

# Reform of Administrative Examination and Approval Bureau: Practical Difficulties and Solutions

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## Abstract

The “administrative examination and approval bureau” model is the latest practical achievement of deepening the reform of the administrative examination and approval system. It is a beneficial attempt to relatively concentrate the examination and approval power on the same institution. However, the first mock exam is a crisis of legitimacy, a confusion of powers and responsibilities, a lack of accountability and a blocking of information exchange. To promote the reform of the mode of “administrative examination and approval bureau”, we should realize the organic combination of “crossing the river by feeling the stone” and “top-level design”; make the means of administrative examination and approval system reform serve the purpose of optimizing public services; resolve the contradiction between horizontal centralized administrative license and vertical administrative management system; establish a supervision mechanism combining internal supervision and external supervision.

## Keywords

Administrative Examination and Approval Bureau, Reform of Administrative Examination and Approval System, Delegating Power, Strengthening Regulation, Improving Government Services, Government Functional Transformation, Administrative Organization Theory

## 1. Introduction

Since the 18th CPC National Congress, under the background of deepening the reform of “release, management and service” and optimizing the business environment, the construction of the administrative examination and approval Bureau has stepped into the “fast lane”. In May 2014, Tianjin Binhai New Area

Administrative Examination and approval Bureau was established, which included 216 administrative examination and approval functions of 18 departments in the administrative examination and approval Bureau. Through the system innovation of “one seal for examination and approval” and the mechanism innovation of “workshop assembly line examination and approval”, the examination and approval time was greatly reduced and the examination and approval efficiency was improved, which greatly facilitated the work and Entrepreneurship of citizens and enterprises. In September of the same year, Premier Li Keqiang visited Tianjin Binhai New Area Administrative Examination and approval Bureau, witnessed the sealing of 109 examination and approval seals, and highly recognized and affirmed this reform model. In March 2015, the central editorial office and the Legislative Affairs Office of the State Council jointly issued the work plan for the pilot of relatively centralized licensing, proposing that Tianjin, Hebei, Shanxi, Jiangsu, Zhejiang, Guangdong, Sichuan and Guizhou take the lead in carrying out the pilot work of relatively centralized licensing. Under the deployment requirements of the CPC Central Committee and the State Council, eight pilot provinces (cities) have actively established administrative examination and approval bureaus, implemented the reform of relatively centralized administrative licensing power, and urged surrounding provinces (cities) to keep up with the pace of reform and accelerate the reform of administrative examination and approval system. By the end of December 2019, a total of 922 administrative examination and approval bureaus had been established in 21 provinces, 5 autonomous regions and 3 municipalities directly under the central government, including administrative examination and approval bureaus in 12 provincial capitals, 2 sub-provincial cities, 108 prefecture level and municipal level administrative examination and approval bureaus, 270 municipal districts, 110 county-level cities Administrative examination and approval bureaus in 313 counties and 107 functional areas.

Although the model of the administrative examination and approval Bureau has been rapidly promoted in practice, the doubts of practitioners and theoretical researchers about the administrative examination and approval bureau have not been dispelled: can the administrative examination and approval Bureau overcome the problems of centralized examination and approval power and lack of departmental checks and balances? Can we solve the problem of separation of examination and approval and supervision, resulting in confusion of examination and management? Can we avoid the problem of separating the upper and lower relations and increasing administrative costs? Can we get rid of the vague trend of reform and the lack of supporting system? Reform is accompanied by doubt, but the continuous doubts and disputes will inevitably hinder the reform process of the administrative examination and approval Bureau. Fundamentally, the questioning of reform practice stems from the defects of theoretical research. Up to now, the deficiency of theoretical research is no longer limited to how to define the administrative examination and approval Bureau and how to clarify the relationship between the administrative service center and the administrative

examination and approval Bureau, but more focused on how to plan the future trend of the reform of the administrative examination and approval Bureau and how to design the ideal operation mode of the administrative examination and approval Bureau. Therefore, from the perspective of administrative organization theory, this paper attempts to identify the inherent disadvantages of the reform of the administrative examination and approval Bureau, and analyze the existing problems of the administrative examination and approval Bureau model, and put forward the optimization ideas of the administrative examination and approval Bureau model and the specific path of the reform of the administrative examination and approval Bureau, in order to provide policy reference for guiding the reform of the administrative examination and approval Bureau in the next step.

