

# 天津市人民政府令

Decree of Tianjin Municipal People's Government

第 19 号

No. 19

《天津市重大行政决策程序规定》已于 2020 年 10 月 8 日经市人民政府第 123 次常务会议通过，现予公布，自 2020 年 12 月 1 日起施行。

The “Provisions of Tianjin Municipality on Major Administrative Decision-Making”, which were adopted at the 123th executive meeting of the municipal people's government on October 8, 2020, are hereby promulgated and shall come into force as of December 1, 2020.

天津市市长 廖国勋

Liao Guoxun ,

Mayor of Tianjin

2020 年 10 月 14 日

October 14, 2020

# 天津市重大行政决策程序规定

## The Provisions of Tianjin Municipality on Major Administrative Decision-Making

### 第一章 总 则

#### Chapter I General Provisions

**第一条** 为了规范重大行政决策程序，提高决策质量和效率，明确决策责任，根据《重大行政决策程序暂行条例》等有关法律、法规，结合本市实际情况，制定本规定。

Article 1 For purposes of governing major administrative decision-making procedures, enhancing decision-making quality and efficiency, and specifying decision-making responsibilities, these provisions are hereby formulated in accordance with the Interim Regulation on Major Administrative Decision-Making Procedures and other relevant laws and regulations and in light of the actual conditions of this municipality.

**第二条** 市和区人民政府（以下称决策机关）重大行政决策的作出和调整程序，适用本规定。

Article 2 These provisions shall apply to the procedures concerning

making and adjusting major administrative decisions of the municipal and district people's governments (hereinafter referred to as decision-making organs).

**第三条** 重大行政决策必须坚持和加强党的全面领导，全面贯彻党的路线、方针、政策和决策部署，发挥党的领导核心作用，把党的领导贯彻到重大行政决策全过程。

Article 3 Major administrative decision-making must adhere to and strengthen the CCP's overall leadership, fully implement the CCP's strategy, guidelines, policies, and decision-making arrangements, give full play to the CCP's role as the core of leadership, and ensure the CCP's authority throughout the entire process of major administrative decision-making.

**第四条** 决策机关作出重大行政决策应当贯彻创新、协调、绿色、开放、共享的发展理念，遵循科学、民主、依法决策的原则，建立健全公众参与、专家论证、风险评估、合法性审查、集体讨论决定的决策机制。

Article 4 When making major administrative decisions, decision-making organs shall implement the developmental notions including innovation, coordination, greenness, openness, and sharing, follow the principles of science, democracy, and law-based decision-making, and establish and improve decision-making

mechanisms for public participation, expert argumentation, risk assessment, legality review, and collective discussion and decision-making.

**第五条** 本规定所称重大行政决策事项(以下简称决策事项)包括:

(一) 制定有关公共服务、市场监管、社会管理、生态环境保护等方面的重大公共政策和措施;

(二) 制定经济和社会发展等方面的重要规划;

(三) 制定开发利用、保护重要自然资源和文化资源的重大公共政策和措施;

(四) 决定在本行政区域实施的重大公共建设项目;

(五) 决定对经济社会发展有重大影响、涉及重大公共利益或者社会公众切身利益的其他重大事项。

法律、行政法规对本条第一款规定事项的决策程序另有规定的,依照其规定。财政政策、货币政策等宏观调控决策,政府立法决策以及突发事件应急处置决策不适用本规定。

决策机关可以根据本条第一款的规定,结合职责权限和本地实际,兼顾计划性与应急性,组织拟订本级决策事项目录、具体标准,经同级党委同意后向社会公布,并根据实际情况调整。

**Article 5** For the purposes of these Provisions, major administrative

decision-making matters (hereinafter referred to as decision-making matters) include:

(1) Formulating major public policies and measures relating to public services, market regulation, social management, environmental protection and other aspects.

(2) Making important plans for economic and social development and other aspects.

(3) Formulating major public policies and measures for developing, utilizing and protecting important natural and cultural resources.

(4) Deciding on major public construction projects to be implemented in the administrative region.

(5) Deciding on other major matters that have a significant impact on economic and social development, or that involve material public interest, or the vital interests of the public.

Where decision-making procedures for the matters prescribed in paragraph 1 of this Article are otherwise prescribed in any law or administrative regulation, such law or administrative regulation shall prevail. The current provisions shall not apply to macro-control decisions such as fiscal policies and monetary policies, government legislative decisions, and emergency response decisions.

Decision-making organs may, in accordance with the provisions of the first paragraph of this article, organize the formulation of a catalogue of decision-making matters and specific standards at the corresponding level, considering their functions, powers and local conditions and taking into account both the well-planning and the emergency response. With the approval of the CCP committee at the same level, these matters and specific standards shall be announced to the public and adjusted in accordance with the actual situation.

**第六条** 参与重大行政决策的单位和个人应当对工作中知悉的国家秘密、商业秘密、个人隐私依法履行保密义务。

Article 6 Entities and individuals involved in major administrative decision-making shall fulfill their obligations of keeping confidentiality of State secret, commercial secret, and personal privacy that they learn during their work.

**第七条** 重大行政决策接受本级人民代表大会及其常务委员会的监督、政协的监督和社会公众的监督。

上级行政机关应当加强对下级行政机关重大行政决策的监督。审计机关按照规定对重大行政决策进行监督。

Article 7 Major administrative decisions shall be subject to the supervision of the people's congress and its standing committee at the corresponding level, the supervision of the CPPCC, and of the

public.

The superior administrative organs shall strengthen the supervision of the major administrative decisions of their inferior administrative organs. Audit authorities shall supervise major administrative decisions in accordance with regulations.

