

Circular of the General Office of the State Council on Liquidating Fixed Asset Investment Projects

Guo Ban Fa (2004) No. 38

People's Governments in all provinces, autonomous regions, municipalities under direct control of the Central Government, all Ministries and Commissions under the State Council, and Organizations directly under the State Council:

At present, China's economy maintains a steady and rapid development, accompanied with a further-enhanced economic effectiveness and a good overall economic performance. However, some salient contradictions and problems during the economic development remain ineffectively relieved, some of which are still growing unchecked, mainly in the overheated and oversized investment in fixed assets, and the salient tension between demand and supply in coal, electricity, petroleum, transportation and important raw materials.

At present, efforts shall be put forth in solving the problem of overheated investment so as to promote the steady and rapid development of economy and to avoid large economic fluctuations. In order to further strengthen the macroeconomic regulation, the State decides to liquidate the fixed asset projects.

I. Guiding Thought and Principle

1. The liquidation work shall carry out the scientific development concept, and all are required to unify their thoughts to the decision of arrangement of the Central Government, fully aware of the problem of overheated investment and its harmful influences. All the regions and all the authorities are shall, though this liquidation, replace their attentions to the enhancement of the quality and benefit of the economic growth, and firmly surmount the phenomena of blind competition with each other, rash launching of projects and rash putting up establishments.

2. The liquidation shall be conducted in accordance with the current laws, administrative regulations and state policies, and mainly with the national industrial policies and industrial program, the laws and regulations governing land administration, environmental protection, bank loaning, project examination and approval etc., and the circulars of the State on controlling the construction of steel, electrolytic aluminum, cement, the office buildings training centers of the Party and government authorities, city express track transportation facilities, golf course etc. Measures shall be adopted towards a project that fails to be in line with these requirements, such a project as should be discontinued shall be discontinued, and such a project as should be redressed within a time limit shall be redressed within the time limit.

3. The liquidation work shall be subject to the principle of giving prominence to key points, providing guidance tailored to the situation, and handling each case on its own merits. Importance shall be attached to the structural readjustment while curbing the overheated investment. Such projects as have low technological contents, exceed the demand of market, and fail to be in line with the requirements of structural readjustment, and especially those highly energy-consuming, water-consuming, material-consuming, environment-polluting projects of haphazard investment and low-level redundant construction shall be firmly contracted. The liquidation of the project promoted by governmental activities shall be strengthened, and the project that has a high technological content and is in line with the requirements of structural readjustment, and supports shall

continually be granted to agriculture, forestry, water conservancy, ecological construction environmental infrastructure, social programs and other projects in weaker fields that need to be strengthened.

4. The liquidation work shall be carried out in accordance with the affiliation of the project. The National Development and Reform Commission shall be responsible for the organization work of the liquidation, and shall, together with the Ministry of Supervision, the Ministry of Land and Resources, the Ministry of Construction, the People's Bank of China, the National Audit Office, the State Environmental Protection Administration, the China Banking Regulatory Commission etc., strengthen the supervision and examination of the liquidation in accordance with their own division of work.

II. Liquidation Scope

All regions, all authorities and all related authorities shall conduct a comprehensive examination and liquidation of all the projects under construction and projects to be constructed. The "project under construction" as mentioned above refers to such a project as is already started, and the "project to be constructed" as mentioned above refers to such a project as is already applied for by a project unit, as is under the handling of the governmental authorities and as is not started yet.

The key areas subject to liquidation: 1 projects of steel, electrolyte aluminum, cement, office building and training centers of the Party and government authorities, city express track transportation facilities, golf course, exhibition center, logistics park, and large-sized shopping center etc.; 2 all the projects that has been newly started since 2004.

Projects of agriculture, forestry, water conservancy (including six small rural projects (water-efficient irrigation, potable water supplies, road building, methane production facilities, hydroelectric plants, and pasture enclosure)), ecological construction, education (excluding university city), public health, and science (excluding scientific and technological park) shall be beyond the liquidation scope.

