

A STUDY ON THE ACTION MECHANISM OF CONSERVATION LAWS AND POLICIES FOR HISTORIC TOWNS AND VILLAGES IN CHINA*

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Abstract: *In the past 30 years, the conservation of historical and cultural towns and villages in China has greatly developed. On the one hand, this paper reviewed the development, laws and policies system, and action mechanism of the conservation of historical and cultural towns and villages. First, the development of the conservation can be divided into three stages: the beginning stage, the national level conservation stage, and the legal system construction stage. Second, in policy respect, a policy system basing on two laws one ordinance was introduced, including 2 national laws, one national ordinance, several ministerial rules and regulations and over 100 local policies. Third, in conservation mechanism respect, a system of policies was introduced, including historical and cultural towns and villages application and approving, conservation planning, administration and financial support. On the other hand, shortages in the conservation were indicated. First, there is lack of ministerial and local policies focus on towns and villages. Second, there are too many administrative government departments and the conservation efficiency is low. Third, there is lack of sustainable development guidance, such as economy, society, population and culture. And these are the fields to be improved.*

Keywords: historical towns and villages, conservation laws and policies, action mechanism,

1 The development of historical towns and villages conservation in China

1.1 The beginning stage (1986-2002)

The first policy mention the protection of historical towns and villages was made in 1986(Zhao and Wang, 2014). Before that, the protection of historical and cultural cities towns and villages were under the Cultural Relics Protection Law of the People's Republic of China, which was established in 1982(Chinese-People's-Congress, 1982). With the pronouncement of the second batch of historical and cultural cities, the national government suggested establish History and Culture Preservation Districts to protect historical and cultural towns and villages, and set up two selection conditions, which were concentrated historical relics, and reflecting certain historical stage's ethnic and regional characteristic completely. From then on, the work of provincial grade historical and cultural towns and cities selection started. In 1991 Zhejiang Province pronounced the first batch of provincial grade historical and cultural towns, including 15 towns. In 1995, Jiangsu Province

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pronounced the first batch of provincial grade historical and cultural towns, including 4 towns. In 1999, Zhejiang Province Historical and Cultural Cities Protection Ordinance(Zhejiang-Government, 1999) was made, including the details of History and Culture Preservation Districts .

1.2 The national level conservation stage (2002-2007)

The first national grade historical and cultural towns and villages selection started in 2002(Construction-Ministry, 2002). And the <National Historical and Cultural Towns (Villages) Evaluation Standard> was made at the same time, including three major evaluation fields, the degree of original conservation, the scale of current situation, and the certification of value and characteristics.

Table 1 Number of National Historical and Cultural Cities Towns and Villages Approved each Year

	1982	1986	1994	2001	2003	2004	2005	2007	2008	2009	2010	2011	2012	2013	2014
Historical and Cultural Cities	24	38	37	2		1	1	7	1	1	6	2	4	2	
Historical and Cultural Towns				10		34	44	58		38					71
Historical and Cultural Villages				12		24	36	36		61					107

The first batch of national grade historical and cultural towns and villages was pronounced in 2003, 21 years after the pronouncement of historical and cultural cities (Table 1). Although started late, the number of national historical and cultural towns and cities increased quickly in the following years (Figure 1).