**第八条** 重大行政决策情况应当作为考核评价决策机关及其领导人员的重要内容，纳入法治政府建设督察内容，并列入法治政府建设考评指标体系。

Article 8 Major administrative decision-making shall be an important part of the assessment and evaluation of decision-making organs and their leaders, included in the supervision of the construction of a law-based government, and brought into the evaluation index system for the construction of a law-based government.

**第九条** 重大行政决策的作出和调整应当符合区域发展总体战略，有利于推进京津冀协同发展。

Article 9 Major administrative decision-making shall be an important part of the assessment and evaluation of decision-making organs and their leaders, and shall be included in the supervision and evaluation of the construction of the governance based on rule of law.

## 第二章 决策启动

### Chapter II Initiation of Decision-Making

**第十条** 决策事项建议应当以书面形式提出，其内容应当明确、具体、科学、现实可行。决策机关对各方面提出的决策事项建议，按照下列规定办理：

（一）决策机关领导人员提出决策事项建议的，交决策事项的主管部门研究论证，决策事项主管部门不明确的，由决策机关指定；

（二）决策机关组成部门、直属特设机构、直属机构和下一级人民政府提出决策事项建议的，由提出建议的人民政府和有关部门研究论证；

（三）人大代表、政协委员等通过建议、提案等方式提出决策事项建议，以及公民、法人和非法人组织提出决策事项建议的，交决策事项的主管部门研究论证，决策事项主管部门不明确的，由决策机关指定。

决策机关交有关部门对决策事项建议进行研究论证的，应当明确完成时限。承担研究论证的部门应当对决策事项建议拟解决的主要问题、建议理由和依据，解决问题的初步方案及其必要性和可行性等进行论证。



Article 10 Recommendations for decision-making matters shall be put forward in written form, and the content shall be clear, specific, scientific, realistic, and feasible. Decision-making organs shall handle the decision-making recommendations concerning various aspects in accordance with the following regulations:

(1) If the leaders of decision-making organs put forward suggestions for decision-making matters, they shall be submitted to the competent department of the decision-making matter for research and discussion, and if the competent department of the decision-making matter is uncertain, the decision-making organ shall designate it.

(2) Where the constituent departments of the decision-making organs, directly affiliated special agencies, directly affiliated agencies and the people's government at the lower level make recommendations on decision-making matters, the people's government that made the recommendations and relevant departments shall research and discuss relevant matters.

(3) Advice for decision-making matters put forward by deputies to the National People's Congress, CPPCC members, citizens, legal persons, unincorporated organizations, etc., through suggestions, proposals, and other ways shall be submitted to the competent

department of decision-making matters for research and discussion. If the competent department of decision-making matters is uncertain, the decision-making organ shall designate it.

Where the decision-making organ submits the proposal to the relevant department for research and consideration, it shall specify the deadline for its completion. The department in charge of the research and consideration shall explore the main problems to be solved in the decision-making matters, the reasons and basis of the suggestion, the preliminary solutions to the problems and their necessity and feasibility.

**第十一条** 承担决策事项建议研究论证的部门，认为决策事项建议理由充分、解决问题方案可行，符合法律、法规、规章及政策规定，切合本行政区域经济社会发展实际的，报请决策机关启动决策程序。

Article 11 If the department responsible for the research and demonstration of decision-making recommendations considers that the reasons for the decision-making recommendations are sufficient, the solution to the problem is feasible, and they also conform to laws, regulations, rules and policies and are in line with the actual economic and social development of the administrative region, it shall report to the decision-making organs to initiate the

decision-making process.

**第十二条** 决策机关决定启动决策程序的，应当明确决策事项的承办单位（以下简称决策承办单位），由决策承办单位负责重大行政决策草案（以下简称决策草案）的拟订等工作。

决策承办单位包括决策机关组成部门、直属特设机构和直属机构。决策事项需要两个以上单位承办的，应当明确牵头的决策承办单位。

Article 12 When the decision-making organ decides to initiate the decision-making process, it shall specify the undertaking entity of the decision-making matter (hereinafter referred to as the decision undertaking entity), and the decision undertaking entity shall be responsible for the draft of major administrative decision (hereinafter referred to as the decision draft).

Decision undertaking entities include the constituent departments of decision-making organs, directly affiliated special agencies, and directly affiliated agencies. If decision-making matters need to be undertaken by two or more entities, the leading decision-making entity shall be specified.

**第十三条** 决策承办单位拟订决策草案，可以自行起草，也可以委托有关专家或者专业机构起草。

拟订决策草案应当运用科学方法，做到详尽、务实、合法合规、与有关政策相衔接。决策草案应当包括决策目标、工作任务、方法步骤、制定依据等内容，并附决策草案起草说明、与决策相关的法律、法规、规章和政策。

决策承办单位根据需要对决策事项涉及的人财物投入、资源消耗、环境影响等成本和经济、社会、环境效益进行分析预测。

有关方面对决策事项存在较大分歧的，决策承办单位可以提出两个以上方案。

Article 13 When drawing up the decision-making draft, the decision undertaking entity may draft it by itself or entrust relevant experts or professional institutions to do that.

The drafting of decision-making drafts shall be done in a scientific way, aiming to make the drafts detailed, pragmatic, legally compliant, and consistent with relevant policies. The decision-making draft shall include decision objectives, work tasks, method steps, formulation basis, etc., and be accompanied by drafting instructions for the decision-making draft, laws, regulations, rules and policies related to the decision.

The drafting entity, if necessary, shall analyze and forecast the costs of human, financial and material input, resource consumption, environmental impact, and economic, social and environmental

benefits in relation to the decision-making matters.