III. Content of Liquidation

The projects under construction and to constructed shall be examined one by one in liquidation, which shall include:

1. Whether being in line with the national industrial policies and programs; and
2. Whether being in line with the general program of land utilization and integrated into the annual program of land utilization; and
3. Whether being in line with the national provisions concerning environmental protection and passing the environmental impact assessment; and
4. Whether being in line with the general planning of a city; and
5. Whether being in line with the procedures governing project examination and approval and other constructions; and
6. Whether being in line with the credit policies and the relevant provisions governing fixed asset investment; and
7. Whether being in line with the provisions in Circular of the General Office of the State Council on Transmitting and Issuing Several Opinions of the National Development and Reform Commission and Other Authorities on Curbing Irrational Investment in Steel, Electrolytic Aluminum and Cement Industries (Guo Ban Fa [2003] No.103), Circular of the General Office of the Central Committee of the Communist Party of China and the General Office of the State Council on Continually Tightening the Control the Construction of the Office Building and Training Center Project of the Party and Government Authorities (Zhong Ban Fa [2003] No.3), Circular of the General Office of the State Council on

Strengthening the Administration of the Construction of the City Express Track Transportation Facilities (Guo Ban Fa [2003] No.81) and Circular of the General Office of the State Council on Suspending the New Construction of Golf Courses (Guo Ban Fa [2004] No. 1).

8. Whether falling within the items stipulated in Circular of the General Office of the State Council on Strictly Prohibiting the Illegal Construction of the Thermal Power Generating Units of Equivalent to or Less than 1.35 Million Kilowatts (Guo Ban Fa Ming Dian [2002] No.6), and the Catalogue of Outdated Production Capacities, Techniques and Products to Be Eliminated (Batch I, Batch II and Batch III) (Decree of the State Economic and Trade Commission No.6, No.16, and No.32) promulgated by the former State Economic and Trade Commission.

9. Whether being in line with other laws, administrative regulations and State policies governing the project construction.

IV. Post-liquidation Treatment

1. Such a project under construction as is prohibited by explicit State orders, and as fails to be in line with the Land Administration Law and other laws, administrative regulations and State policies shall be discontinued.

2. Such a project under construction as fails to be in line with the provisions for environmental protection, the city planning, project examination and approval, and other construction procedures and with the credit policies and other requirements shall be suspended, and be ordered to redress within a time limit.

3. With regard to such a project under construction as is in line with the provisions in laws, administrative regulations and State policies, the construction scheduling shall be reasonably arranged upon the base of carrying out the construction conditions of the project hereof.

4. Such a project to be constructed as fails to be in line with laws, administrative regulations and State policies shall be prohibited from initialization and from an unauthorized starting.

5. A new project of steel, electrolytic aluminum and cement shall in principle not be launched in this year. And some particular major projects of structure readjustment and optimization, of which a starting is truly needed in this year, shall obtain an approval of the State.

V. Work Style

1. The provincial people's government shall be responsible for the liquidation of the local projects, the relevant authorities under the State Council and shall be responsible for the liquidation of projects subject to the Central Authorities, with regard to the project co-funded by the Central Authorities and the local authorities, the relevant authorities under the State Council shall be responsible for the liquidation of the one that has more funds from the Central Authorities, and the provincial people's government shall be responsible for the liquidation of the one that has more funds from the local authorities.

2. The National Development and Reform Commission shall be concretely responsible organizing and urging the carrying-out of liquidation, and conduct supervisions and selective inspections on the liquidation work from the perspectives of the national industrial policies, industrial programs, and the procedure governing the project examination and approval etc.

3. The Ministry of Land and Resources, the Ministry of Construction and the State Environmental Protection Administration shall conduct supervisions and selective inspections from the perspectives of land administration, city planning and environmental protection etc., the China Banking Regulatory Commission shall conduct supervisions and selective inspections from the perspectives of the credit policies and the provisions governing the fixed asset loaning, and shall

be responsible for conducting selective inspections on the loans for the packed projects of city construction.

4. A leading group led by the National Development and Reform Commission and composed of the Ministry of Supervision, the Ministry of Land and Resources, the Ministry of Construction, the People's Bank of China, the National Audit Office, the State Environmental Protection Administration, the China Banking Regulatory Commission and other authorities, shall be concretely responsible for the liquidation work.

VI. Work Schedule

1. Great importance shall be attached to by all the regions and all the authorities, and the leadership shall be strengthened; the major persons in charge shall themselves assume leadership, transfer personnel to constitute interim agencies, clearly define the duties, formulate well-conceived work programs, and organize and carry out the liquidation work as soon as possible.

2. The liquidation work of all the regions and all the authorities shall be finished within one and half months as the date of the promulgation of this Circular, and report their liquidation results and treatment measures to the National Development and Reform Commission.

(1) The liquidation results and treatment measures for all the projects under construction and to be constructed within the liquidation scope; and

(2) The per-project treatment opinions of construction discontinuance, construction suspension for redressment within a time limit, abolition of project initialization and being in line with the requirements for a project with a gross investment of equivalent to or more than RMB 10 million Yuan in the key liquidation area, and for a project with a gross investment of equivalent to or more than RMB 30 million Yuan in other liquidation areas.

