



On the Feasibility of the Licensing and Penalty Points System for the Management of Mobile Street Vendors from the Perspective of Flexible Governance

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Abstract. The management of mobile street vendors is currently a universal problem faced by urban management departments in China, and the anarchy in the management of mobile street vendors is caused by a host of issues that are worth attention. Given this context, with comparative analysis and a desk study, the paper, for one thing, systematically studies the current laws, regulations, and dilemmas in judicial practices concerning the management of mobile street vendors in urban areas, and for another, figures out the three issues that have led to the plight of the management of mobile street vendors, which include the conflict of interests between multiple parties, the defects in the work of relevant authorities concerning public relations and publicity, and the absence of public participation in administrative decision-making and implementation. On this basis, the paper puts forward feasible approaches to the management of mobile street vendors based on the concept of flexible governance to help better protect the legitimate rights of mobile street vendors in urban areas. In this sense, the paper also seeks practical solutions to issues including building an ordered market, boosting employment, and improving people's livelihood.

Keywords: mobile street vendors in urban areas · flexible governance · public participation · protection of rights · dilemma in governance

1 Introduction

Mobile street vendors in urban areas represent business activities closely related to ordinary consumers; their state of being is also an indicator of the security of the jobs taken by vulnerable groups. In other words, how well mobile street vendors are managed in a city mirrors the quality of people's livelihood. On June 1, 2020, Premier Li Keqiang pointed out during his inspection tour to Shandong that street stalls and small stores, as important sources of job positions, have not only mirrored the real situation of ordinary people's livelihood but also, as other high-end economic entities have, contributed to

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the vitality of China's economy [1]. In 2020, the General Office of the State Council released the Implementation Opinions of the General Office of the State Council on Further Optimizing the Business Environment to Better Serve the Market Subjects, which proposed that the principle of delegating power and strengthening regulation should be adhered to in the management of mobile street vendors. In everyday governance practices, however, there is still a lack of scientific planning on the part of the government at all levels, and a large number of government officials seem to have no conception of working for people's well-being as they refuse to adopt a tolerant attitude towards the lower working class and have no idea of how a flexible system for better management of mobile street vendors can be established. Apart from this, government officials can hardly cast off their belief in their omnipotence. Given this, to help improve the management of mobile street vendors, the study puts forward a new governance strategy based on the concept of flexible governance, which is the licensing and penalty points system. The system is aimed at facilitating the participation of multiple parties in governance based on a people-centered governance philosophy and can contribute to the steady progress in the management of mobile street vendors characterized by non-coercive approaches.

Based on a desk study and comparative analysis, the study makes a review of a large amount of relevant literature with information gathered through diversified channels. Through horizontal and vertical comparison, the study figures out and analyzes the differences in the horizontal data and the changing trend of the vertical data and ultimately screens out cases and models for governance which are worth academic attention and are scientific and reliable. The study can hence serve as a valuable reference for further research.

2 Legal Basis for the Flexible Management of Mobile Street Vendors

The National Development and Reform Commission of China issued a statement in 2022 saying that a new urbanization strategy with people at its core should be promoted under the guidance of President Xi Jinping's thoughts on socialism with Chinese characteristics for a new era. What the statement heralds is flexible governance as a new mode of modern urban governance.

The earliest theories about flexible governance in countries other than China were theories about humanistic management. The development of flexible governance in these countries was brought about by the increase in the complexity of government affairs after the Second World War, which was caused by the increase in the number of public affairs and the change in the environment for governance amid globalization, informatization, and decentralization. As the ensuing government dysfunctions prompted governments to reconsider their approaches to governance, theories including the new concept of public administration and fair governance emerged in the 1980s, calling for the establishment of a model for flexible governance which is built upon the cooperation between government and society. At that time, most scholars in countries other than China referred to the concept of flexible governance as the ability to handle volatile situations and maintain institutional stability. In the 1990s, the term "governance" was more often used to negate "management" in the traditional sense, and this was when the concept of flexible

governance was formally proposed and became widely used in the field of public governance. The existing research in China defines flexible governance as “a non-coercive approach that is free of top-down administrative coercion and is built upon autonomy, equality, and democracy, marking a shift from unidirectional top-down governance to a new mode of governance that features interaction, cooperation, and consultation on an equal basis. It is a new management model infused with humanistic values and centered on people.” The emphasis of such a definition is on non-coercive means to handle government dysfunctions [2].