Where relevant parties have major disagreements over the decision-making matters, the decision undertaking entity may propose more than two proposals.

**第十四条** 决策承办单位应当按照决策事项涉及的范围，将初步拟订的决策草案征求下一级人民政府和有关职能部门的意见，对不同意见进行充分协商，经协商仍不能达成一致的，应当向决策机关说明争议的主要问题、有关单位的意见及决策承办单位的意见、理由和依据。

Article 14 The drafting entity shall, in accordance with the scope of the decision-making matters, solicit the opinions of the people's government at inferior level and relevant functional departments on the preliminary decision-making draft, and conduct full consultations on different opinions. If a consensus cannot be reached after consultation, it shall explain to the decision-making organs the main issues of the dispute, the opinions of relevant entities and the opinions, reasons and legal basis of the drafting entity.

**第十五条** 决策承办单位在拟订决策草案过程中，对与重大行政决策相关的事项进行调查和协调，有关单位和个人应当给予支持和配合。

Article 15 In the process of drawing up decision-making drafts, the

drafting entity shall investigate and coordinate matters relating to major administrative decision-making. Relevant entities and individuals shall provide support and cooperation.

### 第三章 公众参与

#### Chapter III Public Participation

**第十六条** 决策承办单位应当采取座谈会、听证会、实地走访、书面征求意见、向社会公开征求意见、问卷调查、民意调查等便于公众参与的多种方式，充分听取社会公众的意见。依法不予公开的决策事项除外。

决策事项涉及特定群体利益的，决策承办单位应当与相关人民团体、社会组织以及群众代表进行沟通协商，充分听取相关群体的意见建议。决策事项对企业切身利益或者权利义务有重大影响的，还应当充分听取有代表性的企业及相关协会、商会以及人大代表、政协委员的意见。

Article 16 The decision undertaking entity shall adopt various methods that facilitate public participation such as symposiums, hearings, field visits, written solicitation of opinions from the public, questionnaires, and opinion polls to fully solicit the opinions of the

public, unless decision-making matters should not be disclosed in accordance with law.

Where a decision-making matter concerns the interests of a particular group, the decision-making entity shall communicate and negotiate with relevant people's groups, social organizations, and representatives of the people, and fully solicit the opinions and suggestions of relevant groups. Where a decision-making matter has a significant impact on the vital interests or rights and obligations of an enterprise, the opinions of representative enterprises and relevant associations, chambers of commerce, NPC and CPPCC members shall also be fully solicited.

**第十七条** 决策承办单位将决策事项向社会公开征求意见，应当遵守下列规定：

（一）通过政府网站、政务新媒体以及报刊、广播、电视等便于社会公众知晓的途径，公布决策草案及其说明等材料；

（二）公开征求意见的期限一般不少于 30 日，因情况紧急等原因需要缩短期限的，应当予以说明；

（三）明确社会公众反馈意见的方式和期限。

对社会公众普遍关心或者专业性、技术性较强的问题，决策承办单位可以通过媒体专访、政务新媒体发布、召开新闻发布会等方式进行解释说明。

Article 17 The decision undertaking entity shall comply with the following regulations when publicly soliciting opinions on decision-making matters:

(1) Publish decision-making drafts and explanations and other materials through government websites, new government media, newspapers, radio, television and other means that are easy for public access.

(2) The time limit for public consultation is generally no less than 30 days. If the time limit needs to be shortened due to emergency or other reasons, it shall be explained.

(3) Clarify the way and time limit for public feedback.

The decision undertaking entity may explain issues that are of general concern to the public or that are highly professional and technical through media interviews, new governmental media, and press conferences.

**第十八条** 决策事项直接涉及公民、法人和非法人组织切身利益或者存在较大分歧意见，需要召开听证会的，决策承办单位或者组织听证会的其他单位应当于听证会召开的 20 日前，通过便于社会公众知晓的途径发布听证公告。

听证公告应当载明听证事项、听证会召开的时间和地点、决策草案及其说明等内容。需要遴选听证参加人的，听证公告应当



同时公布听证参加人名额、条件和遴选办法，公平、公开组织遴选，保证相关各方都有代表参加听证会。

决策承办单位或者组织听证会的其他单位可以邀请有关专家或者与听证事项有利害关系的人参加听证会，于召开听证会 7 日前确定听证参加人名单并向社会公布，向听证参加人送达听证通知以及决策事项相关材料。

法律、法规、规章对召开听证会另有规定的，依照其规定。

Article 18 If the decision-making matters directly involve the vital interests of citizens, legal persons, and unincorporated organizations, or if there is large disagreement, which makes a hearing necessary, the decision undertaking entity or other unit organizing the hearing shall, 20 days prior to the holding of the hearing, issue the public notice of the hearing through a way that is convenient for the public.

The announcement of the hearing shall specify the matters of the hearing, the time and place of the hearing, the decision-making draft and its explanation, etc. If it is necessary to select hearing participants, the hearing announcement shall announce the number of hearing participants, conditions and selection methods at the same time, organize the selection in a fair and open manner, and ensure that all relevant parties have representatives to participate in the hearing.

The decision undertaking entity or other entity that organizes the hearing may invite relevant experts or persons interested in the hearing to participate in the hearing. It should determine the list of hearing participants 7 days before the hearing and then announce it to the public. The entity should send the hearing notice and relevant materials on the decision matters to the participants in the hearing.

Where laws, regulations, and rules have other provisions on holding hearings, these provisions shall be followed.

