

Larry Catá Backer

作者简介： Larry Catá Backer，中文名，白轲。宾夕法尼亚州立大学 W. 理查德和玛丽. 埃谢尔曼学者、法学教授、国际事务教授。他的研究领域集中在宪法与行政法，包括社会主义国家宪法、全球化及全球化在一国治理和体制秩序上所造成的影响等相关议题。他的著作包括法律语言符号学，比较宪法、法律与宗教方面的宪法。他目前正在完成的研究是美国法律理论、法理理论与跨国法和法律构造。白轲教授已经有许多作品发表在中国。白轲教授的联系方式是： 239 Lewis Katz Building, University Park, PA 16802. 电话： 1.814.863.3640. 电子邮箱：lcb911@me.com

The Charity Undertakings Law (draft) overall presents an important advance in Chinese rule of law. It is an important measure dealing with an issue tied closely to the direction and shape of socialist modernization, and as such, touches on sensitive matters requiring leadership from the Communist Party, especially as the CCP “unswervingly encourages, supports and guides the development of the non-public sector”(CCP General Program (GP) ¶ 14). My comments are focused on a reading of the draft Charity Undertakings Law both for coherence and for conformity to the Chinese Communist Party Basic Line. “The general starting point and criterion for judging all the Party's work should be how it benefits development of the productive forces in China's socialist society, adds to the overall strength of socialist China and improves the people's living standards” (GP ¶ 9). In those respects I respectfully offer the following comments:

Chapter 1

1. It might be useful to align the focus of Sections 1 and 3. Section 1 touches on the legislative *purpose*, which includes developing the productive forces (GP ¶ 9) represented by charity, the protection of charities and their stakeholders, and the promotion of social harmony. Section 3 *defines* charity to include a broader scope of activity—enhancing sports, culture, education, environment, etc. One might

《中华人民共和国慈善法草案》（以下简称草案）整体上体现了中国法治的重要进步。它所调整的主要问题不仅关乎社会主义现代化建设的方向和走势，而且涉及党的领导这一重要议题，尤其是在党“毫不动摇地鼓励、支持、引导非公有制经济发展”（《中国共产党党章》（以下简称党章），总纲，第 14 段）这一基本路线的前提下。党章总纲第 9 段陈述到：“各项工作都要把有利于发展社会主义社会的生产力，有利于增强社会主义国家的综合国力，有利于提高人民的生活水平，作为总的出发点和检验标准。”本评论探讨的是即是草案文本与党的基本路线的协调与整合。在此，我恭敬地提出以下评论和观点：

第 1 章

1. 首先，我们有必要对草案的第 1 条和第 3 条进行分析。第 1 条阐明的是立法宗旨，其中包括发展在此由慈善组织所代表的社会生产力（党章总纲第 9 段）、保护慈善组织及其有关主体的合法权益、促进社会和谐。第 3 条界定了慈善活动的一个较为宽泛的范围，包括促进体育、文化、教育和环境保护等。有人可能认为，第 1 条仅仅是设立了一个服务于社会主义

read Section 1 as touching only on the laudable goals of building a harmonious socialist society (GP ¶ 17). Yet Section 3 also speaks to developing an advanced socialist culture (GP ¶ 16); environmental protection (GP ¶ 18); and in “taking economic development as the central task. . . country through science and education, the strategy of strengthening the nation with trained personnel and the strategy of sustainable development” (GP ¶ 11). It might be useful to align the two sections to better reflect the CCP’s basic line for developing China’s productive forces through charitable efforts and in the definition of charity.

2. Section 4 correctly situates charity within social morals, the legal rights of others and the focus on public benefit. To the extent that the intent is to restrict profit, then the provision makes sense. And, indeed, that should be the interpretation reading sections 4 and 9 together. But that applies to the institution, not the individual. The provisions of Chapter 7 appear to make that clear (§§ 63-68). But it may be too broadly rendered when it also suggests that people who devote themselves entirely to charity should do so without payment. To the extent it suggests that people work without pay, that itself might suggest a contradiction with the CCP’s basic line on worker dignity and the avoidance of exploitation. More importantly, if only voluntary and part time efforts are permitted for individuals, without pay, then the utility of charity as an important means of developing mass culture, the development of harmonious society, and worker training, may be adversely affected to no good end. It might be worth permitting individuals who labor for charities to receive a fair wage.