With the review of the existing theories and related practices, the concept of flexible governance referred to in this paper is defined by the research team as a type of human-centered governance that features the involvement of all parties and facilitates non-coercive means to interact with society. The author believes that as democratized governance is increasingly being pursued and the construction of a service-oriented government progresses forward, flexible urban governance has become a necessity for the reform of the management system as the modernization of China’s system and capacity for governance is underway.

2.1 Law as a Contributor to Order

Order and law form an indivisible whole. Order is in a sense the core value of law, while the primary task that law has to fulfill is to maintain order. All power in China goes finally to its people, which makes the people masters of the country. A good order, therefore, is in line with what the people expect.

In governance practices, however, cases of the encroachment of public power in private rights exist as social orders have to be maintained and efficiency of governance has to be ensured. A paradox can hence be found when what public power is originally meant for is considered. Public power is originally granted to governors to protect privacy rights and resolve conflicts associated with private rights, but when public power is confronted with private rights, the latter is often proved more vulnerable. In the case of the management of mobile street vendors, public power prevails, and the demands of vendors are constantly being ignored. It’s hence important to decide to what degree public power should intervene in private rights and how governors can ensure that public power is prudently exercised as the order in line with the people’s expectations is to be built. These are the key issues that require attention in the management of mobile street vendors.

Public power originates from private rights, and the emergence of state power is the result of the fact that citizens as individuals or groups have abalienated some of their rights to the state [3]. The legitimacy of public power, therefore, is built upon the recognition and protection of private rights. To ensure the legitimacy of public power and facilitate fair governance based on fair law, public power must be formed and exercised on the condition that the legitimate demands of individuals are satisfied and that enough support is gained from citizens. In the case of the management of mobile street vendors, such fairness is manifested in the respect shown by the legislators and law enforcers for the demands of mobile street vendors and other citizens.

2.2 Law as a Contributor to Justice

The definition of justice as a concept with a long history is constantly being renewed. As a yardstick for distinguishing a fair law from an unfair one, justice is a nonlegal benchmark for value judgment as well as an alternative to law when specific legal norms fail to work or have the potential to lead to unfair results. In a sense, justice is the loftiest goal pursued by the law.

Legislators and law enforcers should therefore stay committed to the cause of justice and act according to the principles of justice when legislating or enforcing laws. In the case of the management of mobile street vendors, however, the difference in the legislation adopted by different local governments and the philosophy of fuzzy governance extolled by governments have combined to result in unjust treatment suffered by vendors. Cases of this type abound in recent years as city management officials repeatedly resort to violence when enforcing laws and illegally collecting fees from vendors. Such misconduct on the part of the law enforcers has made the basic survival needs of mobile street vendors as vulnerable groups hard to be fulfilled. Ways to better protect mobile street vendors with justice brought forth by law and to settle the conflict between vendors, lawmakers, and law enforcers have thereby become an issue worth noting.

2.3 Rights Granted to Mobile Street Vendors

Operating Rights

Though operating rights are not enshrined in the Constitution of the People's Republic of China as fundamental rights, evidence can be found that operating rights are important rights enjoyed by mobile street vendors. China respects and protects human rights, the manifestation of which is the objective legal affirmation of the individual as the subject of rights as well as the respect for the basic independence and dignity indispensable for one to live as a human being [4]. On this basis, Article 42 of the Constitution of the People's Republic of China stipulates that the state has an obligation to protect its citizens' labor rights and create employment opportunities for its citizens in multiple ways. But the reality is not as rosy as the vision created by law. According to the National Bureau of Statistics of China, China's surveyed urban unemployment rate was 5.8% by the end of March 2022. Since it's known to all that employment is pivotal to people's well-being, guaranteeing employment has to be the government's top priority when the market is unfavorable to job seekers. As street vending is becoming the job choice of an increasing number of people with its mobility and flexibility, acknowledging the legitimacy and legality of mobile street vendors can be an important step forward in the protection of operating rights.

The Right to Existence

Article 25 clause 2 of the Universal Declaration of Human Rights stipulates that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, medical care, and necessary social services." Article 33 of the Constitution of the People's Republic of China also points out that in China, human rights are respected and protected by law. Paramount

among the rights that fall under the category of human rights, the right to existence can be understood as the combination of the right to life and the right to health. The daily operational activities of mobile street vendors are hence the exact practice of exercising one's right to existence. As descriptions of mobile street vendors can be found in ancient Chinese literature, it can be learned that the humble street vendors who move from place to place carrying their wares on carts have been making their living in a legal way since ancient times.

