Article 8 Participants at a hearing shall include the hearing presider, hearing presenters, hearing participants, and hearing recorders.

Article 9 A hearing presider shall be designated by the hearing organizer. A person to whom any of the following circumstances applies shall not serve as a hearing presider:

- (1) Being responsible for drafting a major administrative draft decision;
- (2) Having an interest in the decision-making matter;
- (3) Other circumstances that may affect the fairness and impartiality of the hearing.

Where laws, regulations or rules contain other provisions on the appointment of hearing presiders, those provisions shall be followed.

Article 10 A hearing presider shall perform the following duties:

- (1) Presiding over the hearing;
- (2) Maintaining order during the hearing, giving warnings or taking necessary measures, to prevent any violation of hearing discipline;
- (3) Deciding upon the suspension and resumption of the hearing;
- (4) Other duties specified by laws, regulations and rules.

Article 11 Hearing presenters shall be staff members from the decision-making entity.

Hearing presenters shall provide truthful statements containing the content, basis, reasons and relevant background of the decision-making matters.

Article 12 Hearing participants shall be selected through voluntary registration by citizens, legal persons, or other organizations, as well as via recommendation or invitation from relevant organizations delegated by the hearing organizer.

Hearing participants may collect public opinion and acquire materials related to the hearing matters. They are entitled to engage in questioning, examine evidence, state opinions, and debate on the hearing matters; the hearing presenters should provide timely responses.

Hearing participants shall attend hearings on time, abide by hearing discipline, and objectively and fairly convey opinions and suggestions regarding the hearing matters. Where hearing participants separately submit a written proposal for a draft decision, they shall explain its basis and reasoning.

Article 13 Hearing recorders shall be designated by the hearing organizers, and shall fully and accurately record the main views and reasoning of all parties during the hearing. They shall also make comprehensive records covering the hearing process as a whole.

### Chapter IV Organization of Hearings

Article 14 A hearing organizer shall organize hearings in accordance with these Provisions for major administrative decision-making matters that clearly entail a hearing.

Citizens, legal persons or other organizations may propose that a hearing be

held to the decision-making entity in written form within the period for soliciting opinions on major administrative draft decisions. The decision-making entity shall reply to the proposer within 10 working days after the end of this period. Where no hearing is to be organized, reasons shall be given.

Article 15 Hearings are generally held in the form of on-site meetings, but may also be conducted through video, internet, or other means.

Article 16 The hearing organizer shall announce the hearing 20 days in advance through channels easily accessible to the public, including government websites, government new media, newspapers, radio, and television, in order to widely publicize the hearing matters and encourage active public participation. Hearing announcements shall include their purpose, content, basis, time, and place, as well as the selection process for hearing participants.

Article 17 A hearing organizer shall, following the principles of universality and representativeness, reasonably determine the method for selecting participants, along with their scope and number, all of which shall be detailed in the announcement, based on the nature, complexity, and impact of the hearing matters.

Article 18 A hearing organizer shall take into account the different interests or opinions of parties during the selection of hearing participants. Priority shall be given to the following staff:

- (1) Stakeholders involved in major administrative decision-making matters;
- (2) Professionals with specific work experience, professional knowledge or skills related to major administrative decision-making matters;
- (3) Representatives of the People's Congress, members of the Chinese People's Political Consultative Conference and other public figures with significant social influence.

Citizens, legal persons or other organizations may voluntarily sign up for the hearing based on the hearing announcement. When citizens, legal persons or other organizations sign up for the hearing, they shall provide information concerning their identities, and state their basic opinions on the hearing matters, which shall be recorded by the hearing organizer. Where it is necessary to select hearing participants, the hearing organizer shall publish in advance measures used in the selection of hearing participants, and shall fairly and openly organize their selection, ensuring that representatives of all related parties may participate.

Article 19 Hearing organizers shall determine the number of hearing participants, which shall be an odd number and generally not less than nine.

A hearing shall be held only if more than two-thirds of the hearing participants are present. Where this required number cannot be reached, the hearing organizer may select supplementary participants and decide, based on the circumstances, whether to postpone the hearing, for a period not exceeding 30 days. Where the hearing is postponed, the hearing organizer shall promptly notify the hearing participants, issue an announcement of the postponement, and explain the reasons for it.

Article 20 The list of attendees for a hearing shall be finalized 10 days before the hearing is held and made public through easily accessible channels, including government websites, government new media, newspapers, radio, and television.

The list of attendees for a hearing shall include the presider, presenters, participants, recorders, and the identity information of the aforementioned staff related to the hearing matters.

Article 21 Notice of hearings, along with the content, basis, reasons, and relevant background materials related to the hearing matters, shall be delivered to the hearing participants at least seven days before the hearing takes place.