3. Section 5 is a very useful provision. It is to be hoped that such planning will be undertaken strictly to advance the CCP’s Basic Line. It might be useful, in that respect, to consider the development of a reporting mechanism so that these plans might be reviewed and approved by

和谐社会这一整体目标的高格调。然而，第 3 条同样也指出了发展先进社会主义文化（党章总纲第 17 段），进行环境保护（党章总纲第 18 段）以及“坚持以经济建设为中心，其他各项工作都服从和服务于这个中心。要抓紧时机，加快发展，实施科教兴国战略、人才强国战略和可持续发展战略”（党章总纲第 11 段）等内容。因此，我认为，应当适当调整第 1 条和第 3 条，以便在慈善组织的定义中反映党的基本路线，并通过慈善事业推动社会主义生产力发展。

2. 第 4 条将慈善活动定位在社会公德、他人合法权益以及社会公共利益的框架内是正确的。如果在一定程度上其目的是限制盈利，那么这样的规定是有意义的。同时，这也应当是将第 4 条和第 9 条作为一个整体去理解和解释的结果。然而，这一点适用于组织，但不适用于个人。第 7 章 63 条到 68 条也更为清楚地揭示了这一点。但是这样的规定似乎太不严谨，尤其是当它认为那些全身心投入慈善事业的人是不应该被支付任何费用的。这种观点与党在维护工人尊严和避免剥削方面的基本路线是相矛盾的。更重要的是，如果仅允许个人在通过志愿服务或者兼职并且没有报酬的情况下参与慈善活动，那么慈善组织作为发展群众文化、推动社会和谐、提供职业培训等的重要角色是不会得到很好的发展的。因此，我认为应当允许向慈善领域内的个人劳动力提供一定报酬。

3. 第 5 条的规定非常有价值。我们应当期待这些规划会被严格实现，以确保党的基本路线得到实施和发展。同时，我建议考虑设置一个报告机制，以使这些规划能够由一定级别的政府部门进行审查和通过。恰好，草案第 6 条强调

the appropriate level of government. In that respect Section 6 quite correctly emphasizes the need for coordination, but might also benefit by including an assessment obligation as well.

Chapter 2

4. Section 9 provides a valuable framework for managing charities. It is not clear, however, whether charities may acquire the necessary funds or property from individuals or organizations outside of China, and if so, the extent to which such contributions will be examined by the authorities.

5. Section 10 provides a reasonable approach to registration. Two additional considerations might be made: First, should a national registry of charitable organizations be maintained? Second, should an organization be given a chance to correct errors and omissions and apply again should its registration be rejected. With respect to the first, a national registry might be useful to reduce fraud and corruption, an important element of the Basic Line (GP ¶ 23). With respect to the second, the right to reapply is implicit but not explicit and it might help lower level governments better understand the law if this was made clearer.

6. Sections 11-16 appear sound. One might consider a few points. First, it is assumed but never stated, that the General Assembly has the responsibility for ensuring assessment and improvement of charities, but their power to make that happen are unspecified in Section 11. Perhaps requiring the Board of directors to submit annual detailed reports of activities to the General Assembly (and to the government at the level of charity registration) might make accountability stronger and reduce the temptations of corruption. Moreover, it is not clear what the relationship is between donors (§ 15) and the General Assembly (§ 12).

了工作协调机制，这一协调机制可能也需要涵盖评估义务，以使其运行得更为良好。

第 2 章

第 9 条设定了管理慈善组织的有益框架。但是，它并没有明确地指明慈善组织是否可以从境外组织或境外公民处获取资金或财产；以及，如果可以，在何种程度上这类支持需要经过执政当局的审查。

5. 第 10 条设置了合理的登记制度。但是仍有两个问题有待我们思考。第一个是，应当设置一个中央级别的慈善组织登记管理机构吗？第二个是，当慈善组织的注册申请被拒绝，是否应赋予其纠正错误或查漏补缺的机会？就第一个问题而言，一个中央级别的登记管理结构，对于减少欺诈和预防腐败这一党的基本路线（党章总纲第 23 段）是有益的。对于第二个问题，草案对于重新申请登记的权利的规定是隐晦而不清晰的。关于这一问题的规定应当更加明确，以帮助地方政府更好地理解本法。