3 Dilemma in the Management of Mobile Street Vendors

3.1 Deficiency in Legislation

At the level of administrative legislation, the rights which should be enjoyed by mobile street vendors are not guaranteed. For example, Article 19 of the Regulations of Tianjin Municipality on the City Image and Sanitation stipulates that "it is forbidden to occupy roads or public areas without authorization to engage in business activities including street vending, production, processing, repair, motor vehicle cleaning, and catering." With the stereotype they have about mobile street vendors, urban management officials usually show mild or strict disapproval of the vendors' business, which has further violated the vendors' legitimate rights to make use of urban space. Additionally, the administrative decision-making process concerning the management of mobile street vendors has failed to allow for the participation of the public. Policymakers have frequently ignored the legitimate interests enjoyed by mobile street vendors and have seen the vendors as their opponents. Moreover, flaws and deficiencies have also been exposed in practices, which include the lack of access to public participation, the lack of participation guarantee, poor enthusiasm for participation on the part of relevant parties, and the fact that the work of soliciting administrative decision-making opinions has been reduced to mere propaganda. In the above-mentioned situations, decisions made by the government for the management of urban street vendors are generally not able to resolve the needs and complaints of relevant parties, and the rules set by the government have often failed to take into consideration the legitimate rights of mobile street vendors and ordinary citizens. The consequence of this is that mobile street vendors in urban areas as well as some ordinary citizens have little understanding of administrative decision-making and hence tend to disagree with the measures taken by law enforcers. In this case, a host of problems, which include the worsening of public opinion of the government, the erosion of public faith in government and society, conflicts between ordinary citizens and the government, and poor governance effectiveness, will inevitably emerge.

3.2 Deficiency in Law Enforcement

Imperfect Law Enforcement System

With the status quo of law enforcement in China as well as the constraints brought about by a host of issues including legal factors, institutional factors, and individual factors, the right of discretion typically connotes arbitrariness, vagueness, and concealment, which

can in turn highlight the injustice, unfairness, and lack of norms and transparency in the law-enforcing work of urban management officials [5]. In the case of the management of mobile street vendors in urban areas, the absence of a practical assessment and supervision system for law enforcement officials is likely to lead to a deviation from the norm and cause harm to social order. Obviously, the anarchy in law enforcement practices can hardly have a positive impact on the status quo of law enforcement in China and can even hinder the management of mobile street vendors. Similarly, unqualified law enforcement officials can also seriously harm public faith in law enforcement departments, hence contributing to the formation of a vicious circle characterized by the lack of effectiveness in law enforcement.

Unqualified Law Enforcement Officers

The word “Chengguan” in Chinese is widely known as the Bureau of Urban Management and Law Enforcement. A series of defects in the present legal system for urban management have been exposed, which include the imperfection of the comprehensive law enforcement system for urban management, the lack of transparency in detailed planning, and the vagueness of law enforcers’ power boundaries. Additionally, given the limited administrative establishment as well as the multitudinous government affairs, departments for urban management tend to recruit a team of urban coordinators to work as law enforcers for the government. The legal status and terms of reference of the recruited urban coordinators, however, are often vague, and there can be no clear subjects held accountable if accidents occur. Moreover, some local governments have failed to establish labor relations with the recruited urban coordinators in accordance with the relevant provisions in the Labor Law of the People’s Republic of China and the Labor Contract Law, and the recruited urban coordinators can also be poorly educated and have little legal awareness. The above-mentioned problems have led to greater anarchy in the law enforcement system. The power of law enforcement for urban management comes from the relatively centralized administrative penalty right as well as the administrative coercive power stipulated in the Administrative Punishment Law. Urban coordinators who are not qualified for law enforcement have therefore struck citizens as rude and arrogant and have received a lot of criticism due to the unsatisfactory work they have performed. The unqualified urban coordinators, with the dissatisfaction they have stirred, can cause a further collapse of public faith in the government.