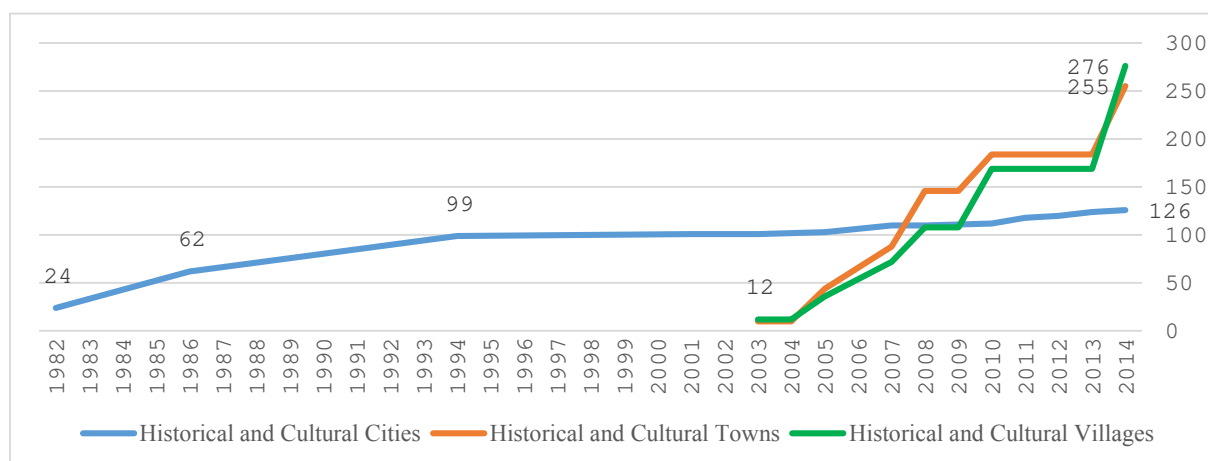


Figure 1 Number of National Historical and Cultural Cities Towns by Year

1.3 The legal system construction stage (2008-)

Urban and Rural Planning Law of the People's Republic of China implemented in 2008 (Chinese-People's-Congress, 2007), replaced Urban Planning Law of the People's Republic of China (Chinese-People's-Congress, 1989). It means the importance of rural area including towns and villages was noticed. In the same year, Historical and Cultural Cities Towns and Villages Protection Ordinance implemented (Chinese-Government, 2008). Together with Cultural Relics Protection Law of the People's Republic of China the legal system of two laws and one ordinance was established.

Also in 2008, the number of National Historical and Cultural Towns overtook it of National Historical and Cultural Cities, and in 2010, the number of National Historical and Cultural Villages overtook it, too (Figure 1). And the numbers are still increasing quickly now.