6. 第 11 条至第 16 条的规定十分合理有效。然而，这里有几个重要的问题值得考虑。首先，它未直言但是假设会员大会有责任对慈善机构的发展进行评估和改善，但是会员大会如何行使这一权力却并没有在第 11 条中得到论述。也许规定理事会应当向会员大会（以及其登记机构所在一级政府部门）提交年度报告，可以提高其责任并降低产生腐败可能性。另外，第 15 条当中提到的捐赠者与会员大会（12 条）之间的关系并没有得到阐述。

7. Section 17 is important and necessary if foreign NGO work is to be aligned with the overall obligation to adhere to the CCP basic line, develop productive forces and ensure the path forward through socialist modernization of economy, politics, culture, society and environment. It is not clear, though it might be assumed, that a foreign NGO need only establish a local organ within China to meet the requirements of Section 17. That is, once Chinese citizens establish a charity under Section 10, that organization can be affiliated with the foreign NGO, receive funds and other materials from the foreign NGO and adhere to the foreign NGOs basic line. This appears a necessary reading of §§ 10, 17 and 20. If that is the case, then Section 18 suggests the limits of foreign NGO influence—which is no different than the ordinary requirements applicable to Chinese charities. That is, Foreign NGOs will be treated the same as Chinese charities and subject to the same rules and the same limitations. That is sound policy and accords with the CCP Basic Line (§§ 17, 25). It is also central to the CCP's Basic Line or reform and opening up ("the basic state policy of opening up and assimilate and exploit the achievements of all other cultures" (GP ¶ 13)).

Chapter 3

8. The provisions on charitable donations are laudable and well written. However, they appear to emphasize collection mechanisms more effective in traditional systems and less useful in the great cities of modern China. It might be useful to permit, and regulate, new internet based collections.

9. There is no reason to limit the collection of charitable contributions from within China. Certainly Chinese charities ought to have the authority to make appeals for donations in other countries. While it is to be expected that such donations would be carefully regulated, and that one would expect such appeals and the property

7. 如果境外非政府组织工作的基本责任是，坚持党的基本路线，发展生产能力，保证经济、政治、文化、社会和社会环境的社会主义现代化建设的正确方向，那么第 17 条的规定是十分重要且必要的。我们可以这样假设，尽管并不能完全确定，境外非政府组织只需要在中国境内借助一个中国公民建立一个本土机构即可满足第 17 条的规定。也就是说，可能出现这种情况：一个中国公民根据第 10 条的规定建立了一个中国慈善组织，但该组织与某一境外非政府组织存在某种关联，其接受境外资金支持和其他支持，并遵循该境外非政府组织的基本发展政策。这使得我们十分必要认真阅读第 10 条、17 条和 20 条。如果前面的这个假设成立的话，那么第 18 条关于限制境外非政府组织的相关影响的规定，便与适用于中国慈善机构的普通要求并无二致。也就是说，境外非政府组织将被视为应当与中国的慈善组织遵循相同的规则和限制。我相信这样的政策合理的，符合党的基本路线（党章总则第 17 段和 25 段），也符合改革开放这一基本国策（党章总则第 13 段阐述到：“要坚持对外开放的基本国策，吸收和借鉴人类社会创造的一切文明成果。”）

第 3 章

8. 第 3 章中关于慈善捐款的规定写得很好、值得称赞。但是这样的捐款制度似乎只在传统的捐款体制中更为有效。在当今正快速发展的中国的许多大城市中，允许和规范新的基于互联网条件下的捐款制度可能更为有益。

9. 我认为，并没有理由对中国境内的捐款进行限制。而且，中国慈善组织应当有权利向境外捐赠者募集捐款。当然，境外捐赠应当得到有效的监管，募集过程应当充分透明，但是没有理由完全进行限制，尤其是在很多情况下，捐赠者是海外华人群体。

collected to be effected in a wholly transparent manner, there is no reason otherwise to restrict. This is especially the case where overseas Chinese communities might be donors.

Chapter 5

10. Anti corruption protections must be at the heart of the Charities Law (GP ¶ 26). For this reason Section 48 is most welcome. However, it might be useful to elaborate on the nature of corruption and corruption activities for those entrusted with the objectives, work and property of charities. It is not merely a matter of conflict of interest, as Section 48 covers. It is also a matter of duty—here the duty to ensure that all charitable decisions are made solely to advance the objectives of the charity, inline with the overall objectives of socialist modernization, and that the directors of the charity can transparently demonstrate compliance with this duty. That touches on all aspects of the operation of the charity, as well as on the nature of the relationships among the members of the ruling councils of the charity itself. It is not clear that the Charity Law sufficiently deals with the issue of corruption in this respect.