4 Root Causes of the Dilemma in the Management of Mobile Street Vendors

4.1 Conflict of Interests Between Multiple Parties

Conflict of Interests Between the Government and Mobile Street Vendors

Fuzzy governance, as a governance strategy applied commonly by the government in the public domain, is a public administration model characterized by “flexibility in interpretation”, “ambiguity”, “ambiguous attitude”, “incoherence” and “inconsistency”. The characteristics of fuzzy governance are displayed in governance mechanisms and

policy tools (including strategies for action) [6]. At the root of the conflicts between the government and mobile street vendors in urban areas are disputes over the use of urban space. The government, as the chief manager of a city, possesses the power to decide on issues concerning urban spatial planning and is responsible for a wide range of administrative tasks including maintaining the city's image, traffic order, sanitation and attracting investments. Conflicts of interest have therefore arisen between the government and mobile street vendors. Based on the concept of fuzzy governance, local governments in China have mainly adopted two types of measures against mobile street vendors in urban areas, one of which is "selective law enforcement". Law enforcement departments and officials with the power of discretion can exercise their power freely within a certain scope, the result of which is that law enforcement departments and officials may take different actions when facing different subjects, hence jeopardizing the fairness of the law. The second type of measure is "law enforcement campaigns", which refers to large-scale law enforcement activities conducted by relevant authorities against mobile street vendors in urban areas. In this regard, owing to the stress brought about by the administrative tasks which the government has to fulfill, some local governments tend to show a "zero-tolerance" attitude towards the management of mobile street vendors, hence adopting approaches including "special governance" and "unexpected inspection" or formulating specific strategies such as excessively rigorous local laws and regulations to deal with mobile street vendors.

Conflict of Interests Between Investors and Mobile Street Vendors

Given the pursuit of a favorable business environment by store investors and operators as well as the problems related to the homogeneity of goods, store investors and operators often argue that mobile street vendors have negatively influenced the image of their stores and have disrupted the market, thereby making it difficult for their stores to make expected profits. The interests of store investors and operators are therefore also in conflict with that of mobile street vendors, and mobile street vendors are more vulnerable in this case as store investors tend to predominate the market with abundant capital. Considering the fact that store investors play a more prominent role in creating social wealth and boosting employment than other business entities do, the government can pay more attention to the needs of the investors and is likely to set rules to restrict the use of urban space by mobile street vendors. Under the joint oppression of store investors and the government, mobile street vendors are forced to compromise and face higher barriers to entry. This will not only lead to higher operating costs for mobile street vendors but will also filter out the vendors who don't have enough money for starting a business, hence contributing to the breeding of illegal business practices. Meanwhile, the government usually takes a series of approaches, such as making vendors bid for booths or distributing booths through lot drawing, to convert the conflict of interests between the government, investors, and mobile street vendors into a conflict of interest based on the competition among vendors. This has further reduced the living space of mobile street vendors.

4.2 Psychological Factors

Rebelliousness of Mobile Street Vendors

The illegal operation of most mobile street vendors is meant simply for satisfying their basic needs in life such as food and clothing. As a result, mobile street vendors in urban areas usually don't have high moral standards – they focus on earning their lives through dutiful operations and believe that they can do anything as long as they don't participate in illegal activities. Therefore, mobile street vendors often show strong rebelliousness towards law enforcement officials and relevant practices. Moreover, with their poor legal awareness, the vast majority of mobile street vendors are inclined to evade law enforcement officials, and sometimes they can even resort to violence when dealing with law enforcers, which can easily lead to accidents. Apart from this, due to a wide variety of reasons, the education offered by law enforcement departments to mobile street vendors is generally deficient. The law enforcement departments usually inform the vendors only of the business activities that are banned, and sometimes, the officials simply show the vendors relevant policies without explaining them. When it comes to the specific approaches to education, law enforcement officials generally adopt methods that are not persuasive enough, such as oral education or the distribution of leaflets, which can hardly help mobile street vendors overcome their rebelliousness.

Ordinary Citizens' Biased Thinking

Mobile street vendors in urban areas are usually laborers of the lowest class. As a vulnerable group in society, the vendors often have no choice but to submit when facing the unfair treatment of law enforcers and can hardly rebel to protect their legitimate rights. Moreover, as certain views have been widely accepted in China's society, the vendors occupy a moral high ground in public opinion. In the meantime, urban residents have become accustomed to shopping near their residences or shopping in the stalls with which they are familiar. Given this, citizens are more inclined to speak in favor of mobile street vendors. In contrast, as the government tends to ignore the guidance offered by public opinion, negative news related to the management of mobile street vendors in urban areas has been circulated in a large number of We media accounts, and there are even numerous videos featuring law enforcers using violence or being rude when dealing with mobile street vendors. Such negative news, after being exaggerated by We media, will lead to people's blind affinity for mobile street vendors. Under this circumstance, it is difficult for most public relations departments to make swift responses, which can cause the negative news to be spread more rampantly. The result of this is that mobile street vendors can have the full sympathy of the public, which can make it difficult for the government's work to achieve the desired effect.