2 Major laws and policies for historical and cultural towns and villages

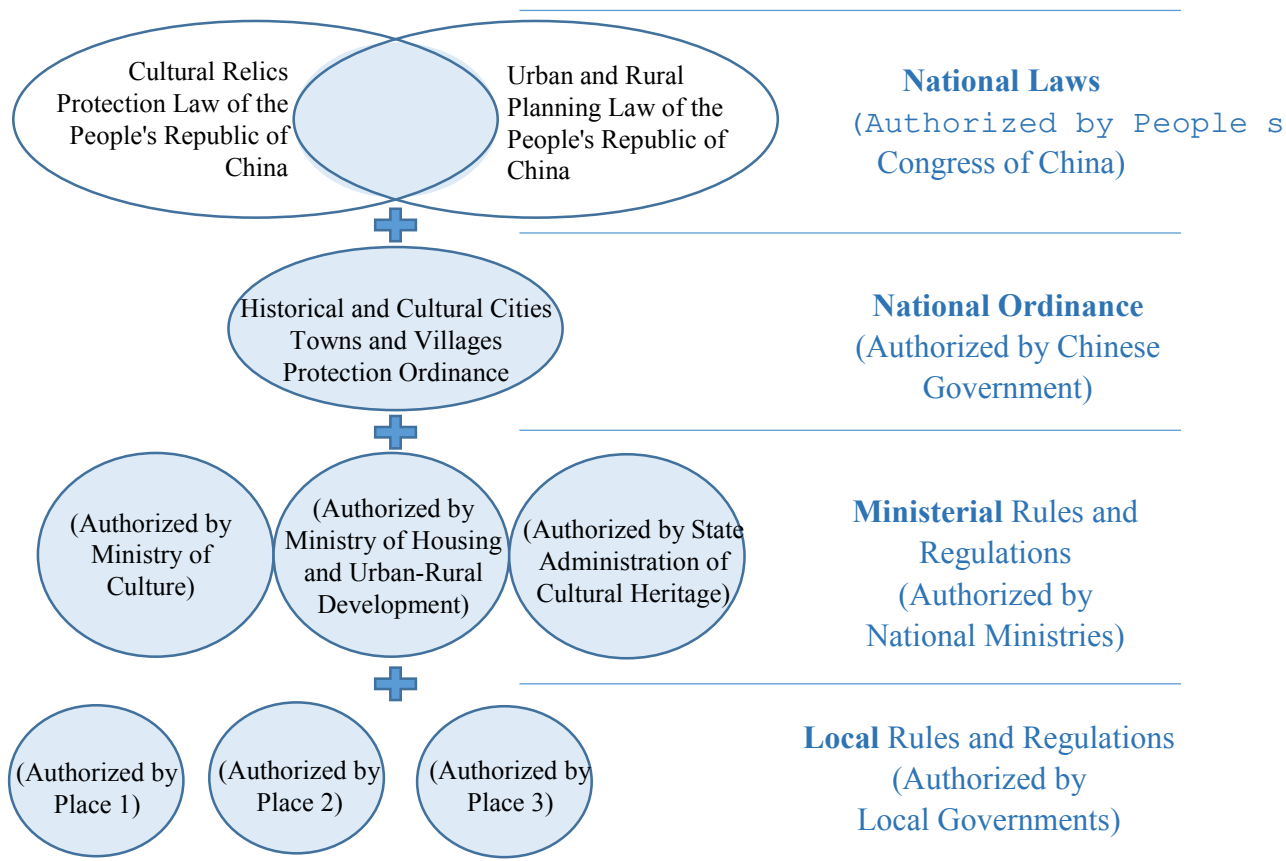


Figure 2 Structure of Major Laws and Policies for Historical Towns and Villages

There are mainly four levels of law and policies for historical and cultural towns and villages, including

two national laws, one national ordinance, several ministerial rules and regulations and many local rules and regulations (Figure 2). Among them, national laws and ordinance are the most important three ones, known as two laws one ordinance, including Cultural Relics Protection Law of the People's Republic of China (Chinese People's Congress, 2013), Urban and Rural Planning Law of the People's Republic of China and Historical and Cultural Cities Towns and Villages Protection Ordinance. Laws and regulations are always made under the guide of two laws one ordinance.

2.1 National laws

There are two laws concerning historical and cultural towns and villages, The Cultural Relics Protection Law of the People's Republic of China, and the Urban and Rural Planning Law of the People's Republic of China.