3. After all the regions and all the authorities finish their liquidation works, the National Development and Reform Commission, the Ministry of Supervision, the Ministry of Land and Resources, the Ministry of Construction, the People's Bank of China, the National Audit Office, the State Environmental Protection Administration, and the China Banking Regulatory Commission shall conduct selective inspections on the liquidation results. And after finishing the aforesaid selective inspections, the National Development and Reform Commission shall, together the relevant authorities, formulate liquidation reports and submit them to the State Council.

4. All the regions and all the authorities shall keep the big pictures in mind, truly do well the liquidation work, submit the liquidation results according to fact, and avoid the occurrences of local and industrial protectionisms. And a special attention shall be paid to the problems arising possibly from the discontinuance or suspension of project construction, and preprograms shall be formulated to do well the post-liquidation work. Once those acts are found true that practicing fraudulences and intentional concealments, and new undesirable aftermaths arising after the discontinuance or suspension of project construction due to the work, the related leaders shall be investigated for liabilities.

5. The liquidation of fixed asset investment projects has wide implications and involves policy considerations. All the authorities under the State Council shall earnestly fulfill their duties, cooperate closely and strengthen intercommunications, and timely detect and solve cooperatively the salient problems arising from the liquidation work. And major problems shall be reported to the State Council.

The General Office of the State Council
April 27, 2004

国务院办公厅关于清理固定资产投资项目的通知

国办发〔2004〕38号

2004-12-7

各省、自治区、直辖市人民政府，国务院各部委、各直属机构：

当前，我国经济持续较快发展，经济效益进一步提高，经济形势总体上是好的。但是，经济发展中存在的一些突出矛盾和问题没有得到有效缓解，有的还在进一步发展。

集中表现在固定资产投资增长过快、规模过大，同时煤、电、油、运和重要原材料供求紧张的矛盾突出。当前，要着力解决投资膨胀问题，促进经济平稳较快发展，防止出现大的起落。为了进一步加强宏观调控，国务院决定开展固定资产投资项目清理工作。

一、清理工作的指导思想和原则

(一)清理工作要贯彻落实科学发展观，各方面要把思想统一到中央的决策和部署上来，充分认识当前经济发展中存在的投资膨胀问题，以及由此带来的不利影响。通过此次清理，各地区、各部门要把工作的着力点切实转到提高经济增长的质量和效益上来，坚决克服相互攀比、盲目上项目、铺摊子的现象。

(二)清理工作依据现行的法律、行政法规和国家政策进行。主要按照国家产业政策和行业规划、土地管理、环境保护、银行信贷、项目审批等方面的法规和政策，国务院关于控制钢铁、电解铝、水泥以及党政机关办公楼和培训中心、城市快速轨道交通、高尔夫球场建设等通知的要求进行清理。对不符合要求的项目要采取措施，该停止建设的要停止建设，该限期整改的要限期整改。

(三)清理工作坚持突出重点，分类指导，区别对待。在遏制投资过快增长势头的同时，注重结构调整。对技术含量低、明显超出市场需求、不符合结构调整要求的项目，特别是盲目投资和低水平重复建设的高耗能、高耗水、高物耗、污染严重的项目，要坚决压下来。对其中政府

行为推动的建设项目,要加大清理力度。对技术含量高、符合结构调整要求的项目,需要加强的农林水利、生态建设、环境基础设施、社会事业等薄弱环节的项目,要继续给予支持。

(四)清理工作要按照项目隶属关系进行。发展改革委负责清理的组织工作,并与监察部、国土资源部、建设部、人民银行、审计署、环保总局、银监会等部门按照各自职责分工,加强对清理工作的督导和检查。

二、清理的范围

各地区、各部门和各有关单位要对所有在建、拟建项目进行一次全面清理、审核。在建项目是指已开工建设的项目;拟建项目是指项目单位已提出申请,政府部门正在受理且尚未开工的项目。

要重点清理:(1)钢铁、电解铝、水泥以及党政机关办公楼和培训中心、城市快速轨道交通、高尔夫球场、会展中心、物流园区、大型购物中心等项目;(2)2004年以来新开工的所有项目。

农林水利(含农村“六小”工程)、生态建设、教育(不含大学城)、卫生、科学(不含科技园区)项目不在清理范围内。

三、清理的内容

清理中要对在建、拟建项目逐个进行审核,清理的内容是:

- (一)是否符合国家产业政策和行业规划。
- (二)是否符合土地利用总体规划并纳入土地利用年度计划。
- (三)是否符合国家环境保护的有关规定并通过环境影响评价。
- (四)是否符合城市总体规划。
- (五)是否符合项目审批等各项建设程序。
- (六)是否符合信贷政策和固定资产贷款的有关规定。
- (七)是否符合《国务院办公厅转发发展改革委等部门关于制止钢铁电解铝水泥行业盲目投资

若干意见的通知》(国办发〔2003〕103号)、《中共中央办公厅、国务院办公厅关于继续从严控制党政机关办公楼和培训中心项目建设的通知》(中办发〔2003〕3号)、《国务院办公厅关于加强城市快速轨道交通建设管理的通知》(国办发〔2003〕81号)、《国务院办公厅关于暂停新建高尔夫球场的通知》(国办发〔2004〕1号)的要求。

(八)是否属于《国务院办公厅关于严格禁止违规建设13.5万千瓦及以下火电机组的通知》(国办发明电〔2002〕6号)、原国家经贸委《淘汰落后生产能力、工艺和产品的目录(第一、二、三批)》(国家经贸委令6号、16号、32号)规定范围内的项目。

(九)是否符合与项目建设有关的其他法律、行政法规和国家政策。

四、清理后的处理

(一)对国家明令禁止建设的、违反土地管理法等有关法律、行政法规和国家政策的在建项目，要停止建设。

(二)对不符合环保规定、城市规划、项目审批等建设程序以及信贷政策等要求的在建项目，要暂停建设，限期整改。

(三)对符合法律、行政法规和国家政策要求的在建项目，要在落实好项目建设条件的基础上，合理安排建设进度。

(四)对不符合法律、行政法规和国家政策要求的拟建项目，一律取消立项，严禁擅自开工建设。

(五)对钢铁、电解铝、水泥项目，年内原则上不再开工新项目。个别调整优化结构的重大项目，确需今年开工的，须报国家批准。

五、工作方式

(一)地方项目由省级人民政府负责清理；中央项目由国务院有关部门和有关单位负责清理；中央和地方共同出资的建设项目，中央投资为主的由国务院有关部门和有关单位负责清理，地

方投资为主的由省级人民政府负责清理。

(二)发展改革委负责具体组织和督促落实清理工作，并从国家产业政策、行业规划、项目审批程序等方面对清理工作进行督导和抽查。

(三)国土资源部、建设部、环保总局分别从土地管理、城市规划、环境保护等方面进行督导和抽查；银监会从信贷政策和固定资产贷款规定方面进行督导和抽查，并负责落实对城市建设打捆项目贷款的抽查。

(四)由发展改革委牵头，监察部、国土资源部、建设部、人民银行、审计署、环保总局、银监会等部门参加，组成工作班子，负责具体落实清理工作。

六、工作进度

(一)各地区、各部门和各有关单位要高度重视，加强领导，主要负责同志要亲自挂帅，抽调人员组成临时机构，明确责任，制定周密工作方案，迅速组织开展项目清理工作。

(二)各地区、各部门和各有关单位的清理工作要在发出通知之日起1个半月内完成，并将清理结果和处理措施报发展改革委。(1)清理范围内所有在建、拟建项目的清理结果和处理措施；(2)对重点清理的项目中总投资1000万元及以上的项目，以及清理的其他项目中总投资3000万元及以上的项目，按项目提出停止建设、暂停建设限期整改、取消立项和符合要求的处理意见。

(三)各地区、各部门和各有关单位的清理工作结束后，发展改革委、监察部、国土资源部、建设部、人民银行、审计署、环保总局、银监会要对清理情况进行抽查。抽查工作结束后，发展改革委会同有关部门，形成清理报告上报国务院。

(四)各地区、各部门和各有关单位要从大局出发，切实做好清理工作，如实上报清理结果，防止出现地方、行业保护主义。特别要妥善处理好项目停止或暂停建设后可能出现的问题，制定预案，做好善后工作。对弄虚作假、有意隐瞒不报的，对因工作原因造成停止或暂停建设后出现新的不良后果的，一经查实，要追究有关领导的责任。

(五)清理固定资产投资项目，政策性强，涉及面广，国务院各部门要认真履行职责，密切配合，加强沟通，及时发现并协调解决清理工作中的突出问题。重大问题要向国务院报告。

中华人民共和国国务院办公厅

二〇〇四年四月二十七日