Chapter 7

11. The voluntary nature of participation in charitable work (§§ 63-68) appears to take a traditional approach to the enterprise of providing charitable services to the masses. It is not clear that this narrow position fully embraces the CCP Basic Line of opening up and emancipation of the mind (GP ¶ 13). I have suggested that such an approach might hamper the full development of productive forces and thus create a contradiction with the core objectives of socialist modernization. This is particularly true with respect to the building of socialist harmonious society, socialist culture and socialist ecological leadership, all key elements of the CCP Basic Line. It is true that

第 5 章

10. 预防腐败的措施必须处于慈善法的核心地位（党章总纲第 26 段）。为此，第 48 条是十分必要的。但是，在设计这一条款的时候，我们应当充分考虑腐败的本质，以及可能滋生腐败的与慈善目标、工作和财产等问题有关的活动。它不仅关乎第 48 条所调整的利益冲突，而且涉及责任问题。这里的责任指的是保证慈善组织的所有决策都是致力于推动慈善事业，并能够与社会主义现代化建设的整体目标保持一致，以及保证慈善组织的理事们能够确保其责任得到履行且透明。这涉及慈善组织运营的各个方面，同时也涉及慈善组织管理层内部理事们之间的相互关系。草案并未在这一方面所能产生的腐败风险作出预防性规定。

第 7 章

11. 第 63 条至 68 条将参与慈善工作的本质视为一项志愿服务。这种做法更像是过去传统条件下向群众提供慈善服务的一种方式。我并不认为这种狭隘的立场符合中国共产党解放思想的基本路线（党章总则第 13 段）。事实上，这种做法可能会阻碍生产力的充分发展，与社会主义现代化建设的核心目标相矛盾，尤其是考虑到建设社会主义和谐社会、社会主义文化和社会主义生态这些党的基本路线的核心要素。的确，在传统观念中，慈善工作被认为是一个人在从事主要工作之外，利用业余时间奉献社会的事情。但是这一陈旧的观点并没有考虑到慈善工作本身的重要性，以及发展社会生产力

under traditional models, charity was thought to be an addition to the main work of individuals in contributing to society. But that ancient view fails to consider the importance of the *work of charity*, and the necessity of investing societal productive forces to produce substantial improvements to the lives of people who might then be better positioned to more vigorously contribute to the construction of a socialist market economy (GP ¶ 14; through training, socialization, and education), socialist culture (GP ¶ 16 to “raise the ideological and moral standards and scientific and educational levels of the entire nation so as to provide a powerful ideological guarantee”); socialist harmonious society (GP ¶ 17 to “to create a situation in which all people do their best, find their proper places in society and live together in harmony”); and socialist ecological advancement (GP ¶ 18 “that leads to increased production, affluence and a good ecosystem”). It is useful, then, to consider permitting charities to hire and retain staff to further consolidate, improve and carry out their work. Indeed, it would seem that Section 11 of the Charities Law would itself require charities to press this point to improve their governance structures and the efficiency of their operations.

Chapter 8

12. Chapter 8 is an important element of the Charities Law and is well written and comprehensive. But it lacks an important connection between the obligations of charities to disclose, and the obligations of local governments to make those disclosures public. Moreover, the Charities law does not impose local governments any obligations with respect to the good order of their management of charities, and no way for the masses to communicate with local officials respecting the work of charities. “The Party follows the mass line in its work, doing everything for the masses, relying on them in every task, carrying out the principle of “from the masses, to the masses,”

以持续改善人民群众的生活质量的重要性，尤其是，人民群众正是建设社会主义市场经济（党章总则第 14 段；通过培训、社会化和教育）、社会主义文化（党章总则第 16 段：“提高全民族的思想道德素质和科学文化素质，为改革开放和社会主义现代化建设提供强大的思想保证、精神动力和智力支持”）、社会主义和谐社会（党章总则第 17 段：“努力形成全体人民各尽其能、各得其所而又和谐相处的局面”）和社会主义生态文明（党章总则第 18 段：“坚持生产发展、生活富裕、生态良好的文明发展道路”）的有利推动者。因此，考虑允许慈善组织长期雇佣员工，以进一步巩固、提高和开展工作是十分有益的。事实上，本草案第 11 条已经要求慈善机构去实现这一点，以改善治理结构、提高运行效率。