**第十九条** 听证会应当按照下列程序公开举行：

（一）决策承办单位介绍决策草案、依据和有关情况；

（二）听证参加人陈述意见，进行询问、质证和辩论，必要时可以由决策承办单位或者有关专家进行解释说明；

（三）听证参加人确认听证会记录并签字。

Article 19 The hearing shall be held in public in accordance with the following procedures:

(1) The decision undertaking entity shall introduce the draft decision, basis and relevant information.

(2) The hearing participants may express their opinions, conduct inquiries, cross-examinations and debates. If necessary, the decision undertaking entity or relevant experts may provide explanations.

(3) The hearing participant shall confirm and sign the hearing record.

**第二十条** 决策承办单位或者组织听证会的其他单位应当在听证会结束后 15 个工作日内形成听证报告。

听证报告应当包括召开听证会的基本情况、听证参加人的主要意见、意见采纳情况和理由等内容。

Article 20 The decision undertaking entity or other entity that organize the hearing shall prepare a hearing report within 15 working days after the end of the hearing.

The hearing report shall include the basic information of the hearing, the main opinions of the hearing participants, the acceptance of the opinions and the reasons, etc.

## 第四章 专家论证

### Chapter IV Expert Demonstration

**第二十一条** 市人民政府建立决策咨询论证专家库，制定、完善运行管理制度，建立、健全专家遴选、考核和退出机制。

拟入库的专家应当具备较高的政治素质，在相关专业领域具有一定的影响力和知名度，德才兼备，客观公正，在时间和精力上能够保证完成相关咨询论证工作。拟入库专家的遴选，应当综合考虑其学历、履历、专业特长等因素择优确定，不得选用有学术道德问题、失信、违纪违法等不良记录的人员。

区人民政府可以根据需要建立决策咨询论证专家库，或者使用市人民政府建立的决策咨询论证专家库。

Article 21 The Municipal People's Government shall establish an expert database for decision-making consultation and demonstration, formulate and improve the operation and management system, and establish and improve the expert selection, assessment and quitting mechanism.

Experts that are qualified to enter the database shall have high political quality, have a certain degree of influence and popularity in related professional fields, have both ability and morality, be objective and fair, and have time and energy to ensure the completion of relevant consultation and demonstration work. The selection of experts that are qualified to enter the database shall be based on comprehensive consideration of various factors such as their academic qualifications, resumes, professional expertise. Persons with academic ethical problems, discredit, violation of

discipline and law, etc., shall not be selected.

The district people's government may establish an expert database for decision-making consultation and demonstration as needed or use the expert database for decision-making consultation and demonstration established by the municipal people's government.

**第二十二条** 对专业性、技术性较强或者涉及重大、疑难问题的决策事项，决策承办单位应当组织专家、专业机构论证其必要性、可行性、科学性等，并提供必要保障。

参加论证的专家可以从决策咨询论证专家库中相关领域随机选取，专业机构可以从相关领域名录中随机选取，保证其专业性、代表性和中立性。注重选择持不同意见的专家、专业机构，不得选择与决策事项有直接利害关系的专家、专业机构。

参加论证的专家一般不少于 5 人，涉及面较广、争议较大或者内容特别复杂、敏感的决策事项，参加论证的专家一般不少于 7 人。

Article 22 For decision-making matters that are highly professional, technical or that involve major or difficult issues, the decision undertaking entity shall organize experts and professional institutions to demonstrate their necessity, feasibility, and scientific nature, and the entity should provide necessary resources for the demonstration.

Experts participating in the argumentation can be randomly selected from the relevant fields in the expert database for decision-making consultation and demonstration, and professional institutions can be randomly selected from the list of related fields to ensure their professionalism, representativeness and neutrality. The decision undertaking entity is expected to select experts and professional institutions with different opinions, and not to select experts and professional institutions that have a direct interest in decision-making matters.

There shall generally be no less than 5 experts participating in the argumentation. For wide-ranging, controversial, or particularly complex and sensitive decision-making matters, there shall generally be no less than 7 experts participating in the argumentation.

**第二十三条** 决策承办单位组织专家、专业机构论证，应当制定论证方案，明确论证目的、内容和步骤。专家论证可以采取咨询论证会、书面咨询或者委托咨询论证等方式。召开专家咨询论证会的，决策承办单位负责人应当出席听取意见。

专家、专业机构应当独立开展论证工作，客观、公正、科学提出论证意见。提供书面论证意见的，应当署名、盖章。

对能够形成多数意见的论证，应当明确论证结论并如实记录少数人意见；对不能形成多数意见的，视为专家论证未通过。决

策机关认为关乎重大公共利益、确有必要的，可再次举行专家论证会。

Article 23 The decision undertaking entity shall, when organizing expert and professional organization demonstrations, formulate a demonstration plan, clarify the purpose, content, and steps of the demonstration. Expert argumentation may take the form of consultation and argumentation meeting, written consultation, or entrusted consultation and argumentation. When an expert consultation and demonstration meeting is held, the person in charge of the decision undertaking entity shall attend to listen to opinions.

Experts and professional institutions shall independently carry out demonstration work, and put forward demonstration opinions objectively, impartially, and scientifically. If a written argumentation is provided, it shall be signed and sealed.

For an argument that can form the opinions of a majority, the conclusion of the argument should be clear and the minority opinion should be recorded truthfully; if a majority opinion cannot be formed, the expert argumentation shall be deemed to have failed. If the decision undertaking organ considers it to be of major public interest and overwhelmingly necessary, it may hold an expert argumentation meeting again.