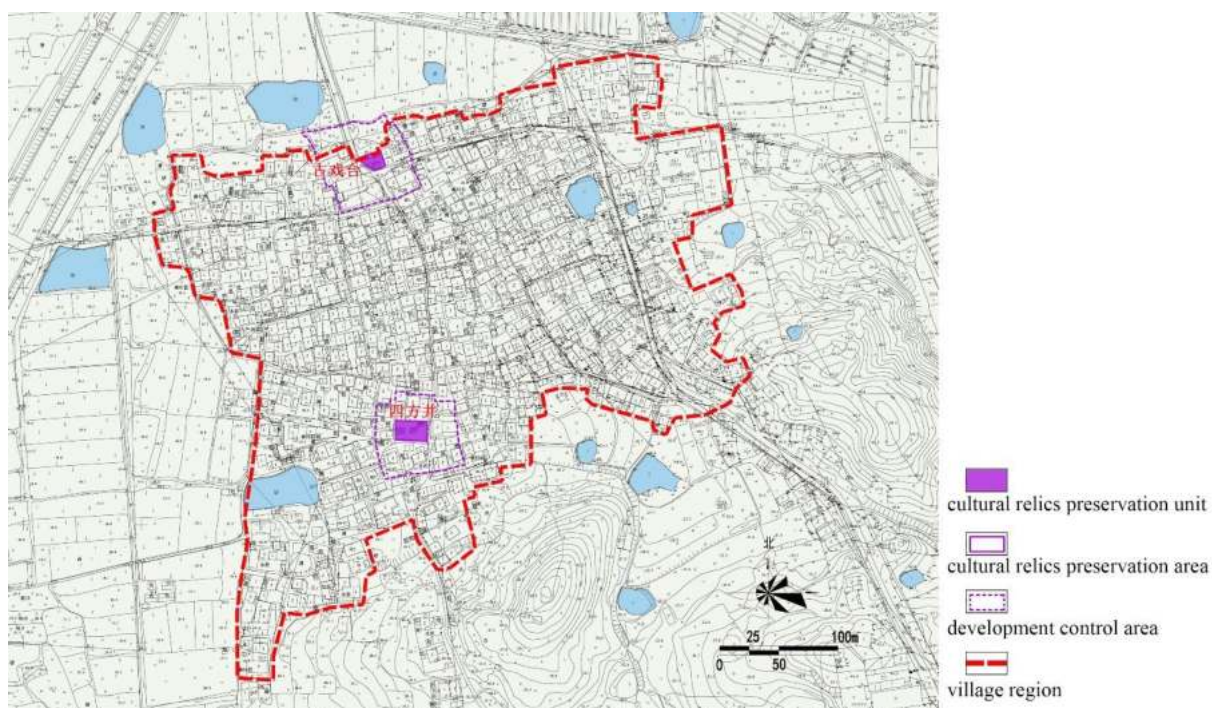


Figure 3 the Cultural Relics and Village Region of Dou Village in China

The two laws have different objects and focuses, like an example shown in Figure 3. The Cultural Relics Protection Law of the People's Republic of China focuses on and protects the most valuable cultural relics, which are always single buildings distributing separately. The Rural Planning Law of the People's Republic of China controls the planning and development of the whole towns and villages, and in all seventy provisions, there are four mentioning the protection of historical and cultural cities, towns and villages.

2.2 National ordinance

Historical and Cultural Cities Towns and Villages Protection Ordinance is the most important policy that focuses on historical and cultural cities towns and villages. It indicates application and approving, conservation planning and conservation measures of historical and cultural cit

2.3 Ministerial rules and regulations

Table 2 Major Rules and Regulations Authorized by State Ministries (Qiu, 2014)

Authority	Rules and Regulations	Date of Issue	Objects
Ministry of Culture of the Peoples Republic of China	Measures for Repairing Project Administration of Memorial Buildings Historic Buildings and Cave Temples	12 Jul. 1986	Memorial Buildings Historic Buildings and Cave Temples
Ministry of Housing and Urban-Rural Development of the People s Republic of State Administration of Cultural Heritage	Requirements for Protection Plan of Historical and Cultural Cities	05 Sept. 1994	Cities
Ministry of Culture of the People s Republic of China	Measures for Administration of Cultural Relics Protection Projects	17 Mar. 2003	Cultural Relics
Ministry of Housing and Urban-Rural Development of the People s Republic of China	Measures for Administration of City Purple Lines	15 Nov. 2003	City
State Administration of Cultural Heritage	Requirements for Protection Plan Compilation of the Cultural Relics under State Protection	21 Jul. 2005	Cultural Relics
State Administration of Cultural Heritage	Measures for Compilation Examining and Approving of the Protection Plan of the Cultural Relics under State Protection	21 Jul. 2005	Cultural Relics
State Administration of Cultural Heritage	Measures for Application Examining Approving and Administration of the Protection Project of the Cultural Relics under State Protection	17 Jan. 2014	Cultural Relics

National ministries also made relevant rules and regulations. There are 7 major ones made by 3 national ministries, (Table 2) including Ministry of Housing and Urban-Rural Development of the

People's Republic of China, State Administration of Cultural Heritage, and Ministry of Culture of the People's Republic of China.

2.4 Local rules and regulations

There are at least 120 local rule and regulations about historical and cultural cities towns and cities. (Qiu, 2014) and there are 6 about historical and cultural villages and 5 about historical and cultural towns (Figure 4).