4.3 Absence of Public Participation

Currently, the local administrative decision-making or legislation process is plagued by an absence of a system that can ensure the involvement of and feedback from the public and can hold the public responsible during the whole process. Not only is the decision-making process not transparent enough, but there is a lack of an effective mechanism for

guaranteeing active public participation in local decision-making. The data shown below are obtained through the analysis of 22 provincial-level legislative regulations: eastern China sees the largest number of provinces where legislative provisions are based on the scientific allocation of legislative responsibilities. The five provinces where such practices have been adopted are Beijing, Shanghai, Tianjin, Guangdong, and Jiangsu. Central China sees three provinces where the same legislative practices have been adopted, and the provinces in question are Hebei, Henan, and Shandong. In contrast to this, western China sees the smallest number of provinces where the same legislative practices have been adopted, and the provinces in question are Guizhou and Chongqing [7]. It is obvious that there is a severe lack of democracy in local public participation and public opinion solicitation. Additionally, in the management of mobile street vendors in urban areas, vendors as important stakeholders involved in the process are generally poorly educated and have poor legal awareness as well as insufficient awareness of their rights. Moreover, given that mobile street vendors are always busy earning a living, they are typically not willing to engage in direct and active public participation. This has in turn thwarted the protection of mobile street vendors' interests which the business regulations formulated by local governments have failed to take into consideration. Moreover, the vendors' unwillingness to participate can also cause an absence of a real and reliable data source for the improvement of governance practices as well as the increase in democracy and legitimacy in decision-making and legislation.

5 Policy Recommendation: The Licensing and Penalty Points System

“One who governs with virtue is like Polaris, which gathered all other stars by staying in its own place.” The notion of governance based on virtue has been existing for thousands of years, but the connotation of the term has been constantly renewed. These days, the spirit of governance based on virtue is embodied in what is commonly called flexible governance. Flexible governance is “people-centered governance with power shared by multiple parties”; it is a governance system based on collaboration, participation, and shared benefits. This is why flexible governance can be viewed as the best approach to the management of mobile street vendors. But in the case of the management of mobile street vendors, the current governance system is still deficient despite the central and regional government's efforts to improve legislation and law enforcement. In some places, for example, the government's discretionary powers are abused, which has led to unfairness in the treatment of certain affairs. In other places, the law enforcers resort to coercive measures including hunting down street vendors and enforcing confiscation or bans. Such approaches have failed to yield satisfactory results as “the banned practices can always resurface” [8]. Governance in still other places is marked by a severe lack of consistency as it is based excessively on raids or law enforcement campaigns. Such “hide-and-seek governance” can result in the law enforcers' inability to discover violations of laws or rules. The above-mentioned cases have, for one thing, impaired the contribution of law to order, justice, and protection of people's right to existence and business rights, and for another, failed to contribute to progress in the management of mobile street vendors and threatened to erode public faith in government. Given the situation, the government

has to reconsider its management model, switch to flexible governance, and adopt the licensing and penalty points system for better management of mobile street vendors.

5.1 The Penalty Points System

A review of the previous cases reveals that the penalty points system has yielded similarly satisfactory results in numerous fields despite the differences in approaches. For instance, while significantly improving the quality of design, the switch of the management system for engineering design from the traditional audit-approval system to the personnel order-grabbing system as well as the points system [9] has greatly improved the efficiency of examination and approval. Moreover, in view of the harm of students' poor self-control, secondary vocational schools have implemented bonus-record systems and penalty points systems for class management [10] to improve students' self-discipline and boost their enthusiasm for learning. Similarly, Xiangtan Central Hospital of Hunan Province has also adopted the cumulative point-record system to better manage its staff [11].

From the list of cases where the effect of the penalty points system has been proved, it can be learned that the system has the potential to be applied to numerous other situations including the management of mobile street vendors. The points system that has been applied to the management of traffic safety is also applicable to the management of mobile street vendors. According to the severity of the offense, violations of relevant rules or laws committed by mobile street vendors can be classified into three types, namely minor offenses, moderate offenses, and severe offenses. Minor offenses include the failure to hang in prominent places the vendor information card or the employees' health certificates; moderate offenses include poor hygiene practices and the occupation of blind tracks or other common areas. Severe offenses include the use of additives banned by the state, involvement in unfair competitions marked by malicious underpricing, and the act of concealing, lying about, or not reporting in time what needs to be reported as well as concealing, falsifying, or destroying relevant evidence. With the legislature taking the lead and the participation of all the parties involved, points are deducted in accordance with the severity of violations, and the records of violations and penalties have to be made public. At the same time, to ensure prudent and legitimate use of power by law enforcers, a strict and implementable set of rules for the evaluation of law enforcers' work has to be established. The penalties made to law enforcers who have committed violations of the rules also have to be made public, and a robust traceability system has to be built.