## 第五章 风险评估

### Chapter V Risk Assessment

**第二十四条** 重大行政决策的实施可能对社会稳定、公共安全、生态环境、财政金融等方面造成不利影响或者容易引发网络舆情的，决策承办单位应当自行或者委托专业机构、社会组织等第三方进行风险评估。

按照有关规定已对有关风险进行评价、评估的，不作重复评估。

Article 24 Where the implementation of major administrative decisions may adversely affect social stability, public safety, ecological environment, finance, etc., or may potentially trigger negative feedback online, the decision undertaking entity shall conduct a risk assessment by itself or entrust a third party such as a professional institution or social organization to do so.

If the decision undertaking entity have assessed and evaluated relevant risks in accordance with relevant regulations, there is no need to repeat the evaluation.



**第二十五条** 决策承办单位进行风险评估，应当制定评估方案，明确评估目的、评估对象与内容、评估标准、调查对象、评估步骤与方法等。

决策承办单位可以通过舆情跟踪、重点走访、会商分析、座谈咨询、问卷调查、数据分析等方式，全面查找风险源、风险点，运用定性分析与定量分析等方法，对决策条件的成熟程度、总体风险和风险可控性进行科学预测、综合研判。

除依法需要保密的外，决策承办单位在形成风险评估报告前，应当征求公安、财政、生态环境、应急管理、信访、网信等部门的意见，相关部门应当自收到征求意见函之日起7个工作日内回复书面意见。

Article 25 When conducting risk assessment, the decision undertaking entity shall formulate an assessment plan, clarify the assessment purpose, assessment objects, assessment content, assessment criteria, investigation objects, assessment procedures and methods, etc.

Decision undertaking entities can comprehensively search for risk sources and risk points through public opinion tracking, key visits, consultation analysis, discussion and consultation, questionnaire surveys, data analysis, etc., and use methods such as qualitative analysis and quantitative analysis to scientifically predict and

comprehensively judge the maturity of decision-making conditions, overall risk and risk controllability.

Except those that need to be kept confidential in accordance with law, the decision undertaking entity shall, before forming a risk assessment report, solicit opinions from the departments of public security, finance, ecological environment, emergency management, complaint reporting, and online credit, etc., and the relevant departments shall reply the written opinions within 7 working days from the date of receiving the letter of soliciting opinions.

**第二十六条** 开展风险评估，应当形成风险评估报告。风险评估报告应当包括以下内容：

- （一）评估事项、评估过程、各方意见及其采纳情况；
- （二）决策可能引发的风险、风险等级；
- （三）评估结果；
- （四）对策建议、风险防范和化解措施以及应急处置预案；
- （五）其他应当载明的内容。

Article 26 A risk assessment report shall be formed if a risk assessment has been carried out. The risk assessment report shall include the following content:

- (1) Evaluation items, evaluation process, opinions of all parties and

their adoption.

(2) Risks that may be triggered by the decision and their levels.

(3) Evaluation results.

(4) Countermeasure suggestions, risk prevention and mitigation measures, and emergency response plans.

(5) Other contents that shall be stated.

**第二十七条** 风险评估结果应当作为重大行政决策的重要依据。决策机关根据风险评估结果确定的风险等级，按照以下原则作出决策：

（一）对于高风险的，作出不实施的决策，或者调整决策草案、确保风险可控后再行决策；

（二）对于中风险的，采取有效的防范化解风险措施、确保风险可控后，再作出实施的决策；

（三）对于低风险且风险可控的，作出实施的决策。

Article 27 The results of risk assessment shall be used as an important basis for major administrative decisions. In accordance with the risk level determined by the risk assessment result, the decision-making agencies shall make decisions according to the following principles:

(1) For high-risk, make a decision of non-implementation, or adjust the decision-making draft to ensure that the risk is controllable before making a decision;

(2) For medium risk, effective measures shall be taken to prevent and defuse risks and ensure that risks are controllable before making decisions of implementation.

(3) For low and controllable risks, make a decision of implementation.

## 第六章 合法性审查

### Chapter VI Legality Examination

**第二十八条** 决策承办单位应当对下一级人民政府和有关职能部门的意见以及公众参与、专家论证、风险评估等程序收集的意见进行全面梳理、综合研究，充分采纳合理意见，完善决策草案。

决策草案经决策承办单位负责合法性审查的机构进行合法性审查后，报请决策承办单位负责人集体讨论通过。在合法性审查过程中，可以听取本单位法律顾问、公职律师的意见。

Article 28 The decision undertaking entity shall conduct a

comprehensive review and study of the opinions of the people's government at the inferior level and relevant functional departments, as well as the opinions collected through the procedures of public participation, expert evaluation, and risk assessment, fully adopt reasonable opinions, and improve the decision-making draft.

After the decision-making draft is reviewed by the agency responsible for the legality examination of the decision undertaking entity, it shall be submitted to the head of the decision undertaking entity for collective discussion and approval. In the process of legality examination, the opinions of the legal counsel and public lawyer of the unit could be referred to.

**第二十九条** 决策承办单位将决策草案提交决策机关讨论前，应当由本级负责合法性审查的部门进行合法性审查。不得以征求意见等方式代替合法性审查。

决策草案未经合法性审查或者经审查不合法的，不得提交决策机关讨论。对国家尚无明确规定的探索性改革决策事项，可以明示法律风险，提交决策机关讨论。

Article 29 Before the draft decision is submitted to the decision-making organ for discussion, the department responsible for legality examination shall conduct legality examination. It shall not replace legality examination by such means as soliciting

opinions.

Where the draft decision has not been subject to legality examination or is illegal upon examination, it shall not be submitted to the decision-making organ for discussion. The decision-making matters under exploratory reform that are not clearly provided for by the state may be submitted to the decision-making organ for discussion with the legal risks clearly indicated.