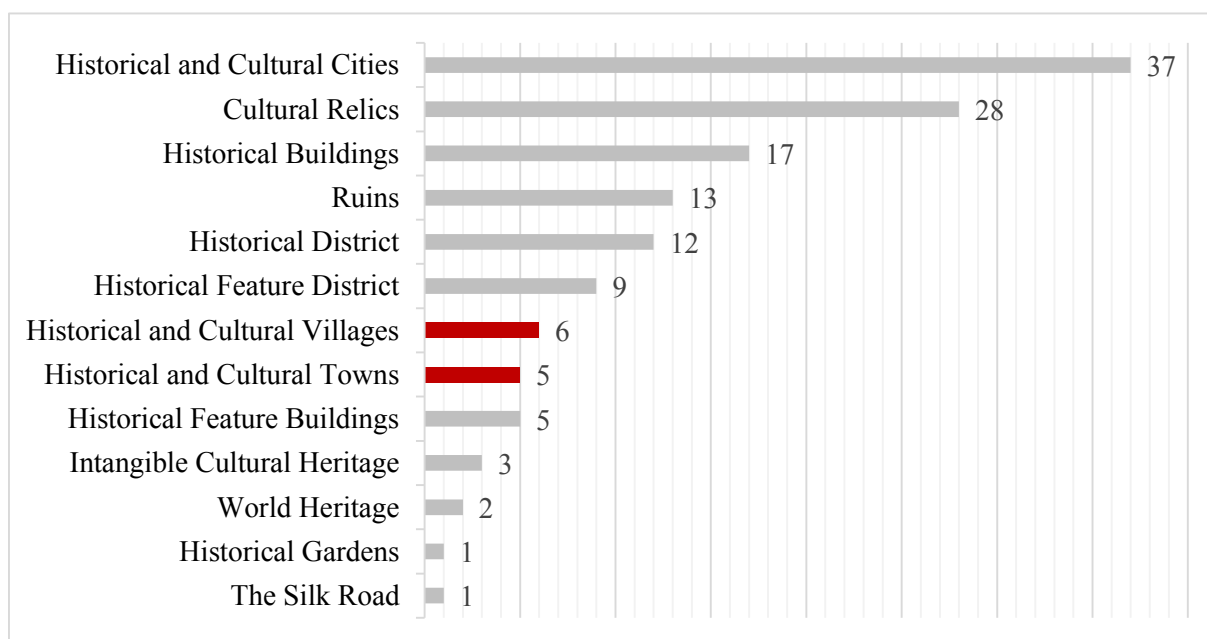


Figure 4 Number of Local Rules and Regulations about Different Objects

3 Conservation mechanism of historical towns and villages

3.1 Application and approving of historical towns and villages

There are at least two steps for a town a village to be certificated as a national grade historical and cultural town or village (Figure 5). First, the application for historical and cultural towns and villages should be made by the County Government, and the decision-making power belongs to the Provincial Government. Once approved, the town or village will be pronounced provincial level historical and cultural town or city. Second, the development and cultural relics departments will select from provincial level historical and cultural towns and villages, choose the ones with great historical, artistic and scientific value, and pronounce them national level historical and cultural towns and cities. In addition, some local governments make their own policies, and there might be municipal historical and cultural towns and villages.

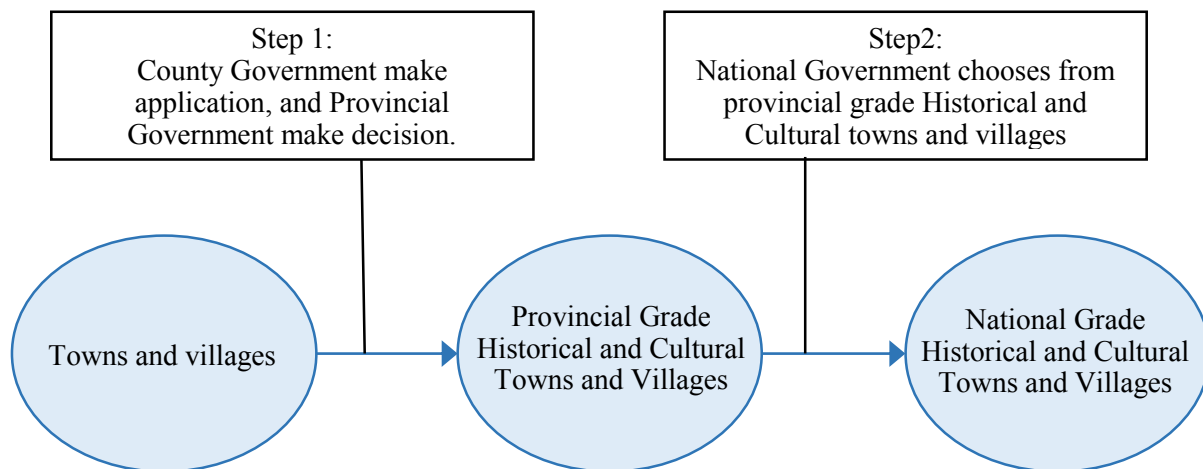


Figure 5 the Minimal Steps to Become a National Grade Historical and Cultural Towns and Villages

Five materials are required in the application (Chinese-Government, 2008). First, evolution history, local characteristics and historical and cultural introduction. Second, traditional construction layout and historical features present situation. Third, protection region. Fourth, list of unmovable cultural relics, historical buildings and historic conservation district. Fifth, the situation, destination and demand of conservation.