Materials provided by hearing organizers shall be detailed and accurate in content and easy to understand. Where the hearing participants have suggestions or questions regarding the materials, the hearing organizer shall supplement or clarify the materials.

## Chapter V Holding of Hearings

Article 22 Hearings shall be held publicly, allowing citizens, legal persons or other organizations to attend, except in cases involving state secrets, trade secrets, or personal privacy.

Article 23 A hearing shall be held in accordance with the following procedures:

(1) The hearing recorders shall verify the attendance of the presenters and participants;

(2) The hearing presider shall announce the beginning of the hearing, the list of participants, the hearing matters, and the hearing rules;

(3) The hearing presenters shall present the content, basis, reasons and relevant background of the hearing matters;

(4) The hearing participants shall express their opinions and suggestions on the hearing matters, conduct questioning, and examine the evidence. If necessary, the hearing presenters or relevant experts shall provide explanations;

(5) The hearing presenters and hearing participants shall engage in debate concerning the main facts and opinions relating to the hearing matters;

(6) The hearing presenters and hearing participants shall make a final statement;

(7) The hearing presider shall announce the conclusion of the hearing.

Article 24 Any hearing participant who has objections concerning the hearing procedure, or the exercise of his/her rights, may raise these with the hearing presider on the spot. If breaches of these Provisions are identified by the hearing presider, they shall be promptly corrected.

In cases where the hearing participants suspect that the hearing presider is subject to a conflict of interest concerning the hearing matters which might affect the fairness and impartiality of the hearing, they may reserve the right to request the hearing presider's recusal, and provide their reasons for this. The decision regarding the recusal of the hearing presider shall be made by the hearing organizer.

Article 25 Hearing records shall be made. These records shall be signed by the hearing presider, hearing presenters, hearing participants, and hearing recorders for confirmation and filing.

If hearing participants identify errors or omissions in the records, they have the right to request corrections. Recorders shall indicate those who have refused to sign in the hearing records. If necessary, the hearing organizer may make audio or video recordings of the hearing.

Article 26 A hearing organizer shall, within 10 days after the end of the hearing, complete a hearing report based on the hearing record. The hearing report shall be comprehensive, fair and objective, and include the following elements:

(1) Basic information on the organization of the hearing;

(2) The selection method for hearing participants and basic information relating to them;

(3) The main opinions or suggestions advanced by the hearing participants, and their basis and reasons;

(4) The main issues under debate at the hearing;

(5) Analysis of the opinions of the hearing parties, and suggestions for handling

them;

(6) Other matters requiring explanation.

Relevant materials such as the hearing record shall be attached to the hearing report.

## Chapter VI Hearing Results and Application

Article 27 Decision-making organs shall treat the hearing report as an important source of reference for major administrative decisions.

Article 28 Decision-making entities shall consider and adopt reasonable opinions and suggestions presented during the hearing. Where most of the hearing participants object to a major administrative decision-making matter, the decision-making entity shall engage in further discussion.

The decision-making entity shall provide written feedback to the hearing participants regarding its adoption, and reasons for non-adoption concerning their opinions and suggestions, and announce the outcome to the public in an appropriate way.

## Chapter VII Legal Liability

Article 29 Any hearing organizer which violates these Provisions in any of the circumstances listed below, shall be ordered by the decision-making organ to make corrections, and the responsible leaders and directly responsible personnel shall be held accountable in accordance with the law:

(1) Failing to organize a hearing in accordance with the prescribed procedures;

(2) Engaging in fraud or other improper action during the course of a hearing in order to affect its outcome;

(3) Other violations of these Provisions.

Where a citizen, legal person or other organization proposes a hearing, and the decision-making entity fails to organize the hearing without good justification, the decision-making organ shall order rectification, and the responsible leaders and directly responsible personnel shall be held accountable in accordance with the law.

Article 30 Where third-party institutions to whom tasks related to the hearing have been delegated, such as higher education institutions, scientific research institutions, and social organizations, violate these Provisions, the hearing organizer shall circulate a notice of criticism and order rectification within a prescribed time period. Where serious consequences have been caused, these institutions shall be investigated for corresponding legal liability in accordance with the law.

Relevant personnel who violate confidentiality provisions during the major administrative decision-making hearing process shall be investigated for legal liability in accordance with the law.

## Chapter VIII Supplementary Provisions

Article 31 Major administrative decision-making hearings held by departments of people's governments at or above county level, township people's governments, and sub-district offices, shall be organized with reference to these Provisions.

Article 32 These Provisions shall come into force as of January 1, 2024. As of the same date, the *Provisions of Guangdong Province on Major Administrative Decision-making Hearings (Decree No. 183)* promulgated by the People's

Government of Guangdong Province on April 1, 2013 shall be repealed simultaneously.