第 8 章

12. 第 8 章是慈善法的一个很重要方面，本章起草得很好、很全面。但它缺失了一项重要内容，即慈善机构进行信息披露的义务与政府向社会公开这些披露信息的义务之间的关系。而且，草案未能规定地方政府在维持和管理慈善组织良好秩序方面的义务，也没有为群众与政府官员进行沟通创造条件。党章总则第 26 段明确表述到：“党在自己的工作中实行群众路线，一切为了群众，一切依靠群众，从群众中来，到群众中去，把党的正确主张变为群众的自觉行动。”本草案并没有清楚地阐明如何将群众路线进一步应用到慈善组织的运行和国家机构在这一重要领域的责任履行中。我认为，

and translating its correct views into action by the masses of their own accord” (GP ¶ 26). It is not clear how the Charity Law fully further develops and applies the mass line obligations to the operation of charities and to the responsibility of state organs in this critical arena. There might be room for improvement here. And that improvement itself can contribute both to socialist rule of law and democracy (GP ¶ 15 “effective measures to protect the people’s right to manage state and social affairs as well as economic and cultural programs”). Local officials should be required to listen to the people in judging the effectiveness of charities and in considering proper management of charitable affairs. It ought to consider whether its own approach to charity disclosure is appropriate in light of mass opinion, appropriately translated as is its responsibility within the mass line itself. This is especially important with respect to statistical information (§70) and the content of disclosure (§ 71). It is not clear that there is a reason to withhold that information, restricting public reporting to those items listed in Section 72.

13. Section 78 on confidential information is important and correct. But in it lies a contradiction that the Charities Law does not yet overcome. That contradiction lies in the ability to use the broad categories identified in Section 78 as a way to enhance the ability of officials to engage in corrupt activities with impunity. That itself would constitute a severe breach of the CCP Basic Line, and should not be left unresolved without very good reason. Some facility must be created to ensure that Section 78 is not abused by corrupt officials. This would be especially important where corrupt officials might use their positions to operate through charities in ways that would hide their own bad actions. Tigers catch their prey under cover of darkness; they should not be allowed to feed with impunity on the donations intended to improve society. Senior officials should carefully consider the discretion built into Section 78 and

这一方面的问题还有可以改进的空间。而且，这一改进可以同时贡献于社会主义法治建设和社会主义民主建设（党章总则第 15 段：“切实保障人民管理国家事务和社会事务、管理经济和文化事业的权利”）。地方政府官员应当被要求认真听询群众对慈善组织有效性的评断，以及他们对恰当管理慈善事务的想法。地方政府应当考虑其公开慈善信息的方式是否符合群众意见，是否能够被认为符合群众路线的基本责任。这对于第 70 条提到的信息统计和第 71 条提到的信息公开的内容是十分重要的。目前并没有理由表明应当隐瞒这些信息并且将公开信息限制在第 72 条所列举的项目之中。

13. 第 78 条对于保密信息的规定是重要且正确的。但是这条规定遗留了一个本草案未能涵盖的严重问题，即一些官员可以利用 78 条这一项分类较为宽泛的规定，参与腐败活动但不被发现而免除处罚。这一点会对党的基本路线造成严重的侵犯，是绝不应该被遗留下来而不做处理的。我认为，必须创设一些措施以使得第 78 条不被腐败官员滥用。腐败官员可能利用其位置在慈善组织中实施腐败，并通过一定方式将他们的违法行为隐秘起来。老虎们在黑夜中抢夺猎物；但是他们不应该被容许掠夺用以提高社会发展的捐助并且不受惩罚。第 78 条遗留下了一个巨大漏洞，这一漏洞大到任何老虎都可能逃出去，开放到即便苍蝇都可以找到规避其规则的路径。高级执政官员应当认真考虑如何在这个漏洞周围巧妙设置一个规则笼子以修补这一问题。

build a cage of regulation around the discretion that they have provided—a discretion large enough so that any tiger can escape, and open enough so that even flies find its rules easy to avoid.