3.2 Conservation planning of historical towns and villages

Once pronounced historical and cultural town and village, a conservation planning is required, including five main parts (Chinese-Government, 2008). First, principles objects and region of conservation. Second, conservation measures developing intensity and construction control demand. Third, the conservation demands of traditional construction layout and historical features present. Fourth, the core protection region and development control area of historical and cultural cities towns and village. Fifth, phased implementation program of conservation plan.

Although the conservation plan is demanded to be made after a town or city pronounced historical and cultural town or village, almost all towns and villages make their conservation plans before application. There might be two reasons. First, according to National Historical and Cultural Towns and Villages Evaluation Index System(MOHURD-SAOCH, 2010), an application material with a conservation plan can get 3-8 more points (full score 100 points), depending on the implementation situation of the conservation plan. Second, the materials required during application and the demands of conservation plan are quite similar, as can be seen in Figure 6, and a conservation plan can be easily made meets the requirement of application materials.

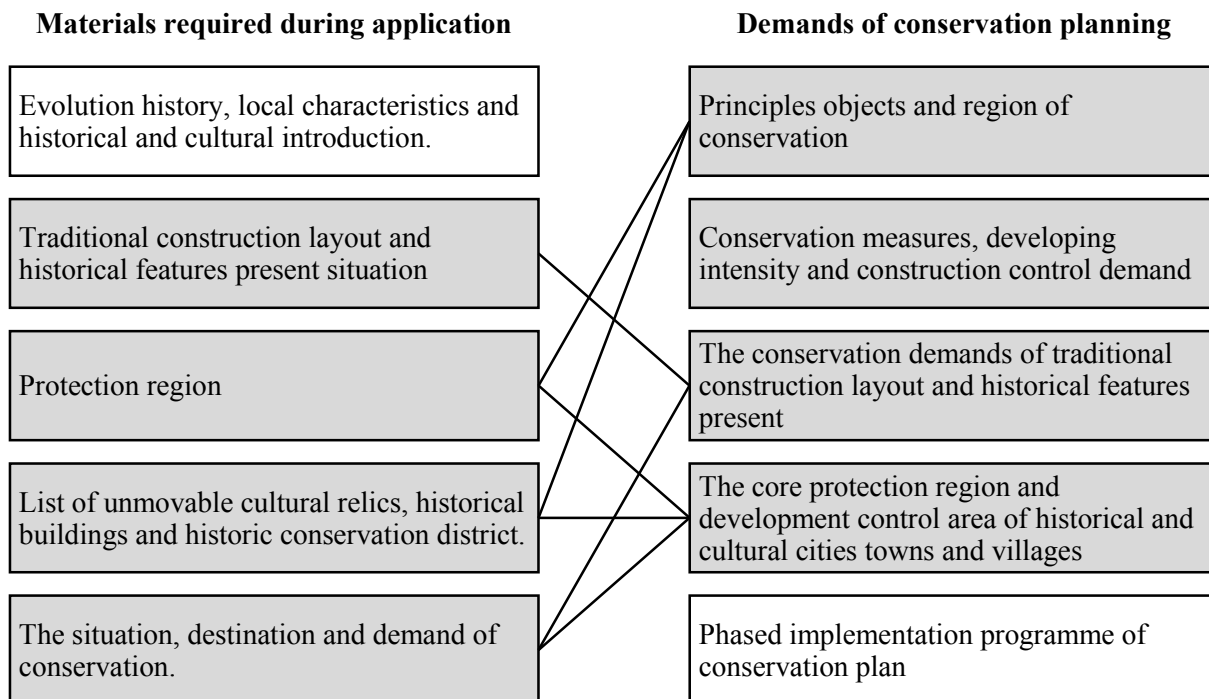


Figure 6 Comparison between Materials Required during Application and Demands of Conservation Planning