Despite the above-mentioned punitive measures, mobile street vendors' right to existence and operating rights have to be taken into account during the process of law enforcement, and priority should be given to education rather than to punishment if the spirit of flexible governance is to be incorporated into the management of mobile street vendors. Given that, attention has to be paid to the following issues during the process of law enforcement. First, hefty fines are not recommended for dealing with mobile street vendors, and the punishment received by vendors should be made up mainly of the deduction of points, which can serve as a timely warning for those who have violated relevant regulations. Second, in the management of mobile street vendors, the emphasis should be more on education and supervision and less on punishment. Vendors who

have violated relevant business regulations should be faced with closer supervision and stricter education rather than harsh punitive measures. Third, a reasonable points-record cycle has to be set to make room for mistakes and negligence on the part of the vendors. The first points-record cycle can be the year starting from the completion of the initial business registration, and within a cycle, the points are deducted cumulatively. If the deducted points don't amount to a certain threshold at the end of a cycle, the deducted points will become invalid in the next points-record cycle; if the total deducted points reach the threshold, the business licenses of the vendors in question have to be suspended by relevant departments, and the vendors can continue their business only after they complete the education programs held by relevant departments and industry associations. Fourth, to facilitate the sharing of governance among multiple parties and help relevant interest subjects voice their legitimate demands, a platform for communication between the government and mobile street vendors has to be set up by relevant government departments and industry associations, and a system for dealing with vendors' feedback and complaints has to be established [8].

5.2 The Licensing System

In some places, the currently prevailing operation permit system has been found overly rigorous and not cost-effective. To improve the system for the management of mobile street vendors as well as put the idea of flexible governance into practice, the following suggestions can be adopted. First, the registration and filing system for the management of vendors has to be fully implemented. Vendors can start their business after completing registration at nearby market management stations, and information that has to be recorded includes operating hours, business locations, and types of business. After the filing of the information is completed, the vendor information card has to be put up in prominent places. The card has to present information including registration information and penalty records. Second, in view of the mobility and flexibility that characterized the work of mobile street vendors, ordinary residents can scan the QR code attached to the vendor information card to make anonymous complaints or offer feedback. Those who make malicious complaints repeatedly will be blacklisted or banned from offering feedback. Third, the feedback platform for vendors' affairs should allow for mass discretion, which enables ordinary residents to scan the QR code attached to the information card to figure out whether the punishment is fair or give their own suggestions on the handling of the cases. The feedback and suggestions gathered this way will serve as an important source of public opinion for the reference of relevant authorities. In addition, as is stated in "Penalties for Unlicensed Business Operations", there are two cases where vendors' failure to complete business registration doesn't constitute any violation of regulations. First, in times and places designated by the local government at or above the county level, the selling of agricultural products, agricultural by-products, and daily necessities or involvement in legal labor activities for the convenience of local residents where no permit is required doesn't constitute unlicensed operation. Second, in accordance with laws, administrative regulations, and decisions of the State Council, engagement in business activities where registration or the permit to operate is not required doesn't constitute unlicensed operation. Mobile street vendors who buy raw materials or ingredients from the stores involved in the above-mentioned two cases may face a situation

where the stores are not able to present their business licenses or permits to operate. In this case, the legitimacy of the vendors' business operation has also to be decided by ordinary residents. The opinions of ordinary residents can serve as an important source of support for the handling of specific cases, thereby contributing to fair governance based on fair law and justice.

6 Conclusion

To sum up, firstly, a comprehensive policy system should be implemented for better management of mobile street vendors. China's previous experience in urban management implies that mobile street vendors are not "sinners" who have worked to disrupt the market order or spoil the images or sanitation of cities but active economic drivers who symbolize "the vitality of China". Mobile street vendors are the epitome of entrepreneurial spirits, and they have also set a good example for job seekers by earning their own living with their own labor. Secondly, relevant authorities should strengthen the publicity and education aimed at relevant parties to guide public opinion and create a favorable environment for governance. Thirdly, while managing mobile street vendors, relevant authorities should adhere to the concept of people-centered and scientific development and mobilize all social groups to actively participate in the management and supervision of mobile street vendors. More importantly, urban law enforcers should improve their legal awareness and stringently abide by the regulations concerning the exercise of power to ensure legitimate urban governance.

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