**第三十条** 决策承办单位向本级负责合法性审查的部门送请合法性审查，应当提交以下材料：

- （一）决策草案及起草说明；
- （二）决策承办单位的合法性审查意见；
- （三）决策事项所依据的法律、法规、规章和政策规定；
- （四）下一级人民政府和有关职能部门意见及其采纳情况；
- （五）社会公众主要意见和专家论证意见的研究采纳情况、风险评估报告或者未履行公众参与、专家论证、风险评估程序的说明；
- （六）负责合法性审查的部门根据审查需要，要求决策承办单位提供的其他相关材料。

决策承办单位应当对上述材料的真实性负责。提供的材料不符合要求的，负责合法性审查的部门可以退回，或者要求补充。

送请合法性审查，应当保证必要的审查时间，一般不少于7个工作日。

Article 30 When submitting the legality examination to the department responsible for legality examination at the corresponding level, the decision-making entity shall submit the following materials:

- (1) Draft decision and drafting explanations.
- (2) Legality examination opinions of the decision-making entity.
- (3) The laws, regulations, rules and policies on which the decision-making matters is based.
- (4) Opinions of the people's government at the inferior level and relevant functional departments and their adoption.
- (5) The information on the deliberation and adoption of major opinions offered by the public and expert demonstration opinions, the risk assessment report or explanation of failing to perform the procedures of public participation, expert demonstration and risk assessment.
- (6) Other relevant materials provided by the decision-making entity according to the needs of the examination as is required by the department responsible for legality examination.

The decision-making entity shall be responsible for the authenticity of the above-mentioned materials. If the materials provided fail to satisfy the requirements, the department responsible for legality examination may return the materials or require supplementation.

Where legality examination is requested, necessary examination time shall be guaranteed and shall generally be no less than seven working days.

**第三十一条** 负责合法性审查的部门应当对下列内容进行合法性审查:

(一) 决策事项是否符合决策机关的法定权限;

(二) 决策草案的形成是否履行相关法定程序;

(三) 决策草案内容是否符合有关法律、法规、规章和政策的规定。

Article 31 The department responsible for the legality examination shall conduct a legality examination of the following contents:

(1) whether the decision-making matter falls within the statutory authority of the decision-making organs.

(2) whether the draft decision is formed according to relevant statutory procedures.

(3) whether the content of the draft decision complies with the



provisions of relevant laws, regulations, rules and policies.

**第三十二条** 负责合法性审查的部门应当及时提出合法性审查意见，并对合法性审查意见负责。在合法性审查过程中，应当组织法律顾问、公职律师提出法律意见。

Article 32 The department responsible for legality examination shall offer legality examination opinions in a timely manner and be responsible for legality examination opinions. In the course of legality examination, legal consultants and public lawyers shall offer legal opinions.

## 第七章 集体讨论决定和决策公布

### Chapter VII Decision-Making through Collective Discussion and Issuance of Decisions

**第三十三条** 决策承办单位根据合法性审查意见对决策草案进行修改完善后，提交决策机关讨论，报送材料除本规定第三十条第一款第（一）项至第（五）项要求的材料外，还需报送下列材料：

（一）本级负责合法性审查的部门出具的合法性审查意见；

(二) 决策草案涉及市场主体经济活动的，报送公平竞争审查的有关情况；

(三) 决策机关要求的与决策事项相关的其他材料。

Article 33 After the decision-making entity has revised and improved the draft decision based on the legality examination opinions, it shall be submitted to the decision-making organ for discussion. In addition to the materials required by items (1) to (5) of paragraph 1 of Article 30 of these Provisions, the following materials shall also be submitted:

(1) Legal examination opinions issued by the department responsible legality examination at the corresponding level.

(2) If the draft decision involves the economic activities of the market participants, it shall submitted to the information on fair competition examination.

(3) Other materials related to decision-making matters required by the decision-making organ.

**第三十四条** 决策机关应当召开常务会议或者全体会议对决策草案进行讨论。常务会议或者全体会议由行政首长召集和主持，出席人数应当达到组成人员的半数以上。决策承办单位对决策草案的背景、可供比较的方案及其主要内容、必要性和可行性及相关部门的不同意见予以说明。

讨论决策草案，会议组成人员应当充分发表意见，行政首长最后发表意见。会议组成人员因故不能参加会议的，可以采用书面形式发表意见。

集体讨论决定情况应当如实记录，不同意见应当如实载明。

Article 34 The draft decision shall be discussed at the executive meeting or the plenary meeting of the decision-making organ. The executive meeting or plenary meeting shall be convened and presided over by the chief executive, and the number of attendees shall exceed half of the members. The decision-making entity shall explain the background of the draft decision, the comparable programme and its main content, the necessity and feasibility, and the different opinions of relevant departments.

In the discussion of the draft decision, meeting attendees shall fully express their opinions, and the executive head shall finally give his or her opinions. If the members of the meeting are unable to attend the meeting for some reason, they may express their opinions in writing.

The information on making a decision through collective discussion shall be recorded in a truthful manner, and different opinions shall be indicated faithfully.

**第三十五条** 决策机关行政首长在集体讨论、充分听取与会人员意见的基础上，根据具体情况可以作出通过、原则通过、再次讨论、不予通过等决定。

行政首长拟作出的决定与会议组成人员多数人的意见不一致的，应当在会上说明理由。

Article 35 The executive head of the decision-making organ can make decisions such as approval, principle approval, re-discussion, and disapproval on the basis of collective discussion and fully referring to the opinions of meeting attendees.

If the decision to be made by the executive head is inconsistent with the opinion of the majority of meeting attendees, the reason shall be stated at the meeting.

**第三十六条** 重大行政决策出台前应当按照规定向同级党委请示报告。

根据法律、法规规定属于本级人民代表大会及其常务委员会讨论决定的重大事项范围或者应当在出台前向本级人民代表大会常务委员会报告的，按照有关规定办理。

Article 36 Before a major administrative decision is issued, it shall be reported to the Party committee at the same level as required.

According to laws and regulations, if it falls within the scope of major issues discussed and decided by the people's congress and its standing committee at the corresponding level or should be reported to the standing committee of the people's congress at the corresponding level before promulgation, it shall be handled in accordance with relevant regulations.

**第三十七条** 决策机关应当自重大行政决策作出之日起 30 日内，在政府公报、政府网站、政务新媒体、广播、电视或者本行政区域内发行的报刊上公布重大行政决策。对社会公众普遍关心或者专业性、技术性较强的重大行政决策，应当说明公众意见、专家论证意见的采纳情况，通过新闻发布会、接受访谈等方式进行宣传解读。依法不予公开的除外。

Article 37 The decision-making organ shall announce major administrative decisions in the government bulletin, government website, new government media, radio, television, or newspapers and periodicals issued within the administrative region within 30 days from the date when the major administrative decision is made, and shall, with respect to major administrative decisions of concern to the public or with a high degree of professional or technical requirement, state the adoption of public opinions and expert demonstration opinions, and publicize and interpret the decisions in

such forms as holding press conferences and accepting interviews, unless the decisions shall not be disclosed in accordance with law.

## 第八章 决策执行和调整

### Chapter VIII Execution and Adjustment of Decisions

**第三十八条** 决策机关应当明确重大行政决策执行工作的单位（以下简称决策执行单位）。

决策执行单位应当制定具体实施方案，依法全面、及时、正确执行重大行政决策，定期向决策机关报告重大行政决策的贯彻落实情况和执行中的主要问题，属于时限性较强或者应急性工作的，应当按照决策机关的要求及时报告落实情况。决策机关负责督查工作的机构对落实情况实施常态化跟踪检查。

Article 38 The decision-making organ shall specify the entity responsible for the execution of major administrative decisions (hereinafter referred to as the “decision execution entity”)

The decision execution entity shall formulate specific execution plans, execute major administrative decisions in a comprehensive, timely and correct manner in accordance with law, and regularly report the execution of major administrative decisions and major

issues in execution to the decision-making organ. If the execution of major administrative decisions is time-limited or emergency, it shall report the execution in a timely manner in accordance with the requirements of the decision-making organ. The agency responsible for the supervision of the decision-making organ shall conduct regular follow-up inspections on the execution.

**第三十九条** 决策机关领导人员按照各自的职责分工协调相关部门落实重大行政决策的执行工作。对争议较大的问题，可以提请决策机关行政首长召开办公会议研究处理。

Article 39 Leaders of decision-making organ coordinate the execution of major administrative decisions by relevant departments in accordance with their respective responsibilities. In case of a more controversial issue, it may be submitted to the chief executive of the decision-making organ to hold a meeting to study and deal with it.

**第四十条** 有下列情形之一的，决策机关可以组织决策后评估，并确定承担评估具体工作的单位：

- （一）重大行政决策实施后明显未达到预期效果；
- （二）公民、法人和非法人组织提出较多意见；
- （三）决策机关认为有必要。

开展决策后评估，可以委托专业机构、社会组织等第三方进行，决策作出前承担主要论证评估工作的单位除外。

开展决策后评估，应当注重听取社会公众的意见，吸收人大代表、政协委员、人民团体、基层组织、社会组织参与评估。

Article 40 Under any of the following circumstances, the decision-making organ may organize assessment after decision-making and determine the entity that undertakes the specific work of assessment:

(1) Expected results have not been achieved after the implementation of major administrative decisions.

(2) Citizens, legal persons or other organizations offer more opinions.

(3) The decision-making organ deems it necessary.

A professional institution, social organization or any other third party may be authorized to conduct assessment after decision-making, except the entity that undertakes the major demonstration and assessment work before the decision is made.

In assessment after decision-making, attention shall be paid to soliciting opinions of the public, and NPC deputies, CPPCC members, people's organizations, grassroots organizations and social



organizations shall be invited to participate in the assessment.

**第四十一条** 开展决策后评估应当形成决策后评估报告。决策后评估报告以书面形式提出，包括以下内容：

（一）决策执行效果与决策目标的符合程度；

（二）决策执行成本与效益分析；

（三）决策的社会认同度；

（四）决策的近期效益和长远影响；

（五）决策存在的问题和主要原因；

（六）决策继续执行、停止执行、暂缓执行以及修改决策的意见或者建议。

决策后评估结果应当作为调整重大行政决策的重要依据。

Article 41 An assessing report should be provided after post-decision-making, which shall be submitted in written form, including the following contents:

(1) The degree of conformity between the effect of decision execution and the goal of decision.

(2) Cost and benefit analysis of decision-making execution.

(3) Social identity of decision-making .

(4) Short-term benefits and long-term effects of decision-making.

(5) Problems and main reasons of decision-making.

(6) Opinions or suggestions on the continuation, suspension, postponement and modification of decision-making.

The results of assessment after decision-making shall be taken as an important basis for adjusting major administrative decisions.

**第四十二条** 决策执行单位发现重大行政决策存在问题、客观情况发生重大变化,或者决策执行中发生不可抗力等严重影响决策目标实现的,应当及时向决策机关报告。决策机关应当召开办公会议研究决策执行单位的报告。

公民、法人和非法人组织认为重大行政决策及其实施存在问题的,可以通过信件、电话、电子邮件等方式向决策机关或者决策执行单位提出意见建议。

Article 42 Where the decision execution entity finds any problem in major administrative decisions, major change in objective circumstances, *force majeure* event in the execution of decisions, or any other issue that seriously affects the realization of objectives of the decisions, it shall report to the decision-making organ in a timely manner. The decision-making organ shall hold a meeting to study the report of the decision-making execution entity.

Where any citizen, legal person or any other organization is of the opinion that there is any problem in a major administrative decision

and the implementation thereof, it or he may offer opinions and suggestions to the decision-making organ or decision execution entity in such forms as letter, telephone and email.

**第四十三条** 依法作出的重大行政决策，未经法定程序不得随意变更或者停止执行。

出现本规定第四十二条规定的情形、情况紧急的，决策机关行政首长可以先决定中止执行。决策机关对重大行政决策拟作适当调整或者停止执行的，提交常务会议或者全体会议讨论；拟作重大调整的，应当依照本规定履行相关法定程序。

Article 43 Major administrative decisions made in accordance with law shall not be arbitrarily changed and the execution thereof shall not be ceased without undergoing statutory procedures.

In an urgent situation according to Article 42 of these Provisions, the executive head of the decision-making organ may decide to suspend the execution first; If the decision-making organ intends to make an appropriate adjustment or stop the execution of a major administrative decision, it shall be submitted to the executive meeting or the plenary meeting for discussion; if there is a need of major adjustment, it shall be done in accordance with the procedures of these Provisions.

## 第九章 法律责任

### Chapter IX Legal Liability

**第四十四条** 决策机关违反本规定的，由上一级行政机关责令改正，对决策机关行政首长、负有责任的其他领导人员和直接责任人员依法追究法律责任。

决策机关违反本规定造成决策严重失误，或者依法应当及时作出决策而久拖不决，造成重大损失、恶劣影响的，应当倒查责任，实行终身责任追究，对决策机关行政首长、负有责任的其他领导人员和直接责任人员依法追究法律责任。

决策机关集体讨论决策草案时，有关人员对于严重失误的决策表示不同意见的，按照规定减免责任。

Article 44 Where the decision-making organ violates these provisions, the administrative organ at the superior level shall order it to take corrective action, and the executive head of the decision-making organ, other liable leaders, and directly responsible persons shall be held liable in accordance with law.

Where the decision-making organ makes any serious mistake in decision-making out of violation of these provisions, or puts off making a decision that shall be made in a timely manner in

accordance with law, which causes any serious loss or adverse effects, responsibility shall be investigated, life-long accountability shall be implemented, and the executive head of the decision-making organ, other liable leaders and directly responsible persons shall be held liable in accordance with law.

When the decision-making organ collectively discusses the draft decision, if relevant persons have dissenting opinions on a decision with any serious mistake, responsibility reduction or exemption shall be granted to such persons in accordance with the relevant provisions.

**第四十五条** 决策承办单位或者承担决策有关工作的单位未按照本规定履行决策程序或者履行决策程序时失职渎职、弄虚作假的，由决策机关责令改正，对负有责任的领导人员和直接责任人员依法追究责任。

Article 45 Where the decision-making entity or the entity undertaking the work related to decision-making fails to perform decision-making procedures in accordance with these provisions or neglects duty, conducts malfeasance, or practices fraud in the performance of decision-making procedures, the decision-making organ shall order it to take corrective action, and liable leaders and directly responsible persons shall be held liable in accordance with

law.

**第四十六条** 决策执行单位拒不执行、推诿执行、拖延执行重大行政决策，或者对执行中发现的重大问题瞒报、谎报或者漏报的，由决策机关责令改正，对负有责任的领导人员和直接责任人员依法追究法律责任。

Article 46 Where the decision execution organ refuses to execute major administrative decision, shirks its responsibility in the execution, or delays the execution of any major administrative decision, or conceals information, reports false information or omits information on major problems found in execution, the decision-making organ shall order it to take corrective action. Responsible leaders and directly responsible persons shall be held liable in accordance with law.

**第四十七条** 承担论证评估工作的专家、专业机构、社会组织等违反职业道德和本规定的，予以通报批评、责令限期整改；造成严重后果的，取消评估资格、承担相应责任，并按照社会信用管理的有关规定处理。

Article 47 Where any expert, professional institution, or social organization, among others, that undertakes the demonstration and assessment work violates professional ethics and the provisions of this Regulation, he or it shall be criticized in a circulated notice and

ordered to make rectification within a prescribed time limit. If any serious consequences are caused, he or it shall be disqualified for assessment and assume corresponding liability.

**第四十八条** 参与重大行政决策的单位和个人泄露在工作中知悉的国家秘密、商业秘密、个人隐私的，依法追究 responsibility。

Article 48 If the entities and individuals involved in major administrative decision-making divulge state secrets, business secrets and personal privacy that they know at work, they shall be held liable in accordance with law.

## 第十章 附 则

### Chapter X Supplementary Article

**第四十九条** 市和区人民政府部门、乡镇人民政府重大行政决策的作出和调整程序，参照本规定执行。

Article 49 The procedures for making and adjusting major administrative decisions of Municipal and District People's governments and Township People's governments shall be implemented with reference to these provisions.

**第五十条** 本规定自 2020 年 12 月 1 日起施行。《天津市人民政府重大事项决策程序规则》（2008 年市人民政府令第 5 号）同时废止。

Article 50 These provisions shall come into force as of December 1, 2020. The Provisions of Tianjin Municipality People's Government on Major Administrative Decision-Making (Decree of Tianjin Municipal People's Government No.5 of 2008) shall be replaced simultaneously.