3.3 Administration of historical towns and villages

Table 3 Conservation Subjects and Major Responsibility Basing on <Historical and Cultural Cities Towns and Villages Protection Ordinance>

Conservation Subject Type	Conservation Subjects	Major Responsibility
National Government	Ministry of Housing and Urban-Rural Development of the People s Republic of State Administration of Cultural Heritage	Conservation Supervision Administration
Local Government at Each Level	Provincial Government	Conservation Supervision Administration
	City Government	Conservation Supervision Administration
	County Government	Conservation Supervision Administration
	Town Government	Conservation Supervision Administration
	Village Government	Conservation Supervision Administration

At the national level, according to <Historical and Cultural Cities Towns and Villages Protection

Ordinance>, the Ministry of Housing and Urban-Rural Development of the People's Republic of China and State Administration of Cultural Heritage are both in charge of historical and cultural cities, towns and villages conservation, supervision and administration. Expert Committee of Historical and Cultural Cities, Towns and Villages Conservation(MOHURD, 2007) was founded by both the two government departments in 1996.

At the local level, once a city is pronounced national grade historical and cultural city, the municipal government will usually appoint a leading department in charge of the conservation, such as cultural relics department or planning department. Some cities establish special expert committees, directly subordinate to the municipal government, or subordinate to the cultural relics department or planning department.

For provincial grade historical and cultural cities, towns and villages, there are not specialized organizations, the conservation work is always done by the cultural relics department or planning department.

3.4 Funding for the conservation of historical towns and villages

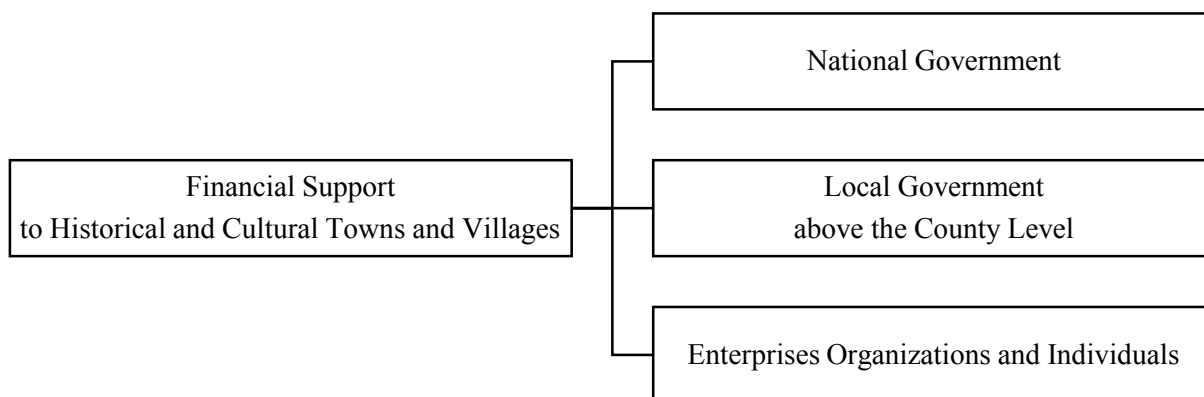


Figure 7 Financial Support Sources to Historical and Cultural Towns and Villages

According to <Historical and Cultural Cities Towns and Villages Protection Ordinance>, the main sources of financial support to historical and cultural towns and villages include three parts: firstly the national government, secondly the local government, and thirdly enterprises, organizations and individuals, as can be seen in Figure 7.

There is a different between the first two sources and the third source. To the national government and local government, financial support is put on them as a responsibility by <Historical and Cultural Cities Towns and Villages Protection Ordinance>. To enterprises, organizations and individuals, financial support is non-obligatory. Enterprises, organizations and individuals are encouraged to make a financial support, while no specific ones are forced to do it.

As can be seen in Table 4, basing on the financial support from the notional government and local government, various experiments have been adopted to develop financial support sources from enterprise, organizations and individuals(Qiu and Feng, 2014).

