

IMPROVING THE LEGAL SYSTEM AND STRENGTHENING THE CONTROL OF ENVIRONMENT

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ABSTRACT

Improving the legal system is one of the key points in strengthening the control of environment. The coordination of economic development with environment protection and the legislation in Guangdong since 1980 is described. Some proposals for stimulating the economy by enhancing the environment protection in accordance with the law are offered.

1. INTRODUCTION

To protect the natural environment is one of China's basic national policies placed on the agenda of the central and the local governments. A series of laws and regulations and the executive standards have been formulated as the reform proceeds. China is following the way of protecting environment by law.

As a pilot area in China's reform, Guangdong goes ahead of the rest parts. Her economy is developing vigorously, and industrialization and urbanization are proceeding rapidly. In the meantime, governments at different levels in Guangdong have made great efforts in improving the legal system and strengthening the control of the environment, so as to coordinate the rapid development of economy with the protection of environment. This paper focuses on the actual situation in Guangdong province.

2. THE COORDINATION OF ECONOMY DEVELOPMENT WITH THE ENVIRONMENT PROTECTION

According to the decision of the Central Committee of CPC and State Council, special policies and flexible measures have been put into effect since the late 1970s and the early 1980s. There are three Special Economy Zone (SEZ), i.e.

Shenzhen SEZ, Zhuhai SEZ and Shantou SEZ, were established within the area of Guangdong. At first, the two coastal cities Guangzhou and Zhanjiang, and gradually those cities in the inland area and the whole coastal area are opened to the world. A comprehensive reform is in full wing, being fruitful in many respects.

(1). The economy has achieved a sustained overall upsurge, and now is much more powerful. During the 1980s, Guangdong's GNP increased at an average rate of 12.3% annually. The annual increase rate of the national income was 11.4%, and that of the gross social product was 15.8% .

(2). Foreign trade effects a break through in its growth, and a structure of export-oriented economy is now fundamentally formed. From 1980 to 1990, the accumulative total volume of foreign trade amounted to 76,177 million dollars, increasing at an average annual rate of 19.3%, in which the exports amounted to 48,361 million dollars, increasing at 17% annually, and foreign investments actually introduced amounted to 12,046 million dollars.

(3). The domestic market is brisk and people's living standard is much higher than it was 10 years ago. The total value of retail sales in 1990 was 5.3 times that in 1980. The living spenditures income per capital for residents in cities and towns in 1990 was 4.6 times than what it was in 1980. The annual rates of their increase were 18.6% and 14.1% respectively.

In developing its economy, Guangdong government has made great efforts in protecting the environment and the results are satisfactory.

a. The drainage of industrial waste water in 1991 was only 1.5% larger than that in 1980, but the proportion of its disposal increased by 36%. The toxic matter in the waste decreased by 23%. The drain of industrial smoke and dust reduced from 26.27 Ton in 1980 to 24.34 Ton in 1991. The ratio of the solid waste recycling increased by 12%.

b. The integrated environment improvement has achieved remarkable success. A number of sewage treatment plants and garbage disposal sites are controlled to a certain degree. The protection of water resource is strengthened and the urban afforested area is enlarged.

c. The natural environment protection is developing successfully. In 1986, Guangdong government called for "Afforesting all barren hills within 5 years and making Guangdong green within 10 years". The ambitious goal is now mainly realized. The percentage of forest coverage is 51.5% now. The soil erosion is now basically under controlled.

3. STRENGTHENING OF THE LEGISLATION ON ENVIRONMENT PROTECTION ACCORDING TO THE REAL SITUATION IN GUANGDONG

China has made great efforts in protecting environment by legislation. A series of laws and decrees have been formulated. In her Constitution (1986), Penal Code (1979) and Civil Law (1986), it is stipulated that the state should protect and improve living environment and ecological environment, prevent and control the environmental pollution. China has also formulated special laws and regulations of environment protection, such as Law for Environment Protection (1989), Law for the Marine Environment Protection (1982), Law for Preventing Water pollution (1984) and Law for Preventing Air Pollution (1987).

The State Council has also laid down quite a number of regulations, such as Regulation Preventing and Treating Environment Noise Pollution (1989), The Provisional Regulations of Environment Control in the Open Economic Area (1986), The Regulations for Controlling the Waste Dumping into the Sea (1985), and The Administrative Regulations for the Oil Exploration and development in the Waters of the Sea (1983). In addition, the National Environmental Protection Bureau and the departments concerned have worked out The Temporary Provisions of Levying on Waste Water, Waste Gas and Residue (1982), The Standard Administrative Provisions for Environment Protection (1983), The Administrative Provisions for Environmental Protection of Building-Projects (1986) and some other administrative rules.

For guaranteeing the implementation of all those laws and regulation of environment protection in Guangdong, the Standing committee of Guangdong people's congress and the Guangdong Provincial Government have laid down a series of local regulations and provisions, which are in accordance with the national law and reflect the local characteristics. These characteristics are:

a. Suited to the requirements of opening to the outside world. Guangdong is developing its open economy. For attracting the outside investments, it is essential to improve the investment environment programming, assessing, and the integrated regulation of environment. It is stressed that outside investors should abide by China's environment protection laws and not be allowed to introduce projects with high pollution.

b. Great importance is attached to the protection of the urban environment. The urbanization course in Guangdong has been proceeding rapidly since the last decade. A number of cities have been set up and intensively concentrated in the area of Peril River Delta in the central part of the province. Hence, Guangdong has tighten the control of cities pollution.

c. The control of water resource is also strengthened. There are many rivers and vast water area in Guangdong. Protecting water resource is critical to the living environment and the natural environment.

4. PROTECTING ENVIRONMENT ACCORDING TO LAW FOR PROMOTING THE DEVELOPMENT OF ECONOMY

One important purpose of protecting environment is to stimulate the development of economy. Guangdong has devoted much efforts to coordinate environment protection with the development of its economy, and achieved a great deal in economic efficiency, environment efficiency and social benefits.

a. Implementing the responsibility system of tenure targets. This is to establish the targets and responsibilities for leaders in different government office. In other words, governors at different levels are responsible for achieving targets for environment protection. This is one important points in China's environment protection. Government organizations lay down targets for environment protection, the necessary planning and measures, and have them achieved or carried out by department concerned.

b. Strengthening the integrated improvement of the urban environment and the assessment. The urban areas are usually the sources of pollution and the control of their environment is thus the key in the protecting the whole environment.

c. Rationalizing the industrial structure. This means shutting those enterprises of high pollution or suspending their operations, or amalgamating some of them with other enterprises or switch them to other lines of products, so as to reduce the sources of pollution. According to the incomplete figures, in 1990s, 135 enterprises of high pollution were asked to treat the three waste within a specified time.

d. Increasing funds to support the environment protection projects. Funds for environment protection are raised by several channels: (a). increasing financial expenditures in government's budget; (b). levying on the wastes of enterprises; (c). establishing a special fund by the provincial government and county government for treating the sources of pollution; (d). absorbing investments from outsides including international institutions and foreign countries.

e. Innovating technology to guarantee the implementation of environment protection. There are many kinds of pollution, which are due to backward technology in enterprises. The solution is to develop and adopt new technology.

5. CONCLUSIONS

By improving the legal system of environment protection and strengthening the control of environment, China has successfully protected her environment while developing her economy rapidly. China will pay more attention to this problem and strive to realize the coordination of economic development with environment protection, and the coordination of economic efficiency, environmental efficiency and social benefits.

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