## **2. Query and Analysis on the Reform of Administrative Examination and Approval Bureau**

### **2.1. The Internal Function Transfer of the Administrative Examination and Approval Bureau Is Not Clear, and the External Function Boundary Is Not Clear**

The administrative examination and approval Bureau has no unified provisions and clear standards on what matters should be transferred to the administrative examination and approval Bureau and what matters can be retained until the original administrative department. Therefore, in actual operation, on the one hand, limited by professional technology, only some matters with clear elements, simple procedures and low technical content can be transferred to the administrative examination and approval Bureau, while some matters with strong professionalism and high requirements for technical level cannot be transferred; On the other hand, constrained by the interests of the Department, most of them transfer some matters with clear standards, simple process, small discretionary space and low rent-seeking possibility to the administrative examination and approval Bureau, while some matters that touch the core interests of the original administrative department are still retained by the original department. In addition, when undertaking the transfer, the administrative examination and approval bureau did not consider the matching degree of actual capacity, so that some undertaking matters could not be completed independently. Therefore, we can only take the way of reverse entrustment and turn to the original administrative department to complete the acceptance and examination, and affix the seal of the administrative examination and approval Bureau. This makes the specific responsibilities of the administrative examination and approval Bureau unclear and unable to determine “what to do” and “what not to do” in actual work. Moreover, the administrative examination and approval Bureau has no clear understanding of what functions and powers should be retained within the government and what functions and powers should be released to the market and society. This makes the establishment of the administrative examination and approval bureau only complete the task of physical integration of examination and approval authority, and does not touch the core goal of the transformation

of government functions.

## **2.2. The Administrative Examination and Approval Bureau Lacks Power Restriction Institutions Inside and Audit Management Connection Institutions Outside**

When the administrative examination and approval power scattered in the original administrative department is transferred to the administrative examination and approval Bureau, due to the lack of balance within the original department and checks and balances between departments, coupled with the lack of effective supervision means and efficient supervision channels, the over centralized administrative examination and approval power is easy to form a “super power unit”, which breeds “administrative evil consequences” such as corruption and rent-seeking. Therefore, while setting up business departments, the administrative examination and approval Bureau has also set up a number of non business departments, which not only deal with the administrative affairs within the administrative examination and approval Bureau, but also supervise the business departments to exercise the examination and approval power legally and reasonably. However, due to the fact that the non-business departments such as the policy and regulation department and the business departments are the internal institutions at the section level of the administrative examination and approval Bureau, they have neither hierarchical subordination nor business guidance relationship. In the actual operation, it is difficult to break through the constraints of the original level and supervise and restrict the business departments. In addition, the non-business departments have few employees and resources in the administrative examination and approval Bureau, the strength of the departments is weak and the status is marginal, so it is more difficult to coordinate the business departments, and it is also unable to form effective constraints on the process and results of the business departments exercising the examination and approval power. In addition, when the administrative examination and approval power is concentrated in the administrative examination and approval Bureau, the examination and approval power and supervision power originally in the same department are also separated and separated. This makes the examination and approval regardless of the supervision, and the supervision is not responsible for the examination and approval, which may lead to repeated communication between the examination and approval department and the supervision department, increasing the administrative cost; or make the examination and approval department and the supervision department not responsible for the bottom, negative examination and approval and supervision.

## **2.3. It Is Difficult for the Administrative Examination and Approval Bureau to Break through the Block System and Adapt to the Block System**

The logical connection from “institution” to “system” is very clear: “once the relationship between government institutions is determined, it is “government