Table 4 Cases of Financial Support Experiments from Enterprises Organizations and Individuals

Year	Place	Practice
2006	Wuxi City	The first foundation for the protection of cultural heritage was founded. And 24.8 million Yuan was collected in the first time.
2002	Suzhou City	Enterprises, organizations and individuals are encouraged to buy or hire historical buildings(Suzhou-Government, 2002), and those who conserve historical buildings well will get reward.
1997-2002	Xian City	Cooperation were adopted with United Nations, Japan and Norway. International technological and financial supports were used on historical building conservation.
Last 10 years	Shaoxing City	Multi Dimension Mechanism of Conservation, collecting money from government, citizen, enterprise and bank, has collected 14 billion Yuan in the last 10 years.
2002	Lijiang City	Financial support from Global Heritage Fund was received, helping the heritage to go to the world with the financial support from the world.

4 Problems in conservation mechanism of historical towns and villages

4.1 Lack of ministerial and local policies focus on towns and villages

Although the importance of historical and cultural towns and villages has been noticed, there is still lack of ministerial and local policies for towns and villages. The number of national historical and cultural towns and villages is much more than it of cities, and the increasing speed has not slowed down yet. However, the laws and policies of towns and villages are much less than them of cities, especially on ministerial level and local level. Among the seven relevant ministerial rules and regulations (Table 2), there are four focus on cultural relics, two focus on cities, and one focuses on buildings, but no one focus on towns or villages. Among 120 local rules and regulations (from 31 Provinces, autonomous regions and municipalities directly under the central government) (Figure 4), there are only six focus on villages and five focus on towns. It means that most local governments don't have rules or regulations focus on towns and villages. The governance of towns and villages still relays on the policies of cities.

4.2 Low efficiency with too many administrative government departments

There are too many administrative government departments in charge of the conservation work, and it

leads to low efficiency. On the one hand, the administrative government departments are too many. According to Historical and Cultural Cities Towns and Villages Protection Ordinance, Chinese central government, each level local government and their urban planning departments and cultural relics departments take charge of the conservation supervision administration of the historical and cultural towns and villages. And other departments participate together, such as Tourism Sector, Department of Environmental Protection, Agency in Charge of Land, Transport Sector and so on. On the other hand, the work division of these departments is not made clear in the national level policies, and their responsibilities are the same according to Historical and Cultural Cities Towns and Villages Protection Ordinance (Table 3). So, the efficiency becomes low. The conservation planning of historic towns and villages has to be examined and approved to different departments step by step, the communication of them always take too much time. This may hold up the conduct of the conservation.

4.3 Lack of sustainable development guidance

Nowadays, most of the formal policies of conservation planning of historical and cultural towns and villages are focused on the protection of material space, such as historic buildings, roads, or water path, rather than the sustainable development, such as the development of economy, society, population and culture. This leads to unsustainable development of some historic towns and villages. Some local government paid too much attention on material space protection rather than suitable development. In some cases, most of the historic buildings were nicely preserved, but the traditional social economy was damaged. And some traditional lifestyles were lost.

5 Conclusions

In the past 30 years, the conservation of historical and cultural towns and villages in China has greatly developed. In 1986, the national government suggested establish History and Culture Preservation Districts to protect historical and cultural towns and villages, which indicated the beginning of villages and towns conservation. In 2002, the first time national grade historical and cultural towns and villages selection started, which indicated the conservation had been raised to national level. In 2008, Urban and Rural Planning Law of the People's Republic of China and Historical and Cultural Cities Towns and Villages Protection Ordinance implemented, which indicated the basic conservation legal system was made.

In policy respect, a policy system basing on two laws one ordinance has been made. Including 2 national laws, one national ordinance, several ministerial rules and regulations and over 100 local policies. In conservation mechanism respect, a system of policies have been established, including historical and cultural towns and villages application and approving, conservation planning, administration and financial support. It is enumerated (Yang and Huo, 2014) that there are 531 national grade historical and cultural towns and villages, 725 provincial and municipal grade ones, and 1561 untitled ones in conservation.

However, there are still shortages in the conservation. First, there is lack of ministerial and local policies focus on towns and villages. Second, there are too many administrative government departments and the conservation efficiency is low. Third, there is lack of sustainable development guidance, such as economy, society, population and culture. And these are the fields to be improved.

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