Chapter 9

14. These provisions are useful. But it might be worth considering that local officials may delay their duties. That delay could seriously impede the implementation of the law and the useful operation of charitable activities. Government officials who delay without cause ought to be subject to swift CCP discipline. Others ought to be disciplined appropriately and charities should be given the power to seek registration from a higher level of government where the failures of a lower level make registration, or operation, impossible.

15. Section 90 and 91 are laudable and reflect well on government. But again, they might create an opportunity for corruption. Especially when combined with the secrecy rules of Section 78, Sections 90 and 91 can provide a large space where corrupt officials might operate with impunity. It is especially with respect to the entanglements of government officials, money and charities, that transparency must be much fuller. Alternatively, in such cases (Section 90 or 91 transactions)—local officials must be required to fully report on their activities to the next higher level of government—and to do so within a short period of time after they have engaged in such activity. In addition, the CCP disciplinary organs should be made aware and monitor such activities. It is only in this way that the state can truly achieve the excellent objectives of Section 92 (cultivation of charity culture).

Chapter 10

16. Section 100 achieves the objective of ensuring that localities can adjust their

第 9 章

14. 第 9 章的规定十分有益。但是值得深思的是问题是地方政府官员可能拖延履行其责任。这种拖延可能严重阻碍法律的实施和慈善活动的有效开展。我认为，无故拖延履行责任的政府官员应当受到党纪处分。其他的行为也应当受到适当的纪律管束。与此同时，当慈善组织因地方政府拖延履行责任而无法正常登记和运行时，慈善组织应当有权向更高级别政府寻求注册或运行许可。

15. 第 90 条和第 91 条值得称赞，并会对政府产生很好的影响。但是，仍然存在可能滋生腐败的问题。尤其是当与第 78 条的保密规则相结合，第 90 条和 91 条很可能使贪官污吏逍遥法外。当政府官员可能与金钱和慈善活动产生瓜葛的时候，透明性必须更加全面充分。因此，在这种情境下（发生第 90 条和 91 条中的情境），正确的选择应是，地方政府官员必须在非常短的时间内，向更高一级政府部门汇报其所参与和实施的活动的。与此同时，党的纪律监察部门应当充分了解并监察这些活动。只有这样，第 92 条所期待的目标（培育慈善文化）才能较好地得以实现。

第 10 章

16. 第 100 条确保了地方政府可以根据当地的

regulations to local conditions. But the central authorities ought to be able to review and assess local deviations. A central data bank of local regulations should be maintained by central authorities, at a minimum. And the central authorities ought to make inspection tours of local operations periodically. This is especially important with respect to the powers exercised under Section 101. The central government retains its responsibilities to ensure the development of socialist rule of law. And that responsibility might require as well substantial oversight and assessment of local government behavior in light of their own legal responsibilities under the Charity Law. The Charity Law already has a model for this sort of oversight—Section 109 speaks to supervision by umbrella organizations. The same might be extended to the oversight of central authorities.

17. Section 112 provides a useful means of helping fight corruption—either by charities or by local officials. But it might be useful to consider the mechanics of public reporting. Might it be more efficient to centralize the collection of such complaints at the provincial level so that the more sophisticated machinery of the provinces might serve as a more efficient point for local discipline? Perhaps a better coordination of Sections 78, 90-92 and 112 would produce a more efficient system against corruption.

客观条件调整其具体规则。但中央政府仍然应当能够审查和评估地方政府的相关举措是否存在偏差。中央政府应当至少设置一个关于地方性法规的中央数据库。同时，中央政府应当定期对地方政府的相关举措进行巡视。这一点十分重要，尤其是考虑到第 101 条所赋予地方政府的权力。中央政府应当保留其责任以确保社会主义法治的发展。要履行这一责任可能需要对地方政府的行为进行大量的监督和评估，观察其是否履行了法律所规定的职责。草案已经通过第 109 条建立了行业监督的机制，这一行业监督机制的组织结构为伞状结构。我认为，中央政府部门的监督中也可以采用这种伞状结构的监督模式。

17. 第 112 条规定了十分有效的打击腐败的措施——既可以通过慈善行业组织也可以通过地方政府部门。但是，公开举报机制也许也是有帮助的。在省一级别集中收集举报信息，由功能更为全面和细致的省级机构作为纪律监察部门来处理这些信息是否会更为高效？也许将第 78 条、第 90 条至 92 条，以及第 112 条更好地协调起来能够提供一个更加有效地抵制腐败的系统。