system” (Zhu, 2008). At this stage, because the provincial government has not established an administrative examination and approval Bureau, the municipal and county-level administrative examination and approval bureaus do not have a competent department on the “article”. Under the system of sections and blocks, the competent departments in the “section” can concentrate resources and provide human, financial and material support for the subordinate departments. The municipal and county-level administrative examination and approval bureaus without superior competent departments lack the advantages of internal resource allocation from the “article”. Not only that, the administrative examination and approval Bureau has to face the pressure from its superiors. For example, in 2018, the notice of the general office of the State Administration for Industry and Commerce on further standardizing the administration of enterprise registration proposed that “the legal issuing unit of the business license is the local industrial and commercial departments or the market supervision and administration departments with combined industrial and commercial functions, and the seal of non-issuing unit shall not be affixed on the business license” (Xinhua News Agency, 2018). This provision directly negates the legitimacy of the administrative examination and approval Bureau in the issuance of business licenses. Although the document issued by the central office and the State Council Office stipulates that “the original competent department shall not require enterprises and the masses to affix their own seals and eliminate repeated seals”, the conflicting policy requirements under the block system make the administrative examination and approval bureau at a loss in the actual operation. In addition, there is no superior competent department with “isomorphism of responsibilities” (Zhu & Zhang, 2005), which also makes the administrative examination and approval bureau need to directly counterpart the superior department of relevant business. This directly increases the business coordination difficulty of the administrative examination and approval Bureau and reduces the administrative efficiency and effect of the administrative examination and approval Bureau.

#### **2.4. The Internal Operation of the Administrative Examination and Approval Bureau Is Not Systematic, and the External Operation Coordination Is Lack**

“One of the objectives of the reform of the administrative examination and approval bureau is to break the fixed system and mechanism of administrative management, and explore the reasonable boundary of power and responsibility and the way of power exercise of the government through institutional reform and power reconfiguration” (Shen & Su, 2017). However, due to the late establishment of the administrative examination and approval Bureau and insufficient experience in experimental exploration, it failed to break through the constraints of the original administrative system in practical operation. In addition, before the establishment of the administrative examination and approval Bureau, the relevant work of straightening out the administrative management sys-

tem and mechanism was not done in place. For example, there was no revision of relevant authorization laws and regulations, no adjustment of the “three determinations” provisions of government departments, and no sorting out of the list of rights and responsibilities of government departments. This makes the administrative examination and approval bureau need to go through more practice and take longer time to achieve the goal of breaking the original administrative system and mechanism. In addition, because the administrative examination and approval Bureau has not been clearly planned and systematically arranged, the overall direction and next step of the reform are not clear enough, which makes the reform lack of systematicness and coordination. Especially in the aspect of personnel management, although the problem of “people in Cao Ying and heart in Han” of the examination and approval staff have been solved by “going with the matter”, the absence of vocational training mechanism and career promotion mechanism still makes the examination and approval staff lose their work enthusiasm and sense of responsibility due to lack of growth and development space, it will have a negative impact on the work performance and reform effect of the administrative examination and approval Bureau.

### **3. Optimization of the Mode of Administrative Examination and Approval Bureau**

#### **3.1. Realize the Organic Combination of “Crossing the River by Feeling the Stone” and “Top-Level Design”**

Under the background of accelerating the construction of a government under the rule of law, improving the construction of administrative examination and approval bureau must be promoted along the direction of legalization. At present, the construction of China’s administrative examination and approval bureau only has the administrative license law and the opinion notice issued by the State Council and local government departments to provide legal basis for it. However, the problem is that, on the one hand, with the continuous promotion of administrative reform and the sustainable development of social economy, only relying on an administrative license law can not meet the development needs of the construction of the administrative examination and approval Bureau. On the other hand, the relevant opinions and notices issued in recent years to promote the construction of the administrative examination and approval bureau are not systematic and normative enough to provide stable and powerful institutional support for the construction of the administrative examination and approval Bureau. Therefore, the central government should pay real-time attention to and deeply analyze the practical experience and lessons of the reform of administrative examination and approval bureaus at all regions and levels, timely summarize and solidify useful experience, and guide and standardize common problems. If the conditions are ripe, we can try to introduce the “Organic Law of the administrative examination and approval bureau”. In addition, provincial governments should take the lead in introducing the “administrative measures for the administration of administrative examination and approval bureaus” be-

fore the introduction of the national unified “organizational law of administrative examination and approval bureaus”, so as to guide the reform practice of administrative examination and approval bureaus in the province in the form of normative documents. At the same time, the provincial government should issue laws on the performance of the functions of the administrative examination and approval Bureau, refer to the local government’s practice of obtaining legitimacy for the administrative service center, and establish a clear legal status for the administrative examination and approval Bureau.

### **3.2. Make the Means of Administrative Examination and Approval System Reform Serve the Purpose of Optimizing Public Services**

The mode of administrative examination and approval bureau is embodied in the reform of administrative examination and approval system and internalized into the optimization of public services. In the process of handling administrative examination and approval matters for citizens, enterprises, social organizations and other administrative examination and approval counterparts, the pursuit of high-quality public services with public satisfaction and recognition is the key to solve the legitimacy problem of the administrative examination and approval Bureau. Therefore, “with the continuous promotion of the central government and local governments, it is necessary to constantly innovate the operation mechanism of administrative examination and approval and gradually improve the operation mode of administrative examination and approval in the continuous interaction between examination and approval departments, between examination and approval departments and regulatory departments, and between examination and approval departments and applicants”. It should be emphasized that it is particularly important to strengthen the construction of the working team of the administrative examination and approval Bureau. First of all, we should appropriately improve the selection standards of administrative examination and approval personnel and reduce the problems of different professional levels and uneven service quality of administrative examination and approval personnel. At the same time, we should strengthen the training of business leaders and business responsible personnel. On the one hand, we should improve the knowledge and professional level of business leaders, especially the awareness of laws and regulations; On the other hand, unify the thinking cognition and code of conduct of the business responsible personnel, strengthen the identity and sense of responsibility of the business responsible personnel, and effectively ensure the service efficiency and service effect of the daily work of the administrative examination and approval Bureau.

### **3.3. Resolve the Contradiction between Horizontal Centralized Administrative Licensing and Vertical Administrative Management System**

In the process of comprehensively deepening the reform, improving the con-

struction of the administrative examination and approval Bureau needs to straighten out the administrative management system and mechanism, and resolve the possible contradiction between the horizontal centralized administrative license and the vertical administrative management system in the process of reform. Since the provincial government has not established the administrative examination and approval Bureau, the administrative examination and approval bureau at the city and county level has no competent department on the “article”, which makes the administrative examination and approval bureau at the city and county level need to work with the superior competent department of the original functional department. In this way, the “one to many” mode of work docking increases the administrative pressure and administrative cost of the administrative examination and approval Bureau. Under the current circumstances, it is not reasonable and necessary to establish the superior competent departments of the municipal and county-level administrative examination and approval bureaus. Therefore, it is necessary to solve the thorny problems encountered by the administrative examination and approval bureaus from the perspective of straightening out the vertical intergovernmental relations. On the one hand, we should further study the decentralization of administrative examination and approval power, and delegate the administrative examination and approval matters that can be handled by the municipal and county-level governments from the provincial government departments to the municipal and county-level administrative examination and approval bureaus, which will handle them independently, so as to reduce the situation of asking for instructions and reporting to the higher authorities. On the other hand, a business docking mechanism should be established between the administrative examination and approval Bureau and the superior competent department of the original functional department. It is clear that only when the administrative examination and approval matters transferred by the original functional department are involved, the administrative examination and approval Bureau has a docking relationship with the superior competent department of the original functional department, and other work such as personnel and finance will not accept the leadership and supervision of the superior competent department of the original functional department.

### **3.4. Establish a Supervision Mechanism Combining Internal Supervision and External Supervision**

The mode that the administrative examination and approval Bureau centralizes the administrative examination and approval power in one place has brought huge space for power abuse and power rent-seeking. If the administrative examination and approval power is not used properly, the good system design will become a “serious disaster area of corruption”. Therefore, it is particularly important and urgent to establish a supervision mechanism combining internal supervision and external supervision of the administrative examination and approval Bureau. Within the administrative examination and approval Bureau, on



the one hand, a list of rights and responsibilities of the administrative examination and approval bureau should be established to clarify the administrative examination and approval items and relevant responsibilities undertaken by the administrative examination and approval Bureau. At the same time, we should formulate standardized examination and approval norms and examination rules for administrative examination and approval matters, refine the work responsibilities of the examination and approval link, and reduce the opportunity and space for discretion in the examination and approval process. On the other hand, a comprehensive supervision department of the administrative examination and approval bureau should be set up to supervise the examination and approval of business departments, and correct the examination and approval acts in violation of laws and regulations in time, so as to reduce the corruption risk of examination and approval matters and improve the supervision of relatively centralized administrative licensing power (Song, 2016). Outside the administrative examination and approval Bureau, on the one hand, we should establish a diversified supervision system, improve the ways for people's congresses, CPPCC, citizens and other subjects to participate in supervision, and unblock information access channels, so that the subjects outside the administrative examination and approval bureau can not only supervise the results of power operation, but also supervise the process of power operation, and restrict administrative power from the source. On the other hand, the opinions of relevant departments, expert arguments and citizens' needs should be fed back to the administrative examination and approval Bureau in time to avoid "the internal tension of administrative organizations diluting the effectiveness of supervision, and the sunk cost of administrative acts offsetting the benefits of supervision results" (Ma & Jia, 2016), so that the supervision results can be brought into play effectively.

#### **4. Discussion**

With the rapid development of economy and society, the public service function of the government has become increasingly prominent. Whether it can respond to the people's multi-level and diversified service needs and meet the people's safe, fair, convenient and efficient living needs has become an important basis to measure the legitimacy of the government in power. At the same time (Song & He, 2019), it has gradually become a key indicator to judge the strength of the government's governance ability and the level of governance. In addition, with the rapid development and universal promotion of modern information technology, the modern government governance concept that advocates the overall operation of the government and requires the internal management of the government to move from decentralization to concentration and from fragmentation to integration came into being. In this context, the mode of the administrative examination and approval Bureau has now become popular in the country, from the "beginning" of Wuhou District, Chengdu in 2008, to the listing and establishment of the administrative examination and approval Bureau of Tianjin

Binhai New Area in 2014, and then to the top-level requirements of the CPC Central Committee and the State Council in 2015. The service concept of “citizen standard, right standard and social standard” embedded in the administrative examination and approval Bureau model is an excellent model in line with the concept of modern government governance, and it is also an ideal way to achieve the goal of service-oriented government.

The consistency of the administrative examination and approval Bureau model with the modern government governance concept and the construction goal of service-oriented government is reflected in three aspects: first, take citizens as the center and abandon the value tendency of “managerialism”. The model of the administrative examination and approval bureau takes the citizen as the value orientation, and abandons the value tendency of “managerialism” that over-emphasizes efficiency and efficiency. It advocates putting public interests in the first place and providing seamless public services to the public through the close cooperation of public service providers. Second, take the overall cooperation as the orientation to overcome the disadvantages of “each doing its own thing”. Relying on modern information technology, the mode of administrative examination and approval Bureau advocates that good cooperative relations should be established between internal departments of the government, between the government and the market, and between the government and society, build a cooperative governance network, strive to overcome the disadvantages of departmentalism and individual governance, and give full play to the overall advantages of full cooperation and coordinated operation. Third, on the basis of comprehensive organization, correct the disadvantages of “decentralized government”. The administrative examination and approval Bureau model advocates the establishment of cross departmental comprehensive organizations, which aims to correct the disadvantages of reducing the cohesion and increasing the centrifugal force within the government caused by the excessive pursuit of decentralization. “This comprehensive organization is based on the hierarchy of bureaucracy, strengthens the central control over the policy process, and facilitates cross departmental contact and cooperation”.

This confirms that the administrative examination and approval Bureau model, as the latest practical achievement of China’s administrative examination and approval system reform, is in line with the value concept and long-term goal of China’s administrative management system reform. It is a “necessary option for reform, not an option for reform” that should be continuously adhered to. Although in the reform process, the administrative examination and approval Bureau model has exposed many criticized and questioned disadvantages and disadvantages, most of the existing problems of the administrative examination and approval Bureau model are caused by the insufficient cognition, imperfect design and inadequate reform measures of the administrative examination and approval Bureau reform, which is in the transition period from the founding stage to the aggregation stage. Therefore, the problems existing in the current administrative examination and approval Bureau model can not be a sufficient reason

to deny the administrative examination and approval Bureau model, let alone a reasonable excuse to abandon the administrative examination and approval Bureau model and guide the stagnation and retrogression of reform. Next, guided by the optimization idea of the administrative examination and approval Bureau model: realize the organic combination of “crossing the river by feeling the stone” and “top-level design”; make the means of administrative examination and approval system reform serve the purpose of optimizing public services; resolve the contradiction between horizontal centralized administrative license and vertical administrative management system; establish a supervision mechanism combining internal supervision and external supervision, build an ideal model of the administrative examination and approval bureau from three aspects of functions, institutions and personnel, gradually promote the reform of the administrative examination and approval bureau to the normalization stage, and finally realize the high-quality development of the administrative examination and approval Bureau model in the intensive cultivation stage.

